

MARYLAND

Maryland Annotated Code

Selected Articles

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Title 1 — General Provisions

§ 1-101

- (a) In this article the following words have the meanings indicated.
- (b) "Correctional facility" has the meaning stated in § 1–101 of the Correctional Services Article.
- (c) "Counterfeit" means to forge, counterfeit, materially alter, or falsely make.
- (d) "County" means a county of the State or Baltimore City.
- (e) "Incarcerated individual" has the meaning stated in § 1–101 of the Correctional Services Article.
- (f) "Local correctional facility" has the meaning stated in § 1–101 of the Correctional Services Article.
- (g) "Minor" means an individual under the age of 18 years.
- (h) "Person" means an individual, sole proprietorship, partnership, firm, association, corporation, or other entity.
- (i) "State" means:
- (1) a state, possession, territory, or commonwealth of the United States; or
 - (2) the District of Columbia.
- (j) "State correctional facility" has the meaning stated in § 1–101 of the Correctional Services Article.
- (k) "Veteran" has the meaning stated in § 9–901 of the State Government Article.

§ 1-201

The punishment of a person who is convicted of an attempt to commit a crime may not exceed the maximum punishment for the crime attempted.

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§ 1-202

The punishment of a person who is convicted of conspiracy may not exceed the maximum punishment for the crime that the person conspired to commit.

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§ 1-203

An indictment or warrant for conspiracy is sufficient if it substantially states:

"(name of defendant) and (name of co-conspirator) on (date) in (county) unlawfully conspired together to murder (name of victim) (or other object of conspiracy), against the peace, government, and dignity of the State."

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§ 1-301

- (a) Unless otherwise provided by law and except as provided in subsection (b) of this section, a person who is convicted of being an accessory after the fact to a felony is guilty of a felony and on conviction is subject to the lesser of:
- (1) imprisonment not exceeding 5 years; or
 - (2) a penalty not exceeding the maximum penalty provided by law for committing the underlying felony.
- (b) (1) A person who is convicted of being an accessory after the fact to murder in the first degree is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years.
- (2) A person who is convicted of being an accessory after the fact to murder in the second degree is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years.

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§ 1-401

In a trial for counterfeiting, issuing, disposing of, passing, altering, stealing, embezzling, or destroying any kind of instrument, or theft by the obtaining of property by false pretenses, it is sufficient to prove that the defendant did the act charged with an intent to defraud without proving an intent by the defendant to defraud a particular person.

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§ 1-402

(a) (1) In this section the following words have the meanings indicated.

(2) "Qualifying offense" has the meaning stated in § 8–302 of the Criminal Procedure Article.

(3) "Sex trafficking" has the meaning stated in § 5–701 of the Family Law Article.

(4) "Victim of human trafficking" has the meaning stated in § 8–302 of the Criminal Procedure Article.

(5) "Violation" has the meaning stated in § 3–8A–01 of the Courts Article.

(b) A minor may not be criminally prosecuted or proceeded against under Title 3, Subtitle 8A of the Courts Article for a qualifying offense, a violation, or an offense under § 3–1102 of this article if the minor committed the underlying act as a direct result of being a victim of sex trafficking or being a victim of human trafficking.

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Title 2 — Crimes Against the Person

§ 2-101

(a) In this title the following words have the meanings indicated.

(b) "Imprisonment for life without the possibility of parole" means imprisonment for the natural life of an incarcerated individual under the custody of a correctional facility.

(c) (1) "Vessel" means any watercraft that is used or is capable of being used as a means of transportation on water or ice.

(2) "Vessel" does not include a seaplane.

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§ 2-102

A prosecution may be instituted for murder, manslaughter, or unlawful homicide, whether at common law or under this title, regardless of the time that has elapsed between the act or omission that caused the death of the victim and the victim's death.

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§ 2-103

(a) For purposes of a prosecution under this title, "viable" has the meaning stated in § 20–209 of the Health – General Article.

(b) Except as provided in subsections (d) through (f) of this section, a prosecution may be instituted for murder or manslaughter of a viable fetus.

(c) A person prosecuted for murder or manslaughter as provided in subsection (b) of this section must have:

(1) intended to cause the death of the viable fetus;

(2) intended to cause serious physical injury to the viable fetus; or

(3) wantonly or recklessly disregarded the likelihood that the person's actions would cause the death of or serious physical injury to the viable fetus.

(d) Nothing in this section applies to or infringes on a woman's right to terminate a pregnancy as stated in § 20–209 of the Health – General Article.

(e) Nothing in this section subjects a physician or other licensed medical professional to liability for fetal death that occurs in the course of administering lawful medical care.

(f) Nothing in this section applies to an act or failure to act of a pregnant woman with regard to her own fetus.

(g) Nothing in this section shall be construed to confer personhood or any rights on the fetus.

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§ 2-201

(a) A murder is in the first degree if it is:

(1) a deliberate, premeditated, and willful killing;

(2) committed by lying in wait;

(3) committed by poison; or

(4) committed in the perpetration of or an attempt to perpetrate:

(i) arson in the first degree;

(ii) burning a barn, stable, tobacco house, warehouse, or other outbuilding that:

1. is not parcel to a dwelling; and

2. contains cattle, goods, wares, merchandise, horses, grain, hay, or tobacco;

(iii) burglary in the first, second, or third degree;

(iv) carjacking or armed carjacking;

(v) escape in the first degree from a State correctional facility or a local correctional facility;

(vi) kidnapping under § 3–502 or § 3–503(a)(2) of this article;

(vii) mayhem;

(viii) rape;

(ix) robbery under § 3–402 or § 3–403 of this article;

(x) sexual offense in the first or second degree;

(xi) sodomy as that crime existed before October 1, 2020; or

(xii) a violation of § 4–503 of this article concerning destructive devices.

(b) (1) A person who commits a murder in the first degree is guilty of a felony and on conviction shall be sentenced to:

(i) imprisonment for life without the possibility of parole; or

(ii) imprisonment for life.

(2) Unless a sentence of imprisonment for life without the possibility of parole is imposed in compliance with § 2–203 of this subtitle and § 2–304 of this title, the sentence shall be imprisonment for life.

(c) A person who solicits another or conspires with another to commit murder in the first degree is guilty of murder in the first degree if the death of another occurs as a result of the solicitation or conspiracy.

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§ 2-203

A defendant found guilty of murder in the first degree may be sentenced to imprisonment for life without the possibility of parole only if:

(1) at least 30 days before trial, the State gave written notice to the defendant of the State's intention to seek a sentence of imprisonment for life without the possibility of parole; and

(2) the sentence of imprisonment for life without the possibility of parole is imposed in accordance with § 2-304 of this title.

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§ 2-204

(a) A murder that is not in the first degree under § 2–201 of this subtitle is in the second degree.

(b) A person who commits a murder in the second degree is guilty of a felony and on conviction is subject to imprisonment not exceeding 40 years.

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§ 2-205

A person who attempts to commit murder in the first degree is guilty of a felony and on conviction is subject to imprisonment not exceeding life.

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§ 2-206

A person who attempts to commit murder in the second degree is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

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§ 2-207

(a) A person who commits manslaughter is guilty of a felony and on conviction is subject to:

(1) imprisonment not exceeding 10 years; or

(2) imprisonment in a local correctional facility not exceeding 2 years or a fine not exceeding \$500 or both.

(b) The discovery of one's spouse engaged in sexual intercourse with another does not constitute legally adequate provocation for the purpose of mitigating a killing from the crime of murder to voluntary manslaughter even though the killing was provoked by that discovery.

(c) The discovery or perception of, or belief about, another person's race, color, national origin, sex, gender identity, sexual orientation, religious beliefs, or disability, whether or not accurate, does not constitute legally adequate provocation to mitigate a killing from the crime of murder to manslaughter.

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§ 2-208

(a) An indictment for murder or manslaughter is sufficient if it substantially states:

"(name of defendant) on (date) in (county) feloniously (willfully and with deliberately premeditated malice) killed (and murdered) (name of victim) against the peace, government, and dignity of the State."

(b) An indictment for murder or manslaughter, or for being an accessory to murder or manslaughter, need not set forth the manner or means of death.

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§ 2-209

(a) In this section, "vehicle" includes a motor vehicle, streetcar, locomotive, engine, and train.

(b) A person may not cause the death of another as a result of the person's driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.

(c) A violation of this section is manslaughter by vehicle or vessel.

(d) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding \$10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

(e) (1) An indictment or other charging document for manslaughter by vehicle or vessel is sufficient if it substantially states:

“(name of defendant) on (date) in (county) killed (name of victim) in a grossly negligent manner against the peace, government, and dignity of the State.”.

(2) An indictment or other charging document for manslaughter by vehicle or vessel need not set forth the manner or means of death.

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§ 2-210

(a) In this section, “vehicle” includes a motor vehicle, streetcar, locomotive, engine, and train.

(b) A person may not cause the death of another as the result of the person’s driving, operating, or controlling a vehicle or vessel in a criminally negligent manner.

(c) For purposes of this section, a person acts in a criminally negligent manner with respect to a result or a circumstance when:

(1) the person should be aware, but fails to perceive, that the person’s conduct creates a substantial and unjustifiable risk that such a result will occur; and

(2) the failure to perceive constitutes a gross deviation from the standard of care that would be exercised by a reasonable person.

(d) It is not a violation of this section for a person to cause the death of another as the result of the person’s driving, operating, or controlling a vehicle or vessel in a negligent manner.

(e) A violation of this section is criminally negligent manslaughter by vehicle or vessel.

(f) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2–209, § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

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§ 2-302

When a court or jury finds a person guilty of murder, the court or jury shall state in the verdict whether the person is guilty of murder in the first degree or murder in the second degree.

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§ 2-304

(a) If the State gave notice under § 2–203(1) of this title, the court shall conduct a separate sentencing proceeding as soon as practicable after the defendant is found guilty of murder in the first degree to determine whether the defendant shall be sentenced to imprisonment for life without the possibility of parole or to imprisonment for life.

(b) (1) A determination by a jury to impose a sentence of imprisonment for life without the possibility of parole must be unanimous.

(2) If the jury finds that a sentence of imprisonment for life without the possibility of parole shall be imposed, the court shall impose a sentence of imprisonment for life without the possibility of parole.

(3) If, within a reasonable time, the jury is unable to agree to imposition of a sentence of imprisonment for life without the possibility of parole, the court shall impose a sentence of imprisonment for life.

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§ 2-305

The Supreme Court of Maryland may adopt:

(1) rules of procedure to govern the conduct of sentencing proceedings under § 2–304 of this subtitle; and

(2) forms for a court or jury to use in making written findings and sentence determinations.

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§ 2-501

In this subtitle, “under the influence of alcohol per se” means an alcohol concentration at the time of testing of 0.08 or more as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

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§ 2-502

(a) For purposes of determining alcohol concentration under this subtitle, if the alcohol concentration is measured by milligrams of alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court shall convert the measurement into grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

(b) The presumptions and evidentiary rules of §§ 10-302, 10-306, 10-307, and 10-308 of the Courts Article apply to a person charged under this subtitle.

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§ 2-503

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while:

(1) under the influence of alcohol; or

(2) under the influence of alcohol per se.

(b) A violation of this section is:

(1) homicide by motor vehicle or vessel while under the influence of alcohol; or

(2) homicide by motor vehicle or vessel while under the influence of alcohol per se.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2–209, § 2–210, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–210, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

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§ 2-504

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while impaired by alcohol.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by alcohol.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–210, § 2–503, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

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§ 2-505

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is so far impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by drugs.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

(d) It is not a defense to a charge of violating this section that the person is or was entitled under the laws of this State to use a drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug, combination of drugs, or combination of one or more drugs and alcohol would make the person incapable of driving, operating, or controlling a motor vehicle or vessel in a safe manner.

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§ 2-506

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance, as defined in § 5–101 of this article.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by a controlled dangerous substance.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

(d) This section does not apply to a person who is entitled to use the controlled dangerous substance under the laws of this State.

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§ 2-507

(a) An indictment, information, or other charging document for a crime under this subtitle is sufficient if it substantially states:

- (1) “(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while under the influence of alcohol by killing (name of victim) against the peace, government, and dignity of the State.”;
- (2) “(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while under the influence of alcohol per se by killing (name of victim) against the peace, government, and dignity of the State.”;
- (3) “(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while impaired by alcohol by killing (name of victim) against the peace, government, and dignity of the State.”;
- (4) “(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while impaired by drugs by killing (name of victim) against the peace, government, and dignity of the State.”; or
- (5) “(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while impaired by a controlled dangerous substance by killing (name of victim) against the peace, government, and dignity of the State.”.

(b) An indictment, information, or other charging document for a crime under this subtitle need not set forth the manner or means of death.

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§ 2-508

The clerk of the court shall notify the Motor Vehicle Administration of each person convicted under this subtitle of a crime involving a motor vehicle.

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Title 3 — Crimes Against Property

§ 3-101

(a) In this subtitle the following words have the meanings indicated.

(b) “Licensed health care professional” means a duly licensed or certified:

- (1) physician;
 - (2) surgeon;
 - (3) podiatrist;
 - (4) osteopath;
 - (5) osteopathic physician;
 - (6) osteopathic surgeon;
 - (7) physician assistant;
 - (8) registered nurse;
 - (9) licensed practical nurse;
 - (10) nurse practitioner;
 - (11) dentist;
 - (12) pharmacist; or
 - (13) emergency medical services provider, in accordance with § 13-516 of the Education Article.
- (c) “Suicide” means the act or instance in which an individual intentionally takes the individual's own life.

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§ 3-102

With the purpose of assisting another individual to commit or attempt to commit suicide, an individual may not:

- (1) by coercion, duress, or deception, knowingly cause another individual to commit suicide or attempt to commit suicide;
- (2) knowingly provide the physical means by which another individual commits or attempts to commit suicide with knowledge of that individual's intent to use the physical means to commit suicide; or
- (3) knowingly participate in a physical act by which another individual commits or attempts to commit suicide.

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§ 3-103

(a) A licensed health care professional does not violate § 3-102 of this subtitle by administering or prescribing a procedure or administering, prescribing, or dispensing a medication to relieve pain, even if the medication or procedure may hasten death or increase the risk of death, unless the licensed health care professional knowingly administers or prescribes the procedure or administers, prescribes, or dispenses the medication to cause death.

(b) A licensed health care professional does not violate § 3-102 of this subtitle by withholding or withdrawing a medically administered life-sustaining procedure:

- (1) in compliance with Title 5, Subtitle 6 of the Health - General Article; or
- (2) in accordance with reasonable medical practice.

(c) (1) Unless the family member knowingly administers a procedure or administers or dispenses a medication to cause death, a family member does not violate § 3-102 of this subtitle if the family member:

- (i) is a caregiver for a patient enrolled in a licensed hospice program; and
- (ii) administers the procedure or administers or dispenses the medication to relieve pain under the supervision of a health care professional.

(2) Paragraph (1) of this subsection applies even if the medication or procedure hastens death or increases the risk of death.

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§ 3-104

An individual who violates this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$10,000 or both.

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§ 3-201

(a) In this subtitle the following words have the meanings indicated.

(b) "Assault" means the crimes of assault, battery, and assault and battery, which retain their judicially determined meanings.

(c) (1) "Law enforcement officer" has the meaning stated in § 1-101(c) of the Public Safety Article without application of § 3-101(e)(2).

(2) "Law enforcement officer" includes:

- (i) a correctional officer at a correctional facility; and
- (ii) an officer employed by the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified in § 10-204 of the Transportation Article.

(d) "Serious physical injury" means physical injury that:

- (1) creates a substantial risk of death; or
- (2) causes permanent or protracted serious:
 - (i) disfigurement;

- (ii) loss of the function of any bodily member or organ; or
- (iii) impairment of the function of any bodily member or organ.

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§ 3-202

- (a) In this section, “strangling” means impeding the normal breathing or blood circulation of another person by applying pressure to the other person’s throat or neck.
- (b) (1) A person may not intentionally cause or attempt to cause serious physical injury to another.
- (2) A person may not commit an assault with a firearm, including:
- (i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, or short-barreled rifle, as those terms are defined in § 4–201 of this article;
 - (ii) an assault pistol, as defined in § 4–301 of this article;
 - (iii) a machine gun, as defined in § 4–401 of this article; and
 - (iv) a regulated firearm, as defined in § 5–101 of the Public Safety Article.
- (3) A person may not commit an assault by intentionally strangling another.
- (c) A person who violates this section is guilty of the felony of assault in the first degree and on conviction is subject to imprisonment not exceeding 25 years.

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§ 3-203

- (a) A person may not commit an assault.
- (b) Except as provided in subsection (c) of this section, a person who violates subsection (a) of this section is guilty of the misdemeanor of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.
- (c) (1) In this subsection, “physical injury” means any impairment of physical condition, excluding minor injuries.
- (2) A person may not intentionally cause physical injury to another if the person knows or has reason to know that the other is:
- (i) a law enforcement officer engaged in the performance of the officer’s official duties;
 - (ii) a parole or probation agent engaged in the performance of the agent’s official duties; or
 - (iii) a firefighter, an emergency medical technician, a rescue squad member, or any other first responder engaged in providing emergency medical care or rescue services.
- (3) A person who violates paragraph (2) of this subsection is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

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§ 3-204

- (a) A person may not recklessly:
- (1) engage in conduct that creates a substantial risk of death or serious physical injury to another; or
 - (2) discharge a firearm from a motor vehicle in a manner that creates a substantial risk of death or serious physical injury to another.
- (b) A person who violates this section is guilty of the misdemeanor of reckless endangerment and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.
- (c) (1) Subsection (a)(1) of this section does not apply to conduct involving:
- (i) the use of a motor vehicle, as defined in § 11-135 of the Transportation Article; or
 - (ii) the manufacture, production, or sale of a product or commodity.

(2) Subsection (a)(2) of this section does not apply to:

- (i) a law enforcement officer or security guard in the performance of an official duty; or
- (ii) an individual acting in defense of a crime of violence as defined in § 5-101 of the Public Safety Article.

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§ 3-205

(a) An incarcerated individual may not maliciously cause or attempt to cause an employee of a State correctional facility, a local correctional facility, or a sheriff's office, regardless of employment capacity, to come into contact with:

- (1) seminal fluid, urine, or feces; or
- (2) blood, if the contact with the blood is not the result of physical injury resulting from physical body contact between the incarcerated individual and the employee.

(b) An incarcerated individual who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.

(c) A sentence imposed under this section shall be consecutive to any sentence that the incarcerated individual was serving at the time of the crime or that had been imposed but was not yet being served at the time of sentencing.

(d) A sentence imposed under this section may not be suspended.

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§ 3-206

(a) An indictment, information, other charging document, or warrant for a crime described in § 3-202, § 3-203, or § 3-205 of this subtitle is sufficient if it substantially states:

"(name of defendant) on (date) in (county) assaulted (name of victim) in the degree or (describe other violation) in violation of (section violated) against the peace, government, and dignity of the State."

(b) If the general form of indictment or information described in subsection (a) of this section is used to charge a crime described in § 3-202, § 3-203, or § 3-205 of this subtitle in a case in the circuit court, the defendant, on timely demand, is entitled to a bill of particulars.

(c) A charge of assault in the first degree also charges a defendant with assault in the second degree.

(d) (1) To be found guilty of reckless endangerment under § 3-204 of this subtitle, a defendant must be charged specifically with reckless endangerment.

(2) A charging document for reckless endangerment under § 3-204 of this subtitle is sufficient if it substantially states:

"(name of defendant) on (date) in (county) committed reckless endangerment in violation of § 3-204 of the Criminal Law Article against the peace, government, and dignity of the State."

(3) If more than one individual is endangered by the conduct of the defendant, a separate charge may be brought for each individual endangered.

(4) A charging document containing a charge of reckless endangerment under § 3-204 of this subtitle may:

- (i) include a count for each individual endangered by the conduct of the defendant; or
- (ii) contain a single count based on the conduct of the defendant, regardless of the number of individuals endangered by the conduct of the defendant.

(5) If the general form of charging document described in paragraph (2) of this subsection is used to charge reckless endangerment under § 3-204 of this subtitle in a case in the circuit court, the defendant, on timely demand, is entitled to a bill of particulars.

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§ 3-207

(a) On a pretrial motion of the State, a court may dismiss a charge of assault if:

- (1) the victim and the defendant agree to the dismissal; and

(2) the court considers the dismissal proper.

(b) The defendant shall pay the costs that would have been incurred if the defendant had been found guilty.

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§ 3-208

Expert testimony is admissible to prove, but is not required to prove, serious physical injury.

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§ 3-209

(a) Subject to subsection (b) of this section, a person charged with a crime under § 3–202, § 3–203, § 3–204, or § 3–205 of this subtitle may assert any judicially recognized defense.

(b) The discovery or perception of, or belief about, another person's race, color, national origin, sex, gender identity, sexual orientation, religious beliefs, or disability, whether or not accurate, is not a defense to the crime of assault in any degree.

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§ 3-210

(a) An incarcerated individual convicted of assault under this subtitle on another incarcerated individual or on an employee of a State correctional facility, a local correctional facility, or a sheriff's office, regardless of employment capacity, shall be sentenced under this section.

(b) A sentence imposed under this section shall be consecutive to any sentence that the incarcerated individual was serving at the time of the crime or that had been imposed but was not yet being served at the time of sentencing.

(c) A sentence imposed under this section may not be suspended.

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§ 3-211

(a) (1) In this section the following words have the meanings indicated.

(2) "Under the influence of alcohol per se" means having an alcohol concentration at the time of testing of at least 0.08 as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(3) (i) "Vessel" means any watercraft that is used or is capable of being used as a means of transportation on water or ice.

(ii) "Vessel" does not include a seaplane.

(b) (1) For purposes of determining alcohol concentration under this section, if the alcohol concentration is measured by milligrams of alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court shall convert the measurement into grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

(2) The presumptions and evidentiary rules of §§ 10–302, 10–306, 10–307, and 10–308 of the Courts Article apply to a person charged under this section.

(c) (1) A person may not cause a life–threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(2) A violation of this subsection is life–threatening injury by motor vehicle or vessel while:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this article, or § 21–902 of the Transportation Article, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(d) (1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by alcohol.

(2) A violation of this subsection is life-threatening injury by motor vehicle or vessel while impaired by alcohol.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this article, or § 21–902 of the Transportation Article, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(e) (1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is so far impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

(2) A violation of this subsection is life-threatening injury by motor vehicle or vessel while impaired by drugs.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this article, or § 21–902 of the Transportation Article, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(f) (1) This subsection does not apply to a person who is entitled to use the controlled dangerous substance under the laws of the State.

(2) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance as defined in § 5–101 of this article.

(3) A violation of this subsection is life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this article, or § 21–902 of the Transportation Article, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(g) For the purposes of application of subsequent offender penalties under subsection (c), (d), (e), or (f) of this section, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

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§ 3-212

(a) An indictment, information, or other charging document for a crime described in § 3-211 of this subtitle is sufficient if it substantially states:

(1) “(name of defendant) on (date) in (county) caused a life-threatening injury to (name of victim) while under the influence of alcohol, in violation of § 3-211(c)(1)(i) of the Criminal Law Article against the peace, government, and dignity of the State.”;

(2) “(name of defendant) on (date) in (county) caused a life-threatening injury to (name of victim) while under the influence of alcohol per se, in violation of § 3-211(c)(1)(ii) of the Criminal Law Article against the peace, government, and dignity of

the State.”;

(3) “(name of defendant) on (date) in (county) caused a life-threatening injury to (name of victim) while impaired by alcohol, in violation of § 3-211(d) of the Criminal Law Article against the peace, government, and dignity of the State.”;

(4) “(name of defendant) on (date) in (county) caused a life-threatening injury to (name of victim) while impaired by drugs, in violation of § 3-211(e) of the Criminal Law Article against the peace, government, and dignity of the State.”; or

(5) “(name of defendant) on (date) in (county) caused a life-threatening injury to (name of victim) while impaired by a controlled dangerous substance, in violation of § 3-211(f) of the Criminal Law Article against the peace, government, and dignity of the State.”.

(b) An indictment, information, or other charging document for a crime described in § 3-211 of this subtitle need not set forth the manner or means of the life-threatening injury.

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§ 3-213

(a) A person may not attempt to poison another.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

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§ 3-214

(a) A person may not knowingly and willfully contaminate, attempt to contaminate, or conspire to contaminate the water of a source or tributary of a water supply, including the waters of a well, spring, brook, lake, pond, stream, river, or reservoir by adding disease germs, bacteria, poison, or poisonous matter, if the water supply is used or is usable for drinking or domestic purposes.

(b) A person may not knowingly and willfully contaminate, attempt to contaminate, or conspire to contaminate any drink, food, food product, or food supply by adding disease germs, bacteria, poison, or poisonous matter.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

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§ 3-215

(a) In this section, “bodily fluid” means seminal fluid, blood, urine, or feces.

(b) A person may not knowingly and willfully cause another to ingest bodily fluid:

(1) without consent; or

(2) by force or threat of force.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.

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§ 3-301

(a) In this subtitle the following words have the meanings indicated.

(b) “Mentally incapacitated individual” means an individual who, because of the influence of a drug, narcotic, or intoxicating substance, or because of an act committed on the individual without the individual's consent or awareness, is rendered substantially incapable of:

(1) appraising the nature of the individual's conduct; or

(2) resisting vaginal intercourse, a sexual act, or sexual contact.

(c) “Physically helpless individual” means an individual who:

(1) is unconscious; or

- (2) (i) does not consent to vaginal intercourse, a sexual act, or sexual contact; and
- (ii) is physically unable to resist, or communicate unwillingness to submit to, vaginal intercourse, a sexual act, or sexual contact.
- (d) (1) "Sexual act" means any of the following acts, regardless of whether semen is emitted:
 - (i) analingus;
 - (ii) cunnilingus;
 - (iii) fellatio;
 - (iv) anal intercourse, including penetration, however slight, of the anus; or
 - (v) an act:
 - 1. in which an object or part of an individual's body penetrates, however slightly, into another individual's genital opening or anus; and
 - 2. that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party.
- (2) "Sexual act" does not include:
 - (i) vaginal intercourse; or
 - (ii) an act in which an object or part of an individual's body penetrates an individual's genital opening or anus for an accepted medical purpose.
- (e) (1) "Sexual contact", as used in §§ 3–307, 3–308, and 3–314 of this subtitle, means an intentional touching of the victim's or actor's genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party.
- (2) "Sexual contact" does not include:
 - (i) a common expression of familial or friendly affection; or
 - (ii) an act for an accepted medical purpose.
- (f) "Substantially cognitively impaired individual" means an individual who suffers from an intellectual disability or a mental disorder, either of which temporarily or permanently renders the individual substantially incapable of:
 - (1) appraising the nature of the individual's conduct;
 - (2) resisting vaginal intercourse, a sexual act, or sexual contact; or
 - (3) communicating unwillingness to submit to vaginal intercourse, a sexual act, or sexual contact.
- (g) (1) "Vaginal intercourse" means genital copulation, whether or not semen is emitted.
- (2) "Vaginal intercourse" includes penetration, however slight, of the vagina.

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§ 3-302

In this subtitle an undefined word or phrase that describes an element of common-law rape retains its judicially determined meaning, except to the extent it is expressly or impliedly changed in this subtitle.

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§ 3-303

- (a) A person may not:
 - (1) (i) engage in vaginal intercourse with another by force, or the threat of force, without the consent of the other; or
 - (ii) engage in a sexual act with another by force, or the threat of force, without the consent of the other; and
 - (2) (i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;
 - (ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;

(iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;

(iv) commit the crime while aided and abetted by another; or

(v) commit the crime in connection with a burglary in the first, second, or third degree.

(b) A person may not violate subsection (a) of this section while also violating § 3–503(a)(2) of this title involving a victim who is a child under the age of 16 years.

(c) A person 18 years of age or older may not violate subsection (a) of this section involving a victim who is a child under the age of 13 years.

(d) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life.

(2) A person who violates subsection (b) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

(3) A person who violates subsection (a) or (b) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole if the defendant was previously convicted of violating this section, or § 3–305 of this subtitle as it existed before October 1, 2017.

(4) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (c) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment for not less than 25 years and not exceeding life without the possibility of parole.

(ii) A court may not suspend any part of the mandatory minimum sentence of 25 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (e) of this section, the mandatory minimum sentence shall not apply.

(e) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection (d)(2), (3), or (4) of this section, or imprisonment for not less than 25 years under subsection (d)(4) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.

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§ 3-304

(a) A person may not engage in vaginal intercourse or a sexual act with another:

(1) without the consent of the other;

(2) if the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual; or

(3) if the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim.

(b) A person 18 years of age or older may not violate subsection (a)(1) or (2) of this section involving a child under the age of 13 years.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

(2) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (b) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment for not less than 15 years and not exceeding life.

(ii) A court may not suspend any part of the mandatory minimum sentence of 15 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (d) of this section, the mandatory minimum sentence shall not apply.

(d) If the State intends to seek a sentence of imprisonment for not less than 15 years under subsection (c)(2) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.

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§ 3-307

(a) A person may not:

- (1) (i) engage in sexual contact with another without the consent of the other; and
- (ii) 1. employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;
2. suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;
3. threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; or
4. commit the crime while aided and abetted by another;
- (2) engage in sexual contact with another if the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual;
- (3) engage in sexual contact with another if the victim is under the age of 14 years, and the person performing the sexual contact is at least 4 years older than the victim;
- (4) engage in a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 21 years old; or
- (5) engage in vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 21 years old.

(b) A person who violates this section is guilty of the felony of sexual offense in the third degree and on conviction is subject to imprisonment not exceeding 10 years.

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§ 3-308

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Person in a position of authority" means a person who:

1. A. is at least 21 years old and works for remuneration or as a volunteer for a public or private preschool, elementary school, or secondary school; or
- B. is at least 22 years old and works for remuneration or as a volunteer for a program; and
2. exercises supervision over or works or interacts with one or more minors who attend the school or participate in the program.

(ii) "Person in a position of authority" includes a principal, vice principal, teacher, coach, or school counselor at a public or private preschool, elementary school, or secondary school.

(3) "Program" means:

- (i) an individual, a business, a religious or faith-based institution, or an organization that provides, on a for-profit or nonprofit basis, instructional, coaching, recreational, spiritual, character-building, or supervisory services or activities for minors, including:
 1. sports, music, dance, art, or martial arts coaching or instruction;
 2. tutoring or academic enrichment;
 3. day care or after school care;
 4. scouting; or
 5. day or overnight camping; or

(ii) any unit of local, State, or federal government.

(b) A person may not engage in:

(1) sexual contact with another without the consent of the other;

(2) except as provided in § 3–307(a)(4) of this subtitle, a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 4 years older than the victim; or

(3) except as provided in § 3–307(a)(5) of this subtitle, vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 4 years older than the victim.

(c) (1) Except as provided in § 3–307(a)(4) of this subtitle or subsection (b)(2) of this section, a person in a position of authority may not engage in a sexual act or sexual contact with a minor who, at the time of the sexual act or sexual contact:

(i) is a student enrolled at a school where the person in a position of authority works; or

(ii) 1. is participating in a program for which the person in a position of authority works; and

2. is at least 6 years younger than the person in a position of authority.

(2) Except as provided in § 3–307(a)(5) of this subtitle or subsection (b)(3) of this section, a person in a position of authority may not engage in vaginal intercourse with a minor who, at the time of the vaginal intercourse:

(i) is a student enrolled at a school where the person in a position of authority works; or

(ii) 1. is participating in a program for which the person in a position of authority works; and

2. is at least 6 years younger than the person in a position of authority.

(d) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of the misdemeanor of sexual offense in the fourth degree and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(2) (i) On conviction of a violation of this section, a person who has been convicted on a prior occasion not arising from the same incident of a violation of § 3–303, § 3–304, §§ 3–307 through 3–310 of this subtitle, § 3–311 or § 3–312 of this subtitle as the sections existed before October 1, 2017, § 3–315 of this subtitle, or § 3–602 of this title is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(ii) If the State intends to proceed against a person under subparagraph (i) of this paragraph, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.

(e) (1) Unless specifically charged by the State, a violation of this section may not be considered a lesser included crime of any other crime.

(2) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

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§ 3-309

(a) A person may not attempt to commit rape in the first degree.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding life.

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§ 3-310

(a) A person may not attempt to commit rape in the second degree.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

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§ 3-313

(a) On conviction of a violation of § 3–304, § 3–307, or § 3–310 of this subtitle, a person is subject to imprisonment not exceeding life if the person has been convicted on a prior occasion not arising from the same incident:

(1) of any violation of § 3–303 or § 3–304 of this subtitle, or § 3–305 or § 3–306 of this subtitle as the sections existed before October 1, 2017; or

(2) in another state or in a federal, military, or Native American tribal court of a crime that, if committed in this State, would constitute a violation of § 3–303 or § 3–304 of this subtitle, or § 3–305 or § 3–306 of this subtitle as the sections existed before October 1, 2017.

(b) If the State intends to proceed against a person under this section, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.

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§ 3-314

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Correctional employee” means a:

1. correctional officer, as defined in § 8–201 of the Correctional Services Article; or
2. managing official or deputy managing official of a correctional facility.

(ii) “Correctional employee” includes a sheriff, warden, or other official who is appointed or employed to supervise a correctional facility.

(3) “Court-ordered services provider” means a person who provides services to an individual who has been ordered by the court, the Division of Parole and Probation, or the Department of Juvenile Services to obtain those services.

(4) (i) “Incarcerated individual” has the meaning stated in § 1–101 of this article.

(ii) “Incarcerated individual” includes an individual confined in a community adult rehabilitation center.

(5) “Law enforcement officer” has the meaning stated in § 1–101 of the Public Safety Article.

(b) (1) This subsection applies to:

(i) a correctional employee;

(ii) any other employee of the Department of Public Safety and Correctional Services or a correctional facility;

(iii) an employee of a contractor providing goods or services to the Department of Public Safety and Correctional Services or a correctional facility; and

(iv) any other individual working in a correctional facility, whether on a paid or volunteer basis.

(2) A person described in paragraph (1) of this subsection may not engage in sexual contact, vaginal intercourse, or a sexual act with an incarcerated individual.

(c) A person may not engage in sexual contact, vaginal intercourse, or a sexual act with an individual confined in a child care institution licensed by the Department of Juvenile Services, a detention center for juveniles, or a facility for juveniles listed in § 9–226(b) of the Human Services Article.

(d) A court-ordered services provider may not engage in sexual contact, vaginal intercourse, or a sexual act with an individual ordered to obtain services while the order is in effect.

(e) (1) Except as provided in paragraph (2) of this subsection, a law enforcement officer may not engage in sexual contact, vaginal intercourse, or a sexual act with a person:

(i) who is a victim, witness, or suspect in an open investigation that the law enforcement officer is conducting, supervising, or assisting with if the law enforcement officer knew or should have known that the person is a victim, witness, or suspect in the investigation;

(ii) requesting assistance from or responding to the law enforcement officer in the course of the law enforcement officer’s official duties; or

(iii) in the custody of the law enforcement officer.

(2) Paragraph (1)(i) and (ii) of this subsection does not apply if the law enforcement officer:

(i) had a prior existing legal sexual relationship with the person; and

(ii) did not act under the color or pretense of office or under color of official right when seeking consent to the vaginal intercourse, sexual act, or sexual contact.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both.

(g) A sentence imposed for a violation of this section may be separate from and consecutive to or concurrent with a sentence for another crime under § 3–303, § 3–304, or §§ 3–307 through 3–310 of this subtitle, or § 3–305, § 3–306, § 3–311, or § 3–312 of this subtitle as the sections existed before October 1, 2017.

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§ 3-315

(a) A person may not engage in a continuing course of conduct which includes three or more acts that would constitute violations of § 3–303, § 3–304, or § 3–307 of this subtitle, or violations of § 3–305 or § 3–306 of this subtitle as the sections existed before October 1, 2017, over a period of 90 days or more, with a victim who is under the age of 14 years at any time during the course of conduct.

(b) (1) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

(2) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence under § 3–602 of this title.

(c) In determining whether the required number of acts occurred in violation of this section, the trier of fact:

(1) must determine only that the required number of acts occurred; and

(2) need not determine which acts constitute the required number of acts.

(d) (1) A person may not be charged with a violation of § 3–303, § 3–304, or § 3–307 of this subtitle involving the same victim in the same proceeding as a violation of this section unless the other violation charged occurred outside the time period charged under this section.

(2) A person may not be charged with a violation of § 3–303, § 3–304, or § 3–307 of this subtitle involving the same victim unless the violation charged occurred outside the time period charged under this section.

(e) For purposes of prosecution under this section, violations of subsection (a) of this section that occur in separate periods of 90 days or more shall be considered separate violations.

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§ 3-316

If a person is transported with the intent to violate a provision of § 3–303, § 3–304, §§ 3–307 through 3–310, § 3–314, or § 3–315 of this subtitle, and the intent is followed by actual violation of a provision of § 3–303, § 3–304, §§ 3–307 through 3–310, § 3–314, or § 3–315 of this subtitle, the defendant may be tried in the appropriate court in a county where the transportation was offered, solicited, begun, continued, or ended.

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§ 3-317

(a) An indictment, information, or warrant for a crime under § 3–303, § 3–304, §§ 3–307 through 3–310, or § 3–314 of this subtitle is sufficient if it substantially states:

“(name of defendant) on (date) in (county) committed a rape or sexual offense on (name of victim) in violation of (section violated) against the peace, government, and dignity of the State.”.

(b) In a case in which the general form of indictment, information, or warrant described in subsection (a) of this section is used, the defendant is entitled to a bill of particulars specifically setting forth the allegations against the defendant.

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§ 3-319

(a) Evidence relating to a victim's reputation for chastity or abstinence and opinion evidence relating to a victim's chastity or abstinence may not be admitted in a prosecution for:

- (1) a crime specified under this subtitle or a lesser included crime;
- (2) the sexual abuse of a minor under § 3-602 of this title or a lesser included crime; or
- (3) the sexual abuse of a vulnerable adult under § 3-604 of this title or a lesser included crime.

(b) Evidence of a specific instance of a victim's prior sexual conduct may be admitted in a prosecution described in subsection (a) of this section only if the judge finds that:

- (1) the evidence is relevant;
- (2) the evidence is material to a fact in issue in the case;
- (3) the inflammatory or prejudicial nature of the evidence does not outweigh its probative value; and
- (4) the evidence:
 - (i) is of the victim's past sexual conduct with the defendant;
 - (ii) is of a specific instance of sexual activity showing the source or origin of semen, pregnancy, disease, or trauma;
 - (iii) supports a claim that the victim has an ulterior motive to accuse the defendant of the crime; or
 - (iv) is offered for impeachment after the prosecutor has put the victim's prior sexual conduct in issue.

(c) (1) Evidence described in subsection (a) or (b) of this section may not be referred to in a statement to a jury or introduced in a trial unless the court has first held a closed hearing and determined that the evidence is admissible.

(2) The court may reconsider a ruling excluding the evidence and hold an additional closed hearing if new information is discovered during the course of the trial that may make the evidence admissible.

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§ 3-320

In a criminal prosecution under § 3–303, § 3–304, §§ 3–307 through 3–310, § 3–314, or § 3–315 of this subtitle, a judge may not instruct the jury:

- (1) to examine the testimony of the prosecuting witness with caution, solely because of the nature of the charge;
- (2) that the charge is easily made or difficult to disprove, solely because of the nature of the charge; or
- (3) to follow another similar instruction, solely because of the nature of the charge.

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§ 3-321

The common law crime of sodomy has been repealed.

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§ 3-323

(a) A person may not knowingly engage in vaginal intercourse with anyone whom the person may not marry under § 2-202 of the Family Law Article.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 1 year and not exceeding 10 years.

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§ 3-324

(a) In this section, “solicit” means to command, authorize, urge, entice, request, or advise a person by any means, including:

- (1) in person;

(2) through an agent or agency;

(3) over the telephone;

(4) through any print medium;

(5) by mail;

(6) by computer or Internet; or

(7) by any other electronic means.

(b) (1) A person may not, with the intent to commit a violation of § 3–304 or § 3–307 of this subtitle or § 11–207, § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3–304 or § 3–307 of this subtitle or § 11–207, § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of this article.

(2) A person may not, with the intent to commit a violation of § 3–304 or § 3–307 of this subtitle or § 11–207, § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of this article, knowingly solicit the consent of a parent, guardian, or custodian of a minor, or a law enforcement officer posing as a parent, guardian, or custodian of a minor, to engage in activities with the minor that would be unlawful for the person to engage in under § 3–304 or § 3–307 of this subtitle or § 11–207, § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of this article.

(c) A violation of this section is considered to be committed in the State for purposes of determining jurisdiction if the solicitation:

(1) originated in the State; or

(2) is received in the State.

(d) A person who violates this section is guilty of a felony and on conviction is subject to:

(1) for a first offense, imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both; and

(2) for a second or subsequent offense, imprisonment not exceeding 20 years or a fine not exceeding \$50,000 or both.

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§ 3-325

(a) (1) In this section the following words have the meanings indicated.

(2) "Personal identifying information" has the meaning stated in § 8–301 of this article.

(3) "Sexual crime" means an act that would constitute a violation of this subtitle, § 3–602 of this title, § 3–902 of this title, or Title 11 of this article.

(b) A person may not use the personal identifying information or identity of an individual without consent to invite, encourage, or solicit another to commit a sexual crime against the individual.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both.

(d) (1) A State's Attorney or the Attorney General may investigate and prosecute a violation of this section or a violation of any crime based on the act establishing a violation of this section.

(2) If the Attorney General exercises authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State's Attorney, including the use of a grand jury in any county or Baltimore City, to investigate and prosecute the violation.

(e) Notwithstanding any other provision of law, the prosecution of a violation of this section or for a violation of any crime based on the act establishing a violation of this section may be commenced in any county in which:

(1) an element of the crime occurred; or

(2) the victim resides.

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§ 3-401

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Deprive" means to withhold property of another:
- (1) permanently;
 - (2) for a period that results in the appropriation of a part of the property's value;
 - (3) with the purpose to restore it only on payment of a reward or other compensation; or
 - (4) to dispose of the property or use or deal with the property in a manner that makes it unlikely that the owner will recover it.
- (c) "Obtain" means:
- (1) in relation to property, to bring about a transfer of interest in or possession of the property; and
 - (2) in relation to a service, to secure the performance of the service.
- (d) (1) "Property" means anything of value.
- (2) "Property" includes:
- (i) real estate;
 - (ii) money;
 - (iii) a commercial instrument;
 - (iv) an admission or transportation ticket;
 - (v) a written instrument representing or embodying rights concerning anything of value, or services, or anything otherwise of value to the owner;
 - (vi) a thing growing on, affixed to, or found on land, or that is part of or affixed to any building;
 - (vii) electricity, gas, and water;
 - (viii) a bird, animal, or fish that ordinarily is kept in a state of confinement;
 - (ix) food or drink;
 - (x) a sample, culture, microorganism, or specimen;
 - (xi) a record, recording, document, blueprint, drawing, map, or a whole or partial copy, description, photograph, prototype, or model of any of them;
 - (xii) an article, material, device, substance, or a whole or partial copy, description, photograph, prototype, or model of any of them that represents evidence of, reflects, or records a secret:
 1. scientific, technical, merchandising, production, or management information; or
 2. designed process, procedure, formula, invention, trade secret, or improvement;
 - (xiii) a financial instrument; and
 - (xiv) information, electronically produced data, and a computer software or program in a form readable by machine or individual.
- (e) "Robbery" retains its judicially determined meaning except that:
- (1) robbery includes obtaining the service of another by force or threat of force; and
 - (2) robbery requires proof of intent to withhold property of another:
 - (i) permanently;
 - (ii) for a period that results in the appropriation of a part of the property's value;
 - (iii) with the purpose to restore it only on payment of a reward or other compensation; or
 - (iv) to dispose of the property or use or deal with the property in a manner that makes it unlikely that the owner will recover it.
- (f) "Service" includes:

- (1) labor or professional service;
- (2) telecommunication, public utility, toll facility, or transportation service;
- (3) lodging, entertainment, or restaurant service; and
- (4) the use of computers, data processing, or other equipment.

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§ 3-402

- (a) A person may not commit or attempt to commit robbery.
- (b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years.

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§ 3-403

- (a) A person may not commit or attempt to commit robbery under § 3-402 of this subtitle:
 - (1) with a dangerous weapon; or
 - (2) by displaying a written instrument claiming that the person has possession of a dangerous weapon.
- (b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

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§ 3-404

- (a) An indictment, information, warrant, or other charging document for robbery is sufficient if it substantially states:
“(name of defendant) on (date) in (county) did feloniously rob (name of victim) of (property/service) (having a value of \$1,000 or more) (with a dangerous weapon) in violation of (section violated) against the peace, government, and dignity of the State.”.
- (b) If a charging document alleges that the value of the property or service subject to this subtitle is \$1,000 or more, the court shall instruct the jury to determine whether the value of the property or service is less than \$1,000, or \$1,000 or more.
- (c) Unless a charging document alleges that the value of the property or service subject to this subtitle is \$1,000 or more, a felony violation of § 7–104 of this article is not a lesser included crime of robbery.

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§ 3-405

- (a) In this section, “motor vehicle” has the meaning stated in § 11-135 of the Transportation Article.
- (b) (1) An individual may not take unauthorized possession or control of a motor vehicle from another individual who actually possesses the motor vehicle, by force or violence, or by putting that individual in fear through intimidation or threat of force or violence.
- (2) A violation of this subsection is carjacking.
- (c) (1) A person may not employ or display a dangerous weapon during the commission of a carjacking.
- (2) A violation of this subsection is armed carjacking.
- (d) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.
- (e) A sentence imposed under this section may be separate from and consecutive to a sentence for any other crime that arises from the conduct underlying the carjacking or armed carjacking.
- (f) It is not a defense under this section that the defendant did not intend to permanently deprive the owner or possessor of the motor vehicle.

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§ 3-501

In this subtitle, “home or usual place of abode” includes the real property appurtenant to the home or place of abode.

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§ 3-502

(a) A person may not, by force or fraud, carry or cause a person to be carried in or outside the State with the intent to have the person carried or concealed in or outside the State.

(b) A person who violates this section is guilty of the felony of kidnapping and on conviction is subject to imprisonment not exceeding 30 years.

(c) Kidnapping does not include the act of a parent in carrying a minor child of that parent in or outside the State.

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§ 3-503

(a) (1) A person may not, without color of right:

(i) forcibly abduct, take, or carry away a child under the age of 12 years from:

1. the home or usual place of abode of the child; or
2. the custody and control of the child's parent or legal guardian;

(ii) without the consent of the child's parent or legal guardian, persuade or entice a child under the age of 12 years from:

1. the child's home or usual place of abode; or
2. the custody and control of the child's parent or legal guardian; or

(iii) with the intent of depriving the child's parent or legal guardian, or any person lawfully possessing the child, of the custody, care, and control of the child, knowingly secrete or harbor a child under the age of 12 years.

(2) In addition to the prohibitions provided under paragraph (1) of this subsection, a person may not, by force or fraud, kidnap, steal, take, or carry away a child under the age of 16 years.

(b) (1) A person who violates subsection (a)(1) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(2) (i) Except as provided under subparagraph (ii) of this paragraph, a person, other than a parent of the child, who violates subsection (a)(2) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

(ii) 1. If a person convicted under subsection (a)(2) of this section is convicted in the same proceeding of rape or a first degree sexual offense under Subtitle 3 of this title, the person is guilty of a felony and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

2. If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subparagraph 1 of this subparagraph, the State shall notify the person in writing of the State's intent at least 30 days before trial.

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§ 3-601

(a) (1) In this section the following words have the meanings indicated.

(2) “Abuse” means physical injury sustained by a minor as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the minor's health or welfare is harmed or threatened by the treatment or act.

(3) “Family member” means a relative of a minor by blood, adoption, or marriage.

(4) “Household member” means a person who lives with or is a regular presence in a home of a minor at the time of the alleged abuse.

(5) "Severe physical injury" means:

(i) brain injury or bleeding within the skull;

(ii) starvation; or

(iii) physical injury that:

1. creates a substantial risk of death; or

2. causes permanent or protracted serious:

A. disfigurement;

B. loss of the function of any bodily member or organ; or

C. impairment of the function of any bodily member or organ.

(b) (1) A parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not:

(i) cause abuse to the minor that:

1. results in the death of the minor; or

2. causes severe physical injury to the minor; or

(ii) engage in a continuing course of conduct which includes three or more acts that would constitute a violation of subsection (d) of this section.

(2) Except as provided in subsection (c) of this section, a person who violates paragraph (1) of this subsection is guilty of the felony of child abuse in the first degree and on conviction is subject to:

(i) imprisonment not exceeding 25 years;

(ii) if the violation results in the death of a victim at least 13 years old, imprisonment not exceeding 40 years; or

(iii) if the violation results in the death of a victim under the age of 13 years, imprisonment not exceeding life.

(c) A person who violates this section after being convicted of a previous violation of this section is guilty of a felony and on conviction is subject to:

(1) imprisonment not exceeding 25 years; or

(2) if the violation results in the death of the victim, imprisonment not exceeding life.

(d) (1) (i) A parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause abuse to the minor.

(ii) A household member or family member may not cause abuse to a minor.

(2) Except as provided in subsection (c) of this section, a person who violates paragraph (1) of this subsection is guilty of the felony of child abuse in the second degree and on conviction is subject to imprisonment not exceeding 15 years.

(e) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

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§ 3-602

(a) (1) In this section the following words have the meanings indicated.

(2) "Family member" has the meaning stated in § 3-601 of this subtitle.

(3) "Household member" has the meaning stated in § 3-601 of this subtitle.

(4) (i) "Sexual abuse" means an act that involves sexual molestation or exploitation of a minor, whether physical injuries are sustained or not.

(ii) "Sexual abuse" includes:

1. incest;

2. rape;
3. sexual offense in any degree; and
4. any other sexual conduct that is a crime.

(b) (1) A parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause sexual abuse to the minor.

(2) A household member or family member may not cause sexual abuse to a minor.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for:

- (1) any crime based on the act establishing the violation of this section; or
- (2) a violation of § 3-601 of this subtitle involving an act of abuse separate from sexual abuse under this section.

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§ 3-603

(a) A person may not sell, barter, or trade, or offer to sell, barter, or trade, a minor for money, property, or anything else of value.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both for each violation.

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§ 3-604

(a) (1) In this section and §§ 3–605 and 3–606 of this subtitle the following words have the meanings indicated.

(2) (i) “Abuse” means the sustaining of physical pain or injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the vulnerable adult’s health or welfare is harmed or threatened.

(ii) “Abuse” includes the sexual abuse of a vulnerable adult.

(iii) “Abuse” does not include an accepted medical or behavioral procedure ordered by a health care provider authorized to practice under the Health Occupations Article or § 13–516 of the Education Article acting within the scope of the health care provider’s practice.

(3) “Caregiver” means a person under a duty to care for a vulnerable adult because of a contractual undertaking to provide care.

(4) “Family member” means a relative of a vulnerable adult by blood, marriage, adoption, or the marriage of a child.

(5) “Household” means the location:

- (i) in which the vulnerable adult resides;
- (ii) where the abuse or neglect of a vulnerable adult is alleged to have taken place; or
- (iii) where the person suspected of abusing or neglecting a vulnerable adult resides.

(6) “Household member” means an individual who lives with or is a regular presence in a home of a vulnerable adult at the time of the alleged abuse or neglect.

(7) (i) “Neglect” means the intentional failure to provide necessary assistance and resources for the physical needs of a vulnerable adult, including:

1. food;
2. clothing;
3. toileting;
4. essential medical treatment;

5. shelter; or

6. supervision.

(ii) "Neglect" does not include the provision of nonmedical remedial care and treatment for the healing of injury or disease that is:

1. given with the consent of the vulnerable adult; and
2. recognized by State law in place of medical treatment.

(8) "Serious physical injury" means physical injury that:

(i) creates a substantial risk of death; or

(ii) causes permanent or protracted serious:

1. disfigurement;
2. loss of the function of any bodily member or organ; or
3. impairment of the function of any bodily member or organ.

(9) (i) "Sexual abuse" means an act that involves sexual molestation or exploitation of a vulnerable adult.

(ii) "Sexual abuse" includes:

1. incest;
2. rape;
3. sexual offense in any degree; and
4. any other sexual conduct that is a crime.

(10) "Vulnerable adult" means an adult who lacks the physical or mental capacity to provide for the adult's daily needs.

(b) (1) A caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not cause abuse or neglect of the vulnerable adult that:

(i) results in the death of the vulnerable adult;

(ii) causes serious physical injury to the vulnerable adult; or

(iii) involves sexual abuse of the vulnerable adult.

(2) A household member or family member may not cause abuse or neglect of a vulnerable adult that:

(i) results in the death of the vulnerable adult;

(ii) causes serious physical injury to the vulnerable adult; or

(iii) involves sexual abuse of the vulnerable adult.

(c) A person who violates this section is guilty of the felony of abuse or neglect of a vulnerable adult in the first degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(d) A sentence imposed under this section shall be in addition to any other sentence imposed for a conviction arising from the same facts and circumstances unless the evidence required to prove each crime is substantially identical.

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§ 3-605

(a) This section does not apply to abuse that involves sexual abuse of a vulnerable adult.

(b) (1) A caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not:

(i) cause abuse or neglect of the vulnerable adult; or

(ii) intentionally and maliciously inflict severe emotional distress on the vulnerable adult.

(2) A household member or family member may not:

(i) cause abuse or neglect of a vulnerable adult; or

(ii) intentionally and maliciously inflict severe emotional distress on a vulnerable adult.

(c) A person who violates this section is guilty of the misdemeanor of abuse or neglect of a vulnerable adult in the second degree and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(d) A sentence imposed under this section shall be in addition to any other sentence imposed for a conviction arising from the same facts and circumstances unless the evidence required to prove each crime is substantially identical.

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§ 3-606

If a State or local unit receives a report of present or past abuse or neglect of a vulnerable adult, an investigation shall be conducted in accordance with:

(1) § 7-1005 of the Health - General Article if the adult has a developmental disability as defined in § 7-101 of the Health - General Article;

(2) § 10-705 of the Health - General Article if the adult is in a facility as defined in § 10-101 of the Health - General Article;

(3) § 19-346 or § 19-347 of the Health - General Article if the adult is a resident of a related institution as defined in § 19-301 of the Health - General Article; and

(4) §§ 14-301 through 14-309 of the Family Law Article if the adult does not meet the criteria of item (1), (2), or (3) of this section.

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§ 3-607

(a) A person may not recklessly or intentionally do an act or create a situation that subjects a student to the risk of serious bodily injury for the purpose of an initiation into a student organization of a school, college, or university.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

(c) The implied or express consent of a student to hazing is not a defense under this section.

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§ 3-608

(a) In this section, "missing child" means a minor whose whereabouts are unknown to a parent or other person who has permanent care and custody or responsibility for the supervision of the minor.

(b) Except as provided in subsection (c) of this section, a parent or other person who has permanent care or custody or responsibility for the supervision of a minor under the age of 13 years may not recklessly or willfully fail to notify the appropriate law enforcement agency that the minor is a missing child within 24 hours of the time at which the parent or other person knew or should have known that the minor is a missing child.

(c) This section does not apply if the fact that the minor is a missing child has already been reported to the appropriate law enforcement agency.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years.

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§ 3-609

(a) Unless the death of a minor has already been reported to the appropriate law enforcement agency or medical authority, a parent or other person who has permanent care or custody or responsibility for the supervision of a minor shall report the death of the minor to the appropriate law enforcement agency or medical authority within 5 hours of becoming aware of the death.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years.

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§ 3-701

(a) This section does not apply to legitimate efforts by employees or their representatives to obtain certain wages, hours, or working conditions.

(b) A person may not obtain, attempt to obtain, or conspire to obtain money, property, labor, services, or anything of value from another person with the person's consent, if the consent is induced by wrongful use of actual or threatened:

(1) force or violence;

(2) economic injury;

(3) destruction, concealment, removal, confiscation, or possession of any immigration or government identification document with intent to harm the immigration status of another person; or

(4) notification of law enforcement officials about another person's undocumented or illegal immigration status.

(c) (1) If the value of the property, labor, or services is at least \$1,000 but less than \$10,000, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(2) If the value of the property, labor, or services is at least \$10,000 but less than \$100,000, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding \$15,000 or both.

(3) If the value of the property, labor, or services is \$100,000 or more, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$25,000 or both.

(d) If the value of the property, labor, or services is less than \$1,000, a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$1,000 or both.

(e) A prosecution for a felony under this section shall be instituted within 5 years after the crime was committed.

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§ 3-702

(a) In this section, "political subdivision" includes a:

(1) county;

(2) municipal corporation;

(3) bicounty or multicounty agency;

(4) county board of education;

(5) public authority; or

(6) special taxing district.

(b) An officer or employee of the State or of a political subdivision may not wrongfully obtain or attempt to obtain money, property, or anything of value from a person with the person's consent, if the consent is obtained under color or pretense of office, under color of official right, or by wrongful use of actual or threatened force or violence.

(c) If the value of the property is at least \$1,000 but less than \$10,000, a person who violates this section:

(1) is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both; and

(2) notwithstanding any pardon, shall be barred permanently from employment by the State or by a political subdivision.

(d) If the value of the property is at least \$10,000 but less than \$100,000, a person who violates this section:

(1) is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding \$15,000 or both; and

(2) notwithstanding any pardon, shall be barred permanently from employment by the State or by a political subdivision.

(e) If the value of the property is \$100,000 or more, a person who violates this section:

(1) is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$25,000 or both; and

(2) notwithstanding any pardon, shall be barred permanently from employment by the State or by a political subdivision.

(f) If the value of the property is less than \$1,000, a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both.

(g) A prosecution for a felony under this section shall be instituted within 5 years after the crime was committed.

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§ 3-703

(a) An officer or employee of the State or of a county, municipal corporation, bicounty agency, or multicounty agency may not, by force, intimidation, or threat, induce a person employed in work financed wholly or partly by the State or by a county, municipal corporation, bicounty agency, or multicounty agency to give up any compensation to which the person is entitled under a contract or otherwise.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(c) A prosecution for a crime under this section shall be instituted within 5 years after the crime was committed.

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§ 3-704

(a) A person, with the intent to unlawfully extort money, property, labor, services, or anything of value from another, may not falsely accuse or threaten to falsely accuse another of a crime or of anything that, if the accusation were true, would tend to bring the other into contempt or disrepute.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

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§ 3-705

(a) A person, with the intent to unlawfully extort money, property, labor, services, or anything of value from another, may not verbally threaten to:

(1) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute; or

(2) (i) cause physical injury to a person;

(ii) inflict emotional distress on a person;

(iii) cause economic damage to a person; or

(iv) cause damage to the property of a person.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

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§ 3-706

(a) (1) This section applies to any writing, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark or designation.

(2) This section does not apply to a good faith reasonable notice of dishonor and warning of criminal prosecution under Title 8, Subtitle 1 of this article given by a holder of an instrument to the maker of the instrument.

(b) A person, with the intent to unlawfully extort money, property, or anything of value from another, may not knowingly send or deliver, or make for the purpose of being sent or delivered and part with the possession of, a writing threatening to:

- (1) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute; or
 - (2) (i) cause physical injury to a person;
 - (ii) inflict emotional distress on a person;
 - (iii) cause economic damage to a person; or
 - (iv) cause damage to the property of a person.
- (c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

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§ 3-707

- (a) This section does not prohibit picketing in connection with a labor dispute, as defined in § 4-301 of the Labor and Employment Article.
- (b) A person or group may not engage in an act or conduct solely to coerce or intimidate another person to contribute or donate any money, goods, materials, or services to a social, economic, or political association or organization.
- (c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$100 or both.
- (2) Each day on which a violation of this section occurs is a separate violation.

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§ 3-708

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Local official" means an individual serving in a publicly elected office of a local government unit, as defined in § 10-101 of the State Government Article.
- (3) (i) "State official" has the meaning stated in § 5-101 of the General Provisions Article.
- (ii) "State official" includes the Governor, Governor-elect, Lieutenant Governor, and Lieutenant Governor-elect.
- (4) "Threat" includes:
- (i) an oral threat; or
 - (ii) a threat in any written form, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark.
- (b) A person may not knowingly and willfully make a threat to take the life of, kidnap, or cause physical injury to a State official, a local official, a deputy State's Attorney, an assistant State's Attorney, or an assistant Public Defender.
- (c) A person may not knowingly send, deliver, part with, or make for the purpose of sending or delivering a threat prohibited under subsection (b) of this section.
- (d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.

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§ 3-709

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Intimate parts" has the meaning stated in § 3-809 of this title.
- (3) "Sexual activity" has the meaning stated in § 3-809 of this title.
- (b) A person may not cause another to:
- (1) engage in an act of sexual activity by threatening to:
 - (i) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute;

- (ii) cause physical injury to a person;
- (iii) inflict emotional distress on a person;
- (iv) cause economic damage to a person; or
- (v) cause damage to the property of a person; or
- (2) engage as a subject in the production of a visual representation or performance that depicts the other with the other's intimate parts exposed or engaging in or simulating an act of sexual activity by threatening to:
 - (i) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute;
 - (ii) cause physical injury to a person;
 - (iii) inflict emotional distress on a person;
 - (iv) cause economic damage to a person; or
 - (v) cause damage to the property of a person.
- (c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.
- (d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.
- (e) A visual representation depicting a victim that is part of a court record for a case arising from a prosecution under this section:
 - (1) subject to item (2) of this subsection, may not be made available for public inspection; and
 - (2) except as otherwise ordered by the court, may only be made available for inspection in relation to a criminal charge under this section to:
 - (i) court personnel;
 - (ii) a jury in a criminal case brought under this section;
 - (iii) the State's Attorney or the State's Attorney's designee;
 - (iv) the Attorney General or the Attorney General's designee;
 - (v) a law enforcement officer;
 - (vi) the defendant or the defendant's attorney; or
 - (vii) the victim or the victim's attorney.

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§ 3-801

In this subtitle, "course of conduct" means a persistent pattern of conduct, composed of a series of acts over time, that shows a continuity of purpose.

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§ 3-802

(a) In this section:

- (1) "stalking" means a malicious course of conduct that includes approaching or pursuing another where:
 - (i) the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear:
 - 1. A. of serious bodily injury;
 - B. of an assault in any degree;
 - C. of rape or sexual offense as defined by §§ 3–303 through 3–308 of this title or attempted rape or sexual offense in any degree;

D. of false imprisonment; or

E. of death; or

2. that a third person likely will suffer any of the acts listed in item 1 of this item; or

(ii) the person intends to cause or knows or reasonably should have known that the conduct would cause serious emotional distress to another; and

(2) "stalking" includes conduct described in item (1) of this subsection that occurs:

(i) in person;

(ii) by electronic communication, as defined in § 3–805 of this subtitle; or

(iii) through the use of a device that can pinpoint or track the location of another without the person's knowledge or consent.

(b) The provisions of this section do not apply to conduct that is:

(1) performed to ensure compliance with a court order;

(2) performed to carry out a specific lawful commercial purpose; or

(3) authorized, required, or protected by local, State, or federal law.

(c) A person may not engage in stalking.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(e) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any other crime based on the acts establishing a violation of this section.

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§ 3-803

(a) (1) In this section the following words have the meanings indicated.

(2) "Residence" includes the yard, grounds, outbuildings, and common areas surrounding a residence.

(3) "Visual surveillance" has the meaning stated in § 3–901 of this title.

(b) A person may not follow another in or about a public place, conduct visual surveillance of an area of another's residence where the other has a reasonable expectation of privacy, or maliciously engage in a course of conduct that alarms or seriously annoys the other:

(1) with the intent to harass, alarm, or annoy the other;

(2) after receiving a reasonable warning or request to stop by or on behalf of the other; and

(3) without a legal purpose.

(c) (1) This section does not apply to a peaceable activity intended to express a political view or provide information to others.

(2) This section may not be construed in a manner that infringes on any right guaranteed under the United States Constitution or the Maryland Declaration of Rights.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, imprisonment not exceeding 90 days or a fine not exceeding \$500 or both; and

(2) for a second or subsequent offense, imprisonment not exceeding 180 days or a fine not exceeding \$1,000 or both.

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§ 3-804

(a) A person may not use telephone facilities or equipment to make:

(1) an anonymous call that is reasonably expected to annoy, abuse, torment, harass, or embarrass another;

- (2) repeated calls with the intent to annoy, abuse, torment, harass, or embarrass another; or
- (3) a comment, request, suggestion, or proposal that is obscene, lewd, lascivious, filthy, or indecent.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$500 or both.

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§ 3-805

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Electronic communication" means the act of transmitting any information, data, writing, image, or communication by the use of a computer or any other electronic means, including a communication that involves the use of e-mail, an instant messaging service, an Internet website, a social media application, a network call, a facsimile machine, or any other Internet-based communication tool.
- (3) "Electronic conduct" means the use of a computer or a computer network to:
 - (i) build a fake social media profile;
 - (ii) pose as another, including a fictitious person in an electronic communication;
 - (iii) disseminate or encourage others to disseminate information concerning the sexual activity, as defined in § 3-809 of this subtitle, of a minor;
 - (iv) disseminate a real or doctored image of a minor;
 - (v) engage or encourage others to engage in the repeated, continuing, or sustained use of electronic communication to contact a minor;
 - (vi) make a statement to provoke a third party to stalk or harass a minor; or
 - (vii) subscribe a minor to a pornographic website.
- (4) "Instant messaging service" means a computer service allowing two or more users to communicate with each other in real time.
- (5) "Interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a system that provides access to the Internet and cellular phones.
- (6) "Social media application" means any program, software, or website that allows a person to become a registered user for the purpose of establishing personal relationships with one or more other users through:
 - (i) direct or real-time communication; or
 - (ii) the creation of websites or profiles capable of being viewed by the public or other users.
- (7) "Social media profile" means a website or profile created using a social media application.
- (b) (1) A person may not maliciously engage in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another:
 - (i) with the intent to harass, alarm, or annoy the other;
 - (ii) after receiving a reasonable warning or request to stop by or on behalf of the other; and
 - (iii) without a legal purpose.
- (2) A person may not use an interactive computer service to maliciously engage in a course of conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury with the intent:
 - (i) to kill, injure, harass, or cause serious emotional distress to the minor; or
 - (ii) to place the minor in reasonable fear of death or serious bodily injury.
- (3) A person may not maliciously engage in an electronic communication if:
 - (i) the electronic communication is part of a series of communications and has the effect of:

1. intimidating or harassing a minor; and

2. causing physical injury or serious emotional distress to a minor; and

(ii) the person engaging in the electronic communication intends to:

1. intimidate or harass the minor; and

2. cause physical injury or serious emotional distress to the minor.

(4) A person may not maliciously engage in a single significant act or course of conduct using an electronic communication if:

(i) the person's conduct, when considered in its entirety, has the effect of:

1. intimidating or harassing a minor; and

2. causing physical injury or serious emotional distress to a minor;

(ii) the person intends to:

1. intimidate or harass the minor; and

2. cause physical injury or serious emotional distress to the minor; and

(iii) in the case of a single significant act, the communication:

1. is made after receiving a reasonable warning or request to stop;

2. is sent with a reasonable expectation that the recipient would share the communication with a third party; or

3. shocks the conscience.

(5) A person may not maliciously engage in electronic conduct if:

(i) the act of electronic conduct has the effect of:

1. intimidating or harassing a minor; and

2. causing physical injury or serious emotional distress to a minor; and

(ii) the person intends to:

1. intimidate or harass the minor; and

2. cause physical injury or serious emotional distress to the minor.

(6) A person may not violate this section with the intent to induce a minor to commit suicide.

(c) It is not a violation of this section for any of the following persons to provide information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic communication or to conduct surveillance of electronic communication, if a court order directs the person to provide the information, facilities, or technical assistance:

(1) a provider of electronic communication;

(2) an officer, employee, agent, landlord, or custodian of a provider of electronic communication; or

(3) a person specified in a court order directing the provision of information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic communication or to conduct surveillance of electronic communication.

(d) Subsection (b)(1) through (5) of this section does not apply to a peaceable activity:

(1) intended to express a political view or provide information to others; or

(2) conducted for a lawful purpose.

(e) (1) A person who violates subsection (b)(1), (2), (3), (4), or (5) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$10,000 or both.

(2) A person who violates subsection (b)(6) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

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§ 3-806

(a) In this section, "laser pointer" means a device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

(b) This section may not be construed to apply to the use of a laser pointer:

- (1) for educational purposes by individuals engaged in an organized meeting or training class; or
- (2) during the normal course of work or trade activities.

(c) A person may not knowingly use a laser pointer to illuminate another in a public place in a manner that harasses or endangers the other.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

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§ 3-807

(a) In this section, "laser pointer" has the meaning stated in § 3–806 of this subtitle.

(b) This section does not apply to the use of a laser pointer:

- (1) by an individual conducting research and development or flight testing for an aircraft manufacturer or the Federal Aviation Administration;
- (2) by a member of the United States Department of Defense or the United States Department of Homeland Security acting in an official capacity during an activity related to research and development, flight testing, or training;
- (3) by a law enforcement officer, as defined in § 1–101 of the Public Safety Article, acting in an official capacity;
- (4) by an individual attempting to make the individual's location known; or
- (5) by an individual attempting to give a warning signal.

(c) A person may not knowingly and willfully shine, point, or focus the beam of a laser pointer on an individual operating an aircraft.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.

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§ 3-808

(a) A person may not file a lien or an encumbrance in a public or private record against the real or personal property of another if the person knows that the lien or encumbrance is:

- (1) false; or
- (2) contains or is based on a materially false, fictitious, or fraudulent statement or representation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

- (1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$10,000 or both; and
- (2) for each subsequent violation, imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

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§ 3-809

(a) (1) In this section the following words have the meanings indicated.

(2) "Distribute" means to give, sell, transfer, disseminate, publish, upload, circulate, broadcast, make available, allow access to, or engage in any other form of transmission, electronic or otherwise.

(3) "Harm" means:

- (i) physical injury;
- (ii) serious emotional distress; or

- (iii) economic damages.
- (4) "Intimate parts" means the naked genitals, pubic area, buttocks, or female nipple.
- (5) "Sexual activity" means:
 - (i) sexual intercourse, including genital–genital, oral–genital, anal–genital, or oral–anal;
 - (ii) masturbation; or
 - (iii) sadomasochistic abuse.
- (6) (i) "Visual representation" of an identifiable person means:
 - 1. an unaltered image of the person; or
 - 2. an image created with or without using other existing depictions of the person that is indistinguishable from the person, from the perspective of an ordinary person.
- (ii) "Visual representation" includes a computer–generated image.
- (iii) "Visual representation" does not include an image or depiction that is:
 - 1. a drawing;
 - 2. a cartoon;
 - 3. a sculpture; or
 - 4. a painting.
- (b) (1) This section does not apply to:
 - (i) lawful and common practices of law enforcement, the reporting of unlawful conduct, or legal proceedings; or
 - (ii) situations involving voluntary exposure in public or commercial settings.
- (2) An interactive computer service, as defined in 47 U.S.C. § 230(f)(2), is not liable under this section for content provided by another person.
- (c) A person may not knowingly distribute a visual representation of another identifiable person that displays the other person with intimate parts exposed or while engaged in an act of sexual activity:
 - (1) with the intent to harm, harass, intimidate, threaten, or coerce the other person;
 - (2) (i) under circumstances in which the person knew that the other person did not consent to the distribution; or
 - (ii) with reckless disregard as to whether the person consented to the distribution; and
 - (3) under circumstances in which the other person had a reasonable expectation that the image would remain private.
- (d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$5,000 or both.
- (e) A person who violates this section is subject to § 5–106(b) of the Courts Article.
- (f) (1) A person whose visual representation was distributed in violation of this section has a civil cause of action for defamation per se or invasion of privacy against any person who distributed the visual representation.
- (2) In addition to other relief, the court may award reasonable attorney's fees to a prevailing plaintiff under this subsection.
- (g) A visual representation of a victim that is part of a court record for a case arising under this section:
 - (1) subject to item (2) of this subsection, may not be made available for public inspection; and
 - (2) except as otherwise ordered by the court, may only be made available for inspection in relation to a criminal charge or civil action under this section to:
 - (i) court personnel;
 - (ii) a jury in a criminal case brought under this section;
 - (iii) the State's Attorney or the State's Attorney's designee;
 - (iv) the Attorney General or the Attorney General's designee;

- (v) a law enforcement officer;
- (vi) the plaintiff or the plaintiff's attorney;
- (vii) the defendant or the defendant's attorney; or
- (viii) the victim or the victim's attorney.

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§ 3-901

(a) (1) In this section the following words have the meanings indicated.

(2) "Private place" means a dressing room or rest room in a retail store.

(3) "Visual surveillance" means surveillance by:

- (i) direct sight;
- (ii) the use of mirrors;
- (iii) the use of cameras; or
- (iv) the use of an electronic device that can be used surreptitiously to observe an individual.

(b) This section does not apply to any otherwise lawful surveillance conducted by a law enforcement officer while performing official duties.

(c) A person may not conduct or procure another to conduct visual surveillance of an individual in a private place without the consent of that individual.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$1,000 or both.

(e) It is not a defense to a prosecution under this section that the defendant owns the premises where the private place is located.

(f) (1) An individual who was under visual surveillance in violation of this section has a civil cause of action against any person who conducted or procured a person to conduct the visual surveillance.

(2) In an action under this subsection, the court may award actual damages and reasonable attorney's fees.

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§ 3-902

(a) (1) In this section the following words have the meanings indicated.

(2) "Camera" includes any electronic device that can be used surreptitiously to observe an individual.

(3) "Female breast" means a portion of the female breast below the top of the areola.

(4) "Private area of an individual" means the naked or undergarment-clad genitals, pubic area, buttocks, or female breast of an individual.

(5) (i) "Private place" means a room in which a person can reasonably be expected to fully or partially disrobe and has a reasonable expectation of privacy, in:

1. an office, business, or store;
2. a recreational facility;
3. a restaurant or tavern;
4. a hotel, motel, or other lodging facility;
5. a theater or sports arena;
6. a school or other educational institution;
7. a bank or other financial institution;
8. any part of a family child care home used for the care and custody of a child;

9. a residence; or

10. another place of private or public use or accommodation.

(ii) "Private place" includes a tanning room, dressing room, bedroom, or restroom.

(6) (i) "Visual surveillance" means the deliberate, surreptitious observation of an individual by any means.

(ii) "Visual surveillance" includes surveillance by:

1. direct sight;

2. the use of mirrors; or

3. the use of cameras.

(iii) "Visual surveillance" does not include a casual, momentary, or unintentional observation of an individual.

(b) This section does not apply to a person who without prurient intent:

(1) conducts filming by or for the print or broadcast media;

(2) conducts or procures another to conduct visual surveillance of an individual to protect property or public safety or prevent crime; or

(3) conducts visual surveillance and:

(i) holds a license issued under Title 13 or Title 19 of the Business Occupations and Professions Article; and

(ii) is acting within the scope of the person's occupation.

(c) A person may not with prurient intent conduct or procure another to conduct visual surveillance of:

(1) an individual in a private place without the consent of that individual; or

(2) the private area of an individual by use of a camera without the consent of the individual under circumstances in which a reasonable person would believe that the private area of the individual would not be visible to the public, regardless of the location of the individual.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both.

(e) (1) An individual who was under visual surveillance in violation of this section has a civil cause of action against any person who conducted or procured another to conduct the visual surveillance.

(2) In an action under this subsection, the court may award actual damages and reasonable attorney's fees.

(f) This section does not affect any legal or equitable right or remedy otherwise provided by law.

(g) This section does not affect the application of § 3-901 of this subtitle.

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§ 3-903

(a) In this section, "camera" includes any electronic device that can be used surreptitiously to observe an individual.

(b) This section does not apply to:

(1) an adult resident of the private residence where a camera is placed;

(2) a person who places or procures another to place a camera on real property without the intent to conduct deliberate surreptitious observation of an individual inside the private residence;

(3) a person who has obtained the consent of an adult resident, or the adult resident's legal guardian, to place a camera on real property to conduct deliberate surreptitious observation of an individual inside the private residence;

(4) any otherwise lawful observation with a camera conducted by a law enforcement officer while performing official duties;

(5) filming conducted by a person by or for the print or broadcast media through use of a camera that is not secreted from view;

(6) any part of a private residence used for business purposes, including any part of a private residence used as a family child care home for the care and custody of a child;

(7) filming of a private residence by a person through use of a camera that is not located on the real property where the private residence is located; or

(8) any otherwise lawful observation with a camera of the common area of multiunit family dwellings by a person that holds a license under Title 13 or Title 19 of the Business Occupations and Professions Article, acting within the scope of the person's occupation.

(c) A person may not place or procure another to place a camera on real property where a private residence is located to conduct deliberate surreptitious observation of an individual inside the private residence.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both.

(e) Subject to subsection (b)(1) of this section, it is not a defense to a prosecution under this section that the defendant owns the private residence.

(f) A good faith reliance on a court order is a complete defense to a civil or criminal action brought under this section.

(g) (1) An individual who was observed through the use of a camera in violation of this section has a civil cause of action against any person who placed or procured another to place the camera on the real property.

(2) In an action under this subsection, the court may award damages and reasonable attorney's fees.

(h) This section does not affect any legal or equitable right or remedy otherwise provided by law.

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§ 3-904

(a) The General Assembly declares that:

(1) the protection and preservation of the home is the keystone of democratic government;

(2) the public health and welfare and the good order of the community require that members of the community enjoy in their homes a feeling of well-being, tranquility, and privacy and, when absent from their homes, carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes;

(3) the practice of picketing before or about residences and dwelling places causes emotional disturbance and distress to the occupants;

(4) the purpose of this practice is to harass the occupants of the residences and dwelling places;

(5) without resort to this practice, full opportunity exists, and under the provisions of this article will continue to exist, for the exercise of freedom of speech and other constitutional rights; and

(6) the provisions of this section are necessary in the public interest to avoid the detrimental results described in this subsection.

(b) This section does not prohibit:

(1) picketing or assembly in connection with a labor dispute, as defined in § 4-301 of the Labor and Employment Article;

(2) picketing in a lawful manner of a person's home when it is also the person's sole place of business; or

(3) holding a meeting or assembly on any premises commonly used for the discussion of subjects of general public interest.

(c) A person may not intentionally assemble with another in a manner that disrupts a person's right to tranquility in the person's home.

(d) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$100 or both.

(2) Each day on which a violation of this section occurs is a separate violation.

(e) In addition to the penalty provided in subsection (d) of this section, a circuit court:

(1) may enjoin conduct proscribed by this section; and

(2) in the proceeding for injunctive relief, may award damages, including punitive damages, against any person found guilty of violating this section.

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§ 3-905

(a) A person may not take and break open a letter that is not addressed to the person without permission from the person to whom the letter is addressed or the personal representative of the addressee's estate.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for 6 days and a fine of \$15.

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§ 3-906

(a) (1) In this section the following words have the meanings indicated.

(2) "Telegraph company" has the meaning stated in § 1–101 of the Public Utilities Article.

(3) "Telegraph lines" has the meaning stated in § 1–101 of the Public Utilities Article.

(4) "Telephone company" has the meaning stated in § 1–101 of the Public Utilities Article.

(5) "Telephone lines" has the meaning stated in § 1–101 of the Public Utilities Article.

(b) An employee or agent of a telegraph company or telephone company, or of a person operating telegraph lines or telephone lines for profit in the State, may not:

(1) willfully divulge the contents or nature of the contents of a private communication that is entrusted to the person for transmission or delivery; or

(2) willfully refuse or neglect to transmit or deliver a private communication.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 months or a fine not exceeding \$500 or both.

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§ 3-907

(a) (1) In this section the following words have the meanings indicated.

(2) "Protected individual" means an individual who buys, rents, or borrows a videotape, video disk, or film from a videotape distributor.

(3) "Publish" means to distribute to a person other than the protected individual or an agent of the protected individual.

(4) "Videotape distributor" means a retail establishment operating for profit that sells, rents, or loans videotapes, video disks, or films.

(b) Except as provided in subsection (d) of this section, a videotape distributor, or an agent or employee of a videotape distributor, may not publish the following information relating to sales, rentals, or loans of videotapes, video disks, or films to a protected individual:

(1) any numerical designation used by the videotape distributor to identify the protected individual; or

(2) any listing of videotapes, video disks, or films bought, rented, or borrowed by the protected individual from the videotape distributor.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months for all violations or a fine not exceeding \$500 for each violation or both.

(d) This section does not prohibit the distribution of information protected under subsection (b) of this section to:

(1) a person designated by the videotape distributor and authorized by the protected individual before distribution to receive the information;

- (2) any appropriately authorized law enforcement personnel; or
- (3) a collection agency used or person designated by the videotape distributor to collect unreturned rental videotapes, video disks, or films, or an amount equal to their value.

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§ 3-1001

(a) This section applies to a threat made by oral or written communication or electronic communication, as defined in § 3-805(a) of this title.

(b) A person may not knowingly threaten to commit or threaten to cause to be committed a crime of violence, as defined in § 14-101 of this article, that would place five or more people at substantial risk of death or serious physical injury, as defined in § 3-201 of this title, if the threat were carried out.

(c) (1) A person who violates this section is guilty of the misdemeanor of making a threat of mass violence and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(2) In addition to the penalties provided in paragraph (1) of this subsection, a court shall order a person convicted under this section to reimburse the appropriate unit of federal, State, or local government or other person for any expenses and losses incurred in responding to the unlawful threat unless the court states on the record the reasons why reimbursement would be inappropriate.

(d) A person who violates this section may be indicted, prosecuted, tried, and convicted in any county where:

- (1) the threat was received;
- (2) the threat was made; or
- (3) the consequences of the threat occurred.

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§ 3-1101

(a) In this subtitle the following words have the meanings indicated.

(b) "Assignment" has the meaning stated in § 11-301 of this article.

(c) "Prostitution" has the meaning stated in § 11-301 of this article.

(d) "Sexually explicit performance" has the meaning stated in § 11-301 of this article.

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§ 3-1102

(a) (1) A person may not knowingly:

- (i) take or cause another to be taken to any place for prostitution;
- (ii) place, cause to be placed, or harbor another in any place for prostitution;
- (iii) persuade, induce, entice, or encourage another to be taken to or placed in any place for prostitution;
- (iv) receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignment;
- (v) engage in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance, the other or a third person would suffer physical restraint or serious physical harm; or
- (vi) destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or government identification document of another while otherwise violating or attempting to violate this subsection.

(2) A parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another may not consent to the taking or detention of the other for prostitution.

(b) (1) A person may not violate subsection (a) of this section involving a victim who is a minor.

- (2) A person may not violate subsection (a) of this section with the use of or intent to use force, threat, coercion, or fraud.
- (c) (1) (i) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of the misdemeanor of sex trafficking and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.
- (ii) A person who violates subsection (a) of this section is subject to § 5–106(b) of the Courts Article.
- (2) A person who violates subsection (b) of this section is guilty of the felony of sex trafficking and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$15,000 or both.
- (d) A person who violates this section may be charged, tried, and sentenced in any county in or through which the person transported or attempted to transport the other.
- (e) (1) A person who knowingly benefits financially or by receiving anything of value from participation in a venture that includes an act described in subsection (a) or (b) of this section is subject to the same penalties that would apply if the person had violated that subsection.
- (2) A person who knowingly aids, abets, or conspires with one or more other persons to violate any subsection of this section is subject to the same penalties that apply for a violation of that subsection.
- (f) It is not a defense to a prosecution under subsection (b)(1) or (e) of this section that the person did not know the age of the victim.

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§ 3-1103

(a) A person may not knowingly:

- (1) take or detain another with the intent to use force, threat, coercion, or fraud to compel the other to marry any person;
- (2) receive a financial benefit or thing of value in relation to a violation of this subsection; or
- (3) aid, abet, or conspire with another to violate this subsection.

(b) A person who violates this section is guilty of the felony of forced marriage and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$15,000 or both.

(c) A person who violates this section may be charged, tried, and sentenced in any county in or through which the person transported or attempted to transport the victim.

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§ 3-1201

(a) In this subtitle the following words have the meanings indicated.

(b) "Coercion" includes actual or threatened:

- (1) use of physical force against an individual;
 - (2) restraint, abduction, isolation, or confinement of an individual against the individual's will and without lawful authority;
 - (3) control or direction of the activity of an individual through debt bondage;
 - (4) destruction, concealment, removal, confiscation, withholding, or possession of an actual or purported passport, immigration document, or governmental identification document of an individual;
 - (5) infliction of serious psychological harm to an individual;
 - (6) control of an individual's access to a controlled dangerous substance;
 - (7) exposure or dissemination of any fact or information that would tend to subject an individual to criminal or immigration proceedings;
 - (8) notification to an agency or unit of the State or federal government that an individual is present in the United States in violation of federal immigration law; and
 - (9) exploitation of a vulnerable adult.
- (c) "Controlled dangerous substance" has the meaning stated in § 5–101 of this article.

(d) "Debt bondage" means the status or condition of an individual who provides labor, services, or sex acts to pay a real or alleged debt, where:

- (1) the value of the labor, services, or sex act is not applied toward the liquidation of the debt;
 - (2) the nature of the labor, services, or sex act is not limited or defined; or
 - (3) the amount of the debt does not reasonably reflect the value of items, services, or other things of value for which the debt was incurred.
- (e) "Vulnerable adult" has the meaning stated in § 3–604 of this article.

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§ 3-1202

(a) A person may not knowingly:

- (1) take, place, harbor, persuade, induce, or entice another by force, fraud, or coercion to provide services or labor; or
- (2) receive a benefit or thing of value from the provision of services or labor by another that was induced by force, fraud, or coercion.

(b) A person may not aid or conspire with another to commit a violation of subsection (a) of this section.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$15,000 or both.

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§ 3-1203

(a) A State's Attorney or the Attorney General may investigate and prosecute a violation of this subtitle or a violation of any crime based on the act establishing a violation of this subtitle.

(b) If the Attorney General exercises authority under subsection (a) of this section, the Attorney General has all the powers and duties of a State's Attorney to investigate and prosecute the violation.

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Title 4 — Crimes Involving Weapons

§ 4-101

(a) (1) In this section the following words have the meanings indicated.

(2) "Nunchaku" means a device constructed of two pieces of any substance, including wood, metal, or plastic, connected by any chain, rope, leather, or other flexible material not exceeding 24 inches in length.

(3) (i) "Pepper mace" means an aerosol propelled combination of highly disabling irritant pepper-based products.

(ii) "Pepper mace" is also known as oleoresin capsicum (o.c.) spray.

(4) "Star knife" means a device used as a throwing weapon, consisting of several sharp or pointed blades arrayed as radially disposed arms about a central disk.

(5) (i) "Weapon" includes a dirk knife, bowie knife, switchblade knife, star knife, sandclub, metal knuckles, razor, and nunchaku.

(ii) "Weapon" does not include:

1. a handgun; or
2. a penknife without a switchblade.

(b) This section does not prohibit the following individuals from carrying a weapon:

(1) an officer of the State, or of any county or municipal corporation of the State, who is entitled or required to carry the weapon as part of the officer's official equipment, or by any conservator of the peace, who is entitled or required to carry

the weapon as part of the conservator's official equipment, or by any officer or conservator of the peace of another state who is temporarily in this State;

(2) a special agent of a railroad;

(3) a holder of a permit to carry a handgun issued under Title 5, Subtitle 3 of the Public Safety Article; or

(4) an individual who carries the weapon as a reasonable precaution against apprehended danger, subject to the right of the court in an action arising under this section to judge the reasonableness of the carrying of the weapon, and the proper occasion for carrying it, under the evidence in the case.

(c) (1) A person may not wear or carry a dangerous weapon of any kind concealed on or about the person.

(2) A person may not wear or carry a dangerous weapon, chemical mace, pepper mace, or a tear gas device openly with the intent or purpose of injuring an individual in an unlawful manner.

(3) (i) This paragraph applies in Anne Arundel County, Baltimore County, Caroline County, Cecil County, Harford County, Kent County, Montgomery County, Prince George's County, St. Mary's County, Talbot County, Washington County, and Worcester County.

(ii) A minor may not carry a dangerous weapon between 1 hour after sunset and 1 hour before sunrise, whether concealed or not, except while:

1. on a bona fide hunting trip; or

2. engaged in or on the way to or returning from a bona fide trap shoot, sport shooting event, or any organized civic or military activity.

(d) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(2) For a person convicted under subsection (c)(1) or (2) of this section, if it appears from the evidence that the weapon was carried, concealed or openly, with the deliberate purpose of injuring or killing another, the court shall impose the highest sentence of imprisonment prescribed.

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§ 4-102

(a) This section does not apply to:

(1) a law enforcement officer in the regular course of the officer's duty;

(2) an off-duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:

(i) the officer or retired officer is displaying the officer's or retired officer's badge or credential;

(ii) the weapon carried or possessed by the officer or retired officer is concealed; and

(iii) the officer or retired officer is authorized to carry a concealed handgun in the State;

(3) a person hired by a county board of education specifically for the purpose of guarding public school property;

(4) a person engaged in organized shooting activity for educational purposes; or

(5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.

(b) A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.

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§ 4-103

(a) In this section, "law enforcement officer" means:

- (1) a law enforcement officer who, in an official capacity, is authorized by law to make arrests;
- (2) a sheriff, deputy sheriff, or assistant sheriff; or
- (3) an employee of the Division of Correction, the Patuxent Institution, the Division of Pretrial Detention and Services, the Division of Parole and Probation, a local correctional facility, or any booking facility.

(b) A person may not knowingly remove or attempt to remove a firearm from the possession of a law enforcement officer if:

- (1) the law enforcement officer is lawfully acting within the course and scope of employment; and
- (2) the person has knowledge or reason to know that the law enforcement officer is employed as a law enforcement officer.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(d) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation under this section.

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§ 4-104

(a) (1) In this section the following words have the meanings indicated.

(2) "Ammunition" means a cartridge, shell, or other device containing explosive or incendiary material designed and intended for use in a firearm.

(3) (i) "Firearm" means a handgun, rifle, shotgun, short-barreled rifle, or short-barreled shotgun, as those terms are defined in § 4-201 of this title, or any other firearm.

(ii) "Firearm" does not include an antique firearm as defined in § 4-201 of this title.

(b) This section does not apply if:

- (1) the minor's access to a firearm is supervised by an individual at least 18 years old;
- (2) the minor's access to a firearm was obtained as a result of an unlawful entry;
- (3) the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or
- (4) the minor has a certificate of firearm and hunter safety issued under § 10-301.1 of the Natural Resources Article.

(c) A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised minor has access to the firearm.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

(e) (1) A violation of this section may not:

- (i) be considered evidence of negligence;
- (ii) be considered evidence of contributory negligence;
- (iii) limit liability of a party or an insurer; or
- (iv) diminish recovery for damages arising out of the ownership, maintenance, or operation of a firearm or ammunition.

(2) A party, witness, or lawyer may not refer to a violation of this section during a trial of a civil action that involves property damage, personal injury, or death.

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§ 4-105

(a) A person may not sell, barter, display, or offer to sell or barter:

(1) a knife or a penknife having a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, commonly called a switchblade knife or a switchblade penknife; or

(2) a device that is designed to propel a knife from a metal sheath by means of a high-compression ejector spring, commonly called a shooting knife.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 12 months or a fine of not less than \$50 and not exceeding \$500 or both.

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§ 4-106

(a) (1) In this section and § 4-107 of this subtitle the following words have the meanings indicated.

(2) "Ammunition" means a cartridge, shell, or other device containing explosive or incendiary material designed and intended for use in a firearm.

(3) "Bulletproof body armor" means a material or object that is designed to cover or be worn on any part of the body to prevent, deflect, or slow down the penetration of ammunition.

(4) "Crime of violence" has the meaning stated in § 14-101 of this article.

(5) "Drug trafficking crime" has the meaning stated in § 5-621 of this article.

(6) "Firearm" includes:

(i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, or short-barreled rifle as those terms are defined in § 4-201 of this title;

(ii) an assault pistol as defined in § 4-301 of this title;

(iii) a machine gun as defined in § 4-401 of this title; and

(iv) a regulated firearm as defined in § 5-101 of the Public Safety Article.

(7) "Secretary" means the Secretary of State Police or the Secretary's designee.

(b) A person may not wear bulletproof body armor in the commission of a crime of violence.

(c) A person may not wear or possess bulletproof body armor during and in relation to a drug trafficking crime.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(e) A sentence imposed under this section may be separate from a sentence for any crime of violence or drug trafficking crime establishing the violation of this section.

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§ 4-107

(a) Except for a person holding a valid permit issued under subsection (c) of this section, a person who was previously convicted of a crime of violence or a drug trafficking crime may not use, possess, or purchase bulletproof body armor.

(b) A person with a prior conviction for a crime of violence or a drug trafficking crime may file a petition with the Secretary for a permit to purchase, possess, and use bulletproof body armor.

(c) On receiving a petition under subsection (b) of this section, the Secretary may issue to the petitioner a permit to purchase, possess, and use bulletproof body armor under the terms, conditions, and limitations that the Secretary sets as appropriate, based on a determination that the petitioner:

(1) is likely to use or possess bulletproof body armor in a safe and lawful manner; and

(2) has shown good cause for the use, possession, or purchase of bulletproof body armor.

(d) In making a determination under subsection (c) of this section with respect to a petitioner, the Secretary shall consider:

(1) the effect of the determination on the employment of the petitioner;

(2) the interests of justice;

(3) the safety of the petitioner;

(4) any other valid reason for the petitioner to purchase, possess, or use bulletproof body armor; and

(5) the totality of the circumstances.

(e) As a condition of issuing a permit to a petitioner, the Secretary shall require that the petitioner agree to maintain in the person's possession a certified copy of the permit, including any terms, conditions, or limitations.

(f) (1) A permit under this section expires 5 years after the date of its issuance.

(2) A permit shall be renewed for successive periods of 5 years if the applicant:

(i) files an application for renewal at any time within 3 months before the permit expires; and

(ii) satisfies the requirements of this section.

(g) The Secretary may revoke a permit at any time if the Secretary finds that the holder no longer satisfies the qualifications set forth in subsection (c) of this section.

(h) (1) A person whose application for a permit or renewal of a permit has been rejected or whose permit has been revoked or limited may request the Secretary to conduct an informal review by filing a written request within 10 days after receiving written notice of the Secretary's initial action.

(2) The informal review may include a personal interview of the applicant.

(3) An informal review under this subsection is not subject to the Administrative Procedure Act.

(4) After the informal review, the Secretary shall sustain, reverse, or modify the initial action taken and notify the applicant of the decision in writing within 30 days after receiving the request for informal review.

(i) (1) A person aggrieved by a decision of the Secretary may seek review of the decision under Title 10, Subtitle 2 of the State Government Article.

(2) A request for informal review under subsection (h) of this section is not a condition precedent to instituting a contested case proceeding under this subsection.

(j) The Secretary shall adopt regulations to carry out this section.

(k) A person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

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§ 4-108

(a) In Anne Arundel County, Caroline County, and St. Mary's County a person may not target practice with a gun or weapon or discharge a gun or weapon on the land of another without first obtaining written permission from the owner or possessor of the land.

(b) (1) (i) In Anne Arundel County and Caroline County a person who violates this section is guilty of a misdemeanor and on conviction is subject to:

1. for a first violation, a fine of not less than \$250 and not exceeding \$1,000; and

2. for each subsequent violation, a fine of not less than \$500 and not exceeding \$2,000.

(ii) If a person fails to pay a fine imposed under this paragraph, further proceedings shall be held in accordance with § 7-505 of the Courts Article.

(2) In St. Mary's County a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

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§ 4-109

(a) (1) In this section the following words have the meanings indicated.

(2) "Crime of violence" has the meaning stated in § 14-101 of this article.

(3) "Electronic control device" means a portable device designed as a weapon capable of injuring, immobilizing, or inflicting pain on an individual by the discharge of electrical current.

(b) A person may not possess or use an electronic control device unless the person:

(1) has attained the age of 18 years; and

(2) has never been convicted of a crime of violence or a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, § 5–613, or § 5–614 of this article.

(c) An electronic control device may not be sold and activated in the State unless:

(1) an instructional manual or audio or audiovisual instructions are provided to the purchaser;

(2) the manufacturer maintains a record of the original owner of the electronic control device; and

(3) the manufacturer or seller has obtained a State and federal criminal history records check of the original owner to ensure compliance with subsection (b)(2) of this section.

(d) A manufacturer of electronic control devices shall provide an investigating law enforcement agency with prompt access to the manufacturer's records on electronic control devices and cartridges sold in the State.

(e) (1) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

(2) A person who violates subsection (b) of this section while committing a separate crime that is a crime of violence is guilty of a felony and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(f) This section does not prohibit a local government from adopting a restriction or requirement concerning the possession of an electronic control device that is more stringent than the requirements of this section.

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§ 4-110

(a) In this section, "restricted firearm ammunition" means a cartridge, a shell, or any other device that:

(1) contains explosive or incendiary material designed and intended for use in a firearm; and

(2) has a core constructed, excluding traces of other substances, entirely from one or a combination of:

(i) tungsten alloys;

(ii) steel;

(iii) iron;

(iv) brass;

(v) beryllium copper;

(vi) depleted uranium; or

(vii) an equivalent material of similar density or hardness.

(b) A person may not, during and in relation to the commission of a crime of violence as defined in § 14–101 of this article, possess or use restricted firearm ammunition.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

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§ 4-111

(a) (1) In this section the following words have the meanings indicated.

(2) "Area for children and vulnerable individuals" means:

(i) a preschool or prekindergarten facility or the grounds of the facility;

(ii) a private primary or secondary school or the grounds of the school; or

- (iii) a health care facility, as defined in § 15–10B–01(g)(1), (2), (3), and (4) of the Insurance Article.
- (3) “Firearm” has the meaning stated in § 4–104 of this subtitle.
- (4) “Government or public infrastructure area” means:
 - (i) a building or any part of a building owned or leased by a unit of State or local government;
 - (ii) a building of a public or private institution of higher education, as defined in § 10–101 of the Education Article;
 - (iii) a location that is currently being used as a polling place in accordance with Title 10 of the Election Law Article or for canvassing ballots in accordance with Title 11 of the Election Law Article;
 - (iv) an electric plant or electric storage facility, as defined in § 1–101 of the Public Utilities Article;
 - (v) a gas plant, as defined in § 1–101 of the Public Utilities Article; or
 - (vi) a nuclear power plant facility.
- (5) “Law enforcement official” has the meaning stated in § 4–201 of this title.
- (6) “Police officer” has the meaning stated in § 3–201 of the Public Safety Article.
- (7) “ROTC” means Reserve Officer Training Corps.
- (8) “Service member” has the meaning stated in § 9–901 of the State Government Article.
- (9) “Special purpose area” means:
 - (i) a location licensed to sell or dispense alcohol or cannabis for on-site consumption;
 - (ii) a stadium;
 - (iii) a museum;
 - (iv) an amusement park;
 - (v) a racetrack; or
 - (vi) a video lottery facility, as defined in § 9–1A–01 of the State Government Article.
- (b) This section does not apply to:
 - (1) a law enforcement official or a police officer;
 - (2) an on-duty employee of a law enforcement agency authorized by the agency to possess firearms on duty or whose duty assignment involves the possession of firearms;
 - (3) a service member on duty or traveling to or from duty;
 - (4) a member of an ROTC program while participating in an activity for an ROTC program;
 - (5) a correctional officer or warden of a correctional facility in the State;
 - (6) a railroad police officer appointed under Title 3, Subtitle 4 of the Public Safety Article;
 - (7) an employee of an armored car company, if the person is acting within the scope of employment and has a valid permit to wear, carry, or transport a handgun issued under Title 5, Subtitle 3 of the Public Safety Article;
 - (8) subject to subsection (i) of this section, a person who has retired as a law enforcement official in good standing from a law enforcement agency of the United States, the State or another state, or a local unit in the State or another state, who possesses a firearm, if:
 - (i) 1. the person is carrying the person's badge or credential in compliance with the requirements of the badge or credential;
 - 2. the firearm carried or possessed by the person is concealed from view under or within an article of the person's clothing; and
 - 3. the person is authorized to carry a handgun under the laws of the State or the United States; or
 - (ii) 1. the person possesses a valid permit to wear, carry, or transport a handgun issued under Title 5, Subtitle 3 of the Public Safety Article; and

2. the firearm carried or possessed by the person is concealed from view under or within an article of the person's clothing;
- (9) for a location that is not owned by, leased by, or otherwise under the control of the State or a political subdivision of the State:
- (i) the owner or lessee of the location; or
 - (ii) a person who is authorized by the owner or lessee of the location to wear, carry, or transport a firearm at the location for the purpose of:
 - 1. employment as a security guard licensed under Title 19 of the Business Occupations and Professions Article; or
 - 2. protecting any individual or property at the location with an express agreement between the parties, remuneration, or compensation;
- (10) a location being used with the permission of the person or governmental unit that owns, leases, or controls the location for:
- (i) an organized shooting activity for educational purposes;
 - (ii) a historical demonstration using a firearm; or
 - (iii) hunting or target shooting; or
- (11) a firearm that is carried or transported in a motor vehicle if the firearm is:
- (i) locked in a container; or
 - (ii) a handgun worn, carried, or transported in compliance with any limitations imposed under § 5–307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article.
- (c) A person may not wear, carry, or transport a firearm in an area for children or vulnerable individuals.
- (d) (1) A person may not wear, carry, or transport a firearm in a government or public infrastructure area.
- (2) A government or public infrastructure area specified under subsection (a)(4)(i) of this section must display a clear and conspicuous sign at the main entrance of the building or the part of a building that is owned or leased by the unit of State or local government indicating that it is not permissible to wear, carry, or transport a firearm in the building or that part of the building.
- (e) A person may not wear, carry, or transport a firearm in a special purpose area.
- (f) A person who willfully violates subsection (c), (d)(1), or (e) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.
- (g) (1) A conviction under this section may not merge with a conviction for any other crime based on the act establishing the violation of this section.
- (2) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.
- (h) For purposes of this section, a requirement to keep a handgun concealed is not violated by:
- (1) the momentary and inadvertent exposure of a handgun; or
 - (2) the momentary and inadvertent exposure of the imprint or outline of a handgun.
- (i) Nothing in this section limits the power of an administrative head of a Maryland court to punish for contempt or to adopt rules or orders regulating, allowing, restricting, or prohibiting the possession of weapons in any building housing the court or any of its proceedings, or on any grounds appurtenant to the building.

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§ 4-201

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Antique firearm" means:

- (1) a firearm, including a firearm with a matchlock, flintlock, percussion cap, or similar ignition system, manufactured before 1899; or
- (2) a replica of a firearm described in item (1) of this subsection that:
- (i) is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition; or
 - (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.
- (c) (1) "Handgun" means a pistol, revolver, or other firearm capable of being concealed on the person.
- (2) "Handgun" includes a short-barreled shotgun and a short-barreled rifle.
- (3) "Handgun" does not include a shotgun, rifle, or antique firearm.
- (d) "Law enforcement official" means:
- (1) a full-time member of a police force or other unit of the United States, a state, a county, a municipal corporation, or other political subdivision of a state who is responsible for the prevention and detection of crime and the enforcement of the laws of the United States, a state, a county, a municipal corporation, or other political subdivision of a state;
 - (2) a part-time member of a police force of a county or municipal corporation who is certified by the county or municipal corporation as being trained and qualified in the use of handguns;
 - (3) a fire and explosive investigator of the Prince George's County Fire/EMS Department as defined in § 2-208.3 of the Criminal Procedure Article;
 - (4) a Montgomery County fire and explosive investigator as defined in § 2-208.1 of the Criminal Procedure Article;
 - (5) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2-208.2 of the Criminal Procedure Article;
 - (6) a Worcester County fire and explosive investigator as defined in § 2-208.4 of the Criminal Procedure Article;
 - (7) a City of Hagerstown fire and explosive investigator as defined in § 2-208.5 of the Criminal Procedure Article; or
 - (8) a Howard County fire and explosive investigator as defined in § 2-208.6 of the Criminal Procedure Article.
- (e) "Rifle" means a weapon that is:
- (1) designed or redesigned, made or remade, and intended to be fired from the shoulder; and
 - (2) designed or redesigned, and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
- (f) "Short-barreled rifle" means:
- (1) a rifle that has one or more barrels less than 16 inches long; or
 - (2) a weapon that has an overall length of less than 26 inches and that was made from a rifle, whether by alteration, modification, or otherwise.
- (g) "Short-barreled shotgun" means:
- (1) a shotgun that has one or more barrels less than 18 inches long; or
 - (2) a weapon that has an overall length of less than 26 inches long and was made from a shotgun, whether by alteration, modification, or otherwise.
- (h) "Shotgun" means a weapon that is:
- (1) designed or redesigned, made or remade, and intended to be fired from the shoulder; and
 - (2) designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore one or more projectiles for each pull of the trigger.
- (i) "Vehicle" means a motor vehicle as defined in Title 11, Subtitle 1 of the Transportation Article, a train, an aircraft, or a vessel.

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§ 4-202

The General Assembly finds that:

- (1) the number of violent crimes committed in the State has increased alarmingly in recent years;
- (2) a high percentage of violent crimes committed in the State involves the use of handguns;
- (3) the result is a substantial increase in the number of deaths and injuries largely traceable to the carrying of handguns in public places by criminals;
- (4) current law has not been effective in curbing the more frequent use of handguns in committing crime; and
- (5) additional regulations on the wearing, carrying, and transporting of handguns are necessary to preserve the peace and tranquility of the State and to protect the rights and liberties of the public.

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§ 4-203

(a) (1) Except as provided in subsection (b) of this section, a person may not:

- (i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;
- (ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;
- (iii) violate item (i) or (ii) of this paragraph while on public school property in the State;
- (iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or
- (v) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:

- (i) a law enforcement official of the United States, the State, or a county or city of the State;
- (ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;
- (iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;
- (iv) a correctional officer or warden of a correctional facility in the State;
- (v) a sheriff or full-time assistant or deputy sheriff of the State; or
- (vi) a temporary or part-time sheriff's deputy;

(2) the wearing, carrying, or transporting of a handgun by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the person if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(4) the wearing, carrying, or transporting by a person of a handgun used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources-sponsored firearms and hunter safety class, trapping, or a dog obedience training class or show, while the person is engaged in, on the way to, or returning from that activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(5) the moving by a bona fide gun collector of part or all of the collector's gun collection from place to place for public or private exhibition if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(6) the wearing, carrying, or transporting of a handgun by a person on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases;

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment;

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle; or

(9) the wearing, carrying, or transporting of a handgun by a person who is carrying a court order requiring the surrender of the handgun, if:

(i) the handgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the handgun is being transported in accordance with the court order; and

(iii) the person transports the handgun directly to the law enforcement unit, barracks, or station.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties provided in this subsection.

(2) If the person has not previously been convicted under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

(i) except as provided in item (ii) of this paragraph, the person is subject to imprisonment for not less than 30 days and not exceeding 5 years or a fine of not less than \$250 and not exceeding \$2,500 or both; or

(ii) if the person violates subsection (a)(1)(iii) of this section, the person shall be sentenced to imprisonment for not less than 90 days.

(3) (i) If the person has previously been convicted once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 1 year and not exceeding 10 years; or

2. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years.

(ii) 1. Except as provided in subparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection (a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4–305 of the Correctional Services Article, if the person violates subsection (a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State's Attorney notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

(4) (i) If the person has previously been convicted more than once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title, or of any combination of these crimes:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years; or

2. A. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years; or

B. if the person violates subsection (a)(1)(iv) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years.

(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection (a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4–305 of the Correctional Services Article, if the person violates subsection (a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State's Attorney notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

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§ 4-204

(a) (1) In this section, “firearm” means:

(i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or

(ii) the frame or receiver of such a weapon.

(2) “Firearm” includes an antique firearm, handgun, rifle, shotgun, short–barreled rifle, short–barreled shotgun, starter gun, or any other firearm, whether loaded or unloaded.

(b) A person may not use a firearm in the commission of a crime of violence, as defined in § 5–101 of the Public Safety Article, or any felony, whether the firearm is operable or inoperable at the time of the crime.

(c) (1) (i) A person who violates this section is guilty of a misdemeanor and, in addition to any other penalty imposed for the crime of violence or felony, shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 5 years and, except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(2) For each subsequent violation, the sentence shall be consecutive to and not concurrent with any other sentence imposed for the crime of violence or felony.

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§ 4-205

(a) Notwithstanding § 14-102 of this article or any other provision of law, except with respect to a sentence prescribed in § 4-203(c)(2) of this subtitle, a court may not:

(1) enter a judgment for less than the mandatory minimum sentence prescribed in § 4-203 or § 4-204 of this subtitle in a case in which a mandatory minimum sentence is specified under § 4-203 or § 4-204 of this subtitle; or

(2) suspend a mandatory minimum sentence prescribed in § 4-203 or § 4-204 of this subtitle.

(b) Notwithstanding § 14-102 of this article or any other provision of law:

(1) except with respect to a sentence prescribed in § 4-203(c)(2) of this subtitle for wearing, carrying, or transporting a handgun other than on public school property, a court may not order probation before judgment in a case arising under this subtitle; and

(2) except with respect to a sentence prescribed in § 4-203(c)(2) of this subtitle, a court may not order probation with respect to a case arising under § 4-203 or § 4-204 of this subtitle that would have the effect of reducing the actual period of imprisonment prescribed in § 4-203 or § 4-204 of this subtitle as a mandatory minimum sentence.

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§ 4-206

- (a) (1) A law enforcement officer may make an inquiry and conduct a limited search of a person under paragraph (2) of this subsection if the officer, in light of the officer's observations, information, and experience, reasonably believes that:
- (i) the person may be wearing, carrying, or transporting a handgun in violation of § 4–203 of this subtitle;
 - (ii) because the person possesses a handgun, the person is or presently may be dangerous to the officer or to others;
 - (iii) under the circumstances, it is impracticable to obtain a search warrant; and
 - (iv) to protect the officer or others, swift measures are necessary to discover whether the person is wearing, carrying, or transporting a handgun.
- (2) If the circumstances specified under paragraph (1) of this subsection exist, a law enforcement officer:
- (i) may approach the person and announce the officer's status as a law enforcement officer;
 - (ii) may request the name and address of the person;
 - (iii) if the person is in a vehicle, may request the person's license to operate the vehicle and the registration of the vehicle;
 - (iv) may ask any question and request any explanation that may be reasonably calculated to determine whether the person is unlawfully wearing, carrying, or transporting a handgun in violation of § 4–203 of this subtitle; and
 - (v) if the person does not offer an explanation that dispels the officer's reasonable beliefs described in paragraph (1) of this subsection, may conduct a search of the person limited to a patting or frisking of the person's clothing in search of a handgun.
- (3) A law enforcement officer acting under this subsection shall take into account all circumstances of the occasion, including the age, appearance, physical condition, manner, and gender of the person approached.
- (b) (1) If the officer discovers that the person is wearing, carrying, or transporting a handgun, the officer may demand evidence from the person of the person's authority to wear, carry, or transport the handgun in accordance with § 4–203(b) of this subtitle.
- (2) If the person does not produce the evidence specified in paragraph (1) of this subsection, the officer may seize the handgun and arrest the person.
- (c) (1) A law enforcement officer who conducts a search or seizure in accordance with this section shall file a written report with the law enforcement officer's employer unit within 24 hours after the search or seizure.
- (2) The report shall be on a form that the Secretary of Public Safety and Correctional Services prescribes, shall include the name of the person searched, and shall describe the circumstances surrounding and the reasons for the search or seizure.
- (3) A copy of the report shall be sent to the Secretary of State Police.
- (d) On request of a law enforcement officer, the Attorney General shall defend the officer in a civil action, including any appeal, in which the officer is sued for conducting a search or seizure under this section that is alleged to be unreasonable and unlawful.
- (e) (1) This section may not be construed to limit the right of a law enforcement officer to conduct any other type of search or seizure or make an arrest that is otherwise authorized by law.
- (2) The provisions of this section are in addition to and not limited by the provisions of Title 2 of the Criminal Procedure Article.

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§ 4-208

- (a) (1) In this section the following words have the meanings indicated.
- (2) (i) "Demonstration" means one or more persons demonstrating, picketing, speechmaking, marching, holding a vigil, or engaging in any other similar conduct that involves the communication or expression of views or grievances and that has the effect, intent, or propensity to attract a crowd or onlookers.
- (ii) "Demonstration" does not include the casual use of property by visitors or tourists that does not have the intent or propensity to attract a crowd or onlookers.

(3) (i) "Firearm" means a handgun, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or any other firearm, whether loaded or unloaded.

(ii) "Firearm" does not include an antique firearm.

(4) "Handgun" has the meaning stated in § 5-101 of the Public Safety Article.

(5) "Law enforcement officer" means:

(i) a member of a police force or other unit of the United States, the State, a county, municipal corporation, or other political subdivision who is responsible for the prevention and detection of crime and the enforcement of the laws of the United States, the State, a county, municipal corporation, or other political subdivision;

(ii) a park police officer of the Maryland–National Capital Park and Planning Commission;

(iii) a member of the University System of Maryland Police Force; and

(iv) any military or militia personnel directed by constituted authority to keep law and order.

(6) (i) "Public place" means a place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose.

(ii) "Public place" is not limited to a place devoted solely to the uses of the public.

(iii) "Public place" includes:

1. the front or immediate area or parking lot of a store, restaurant, tavern, shopping center, or other place of business;

2. a public building, including its grounds and curtilage;

3. a public parking lot;

4. a public street, sidewalk, or right-of-way;

5. a public park; and

6. other public grounds.

(b) (1) This subsection does not apply to a law enforcement officer.

(2) A person may not have a firearm in the person's possession or on or about the person at a demonstration in a public place or in a vehicle that is within 1,000 feet of a demonstration in a public place after:

(i) the person has been advised by a law enforcement officer that a demonstration is occurring at the public place; and

(ii) the person has been ordered by the law enforcement officer to leave the area of the demonstration until the person disposes of the firearm.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 4-209

(a) Except as otherwise provided in this section, the State preempts the right of a county, municipal corporation, or special taxing district to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of:

(1) a handgun, rifle, or shotgun; and

(2) ammunition for and components of a handgun, rifle, or shotgun.

(b) (1) A county, municipal corporation, or special taxing district may regulate the purchase, sale, transfer, ownership, possession, and transportation of the items listed in subsection (a) of this section:

(i) with respect to minors;

(ii) with respect to law enforcement officials of the subdivision; and

(iii) except as provided in paragraph (2) of this subsection, within 100 yards of or in a park, church, school, public building, and other place of public assembly.

(2) A county, municipal corporation, or special taxing district may not prohibit the teaching of or training in firearms safety, or other educational or sporting use of the items listed in subsection (a) of this section.

(3) A county, municipal corporation, or special taxing district may not prohibit the transportation of an item listed in subsection (a) of this section by a person who is carrying a court order requiring the surrender of the item, if:

(i) the handgun, rifle, or shotgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the item is being transported in accordance with the court order; and

(iii) the person transports the item directly to the law enforcement unit, barracks, or station.

(c) To the extent that a local law does not create an inconsistency with this section or expand existing regulatory control, a county, municipal corporation, or special taxing district may exercise its existing authority to amend any local law that existed on or before December 31, 1984.

(d) (1) Except as provided in paragraph (2) of this subsection, in accordance with law, a county, municipal corporation, or special taxing district may regulate the discharge of handguns, rifles, and shotguns.

(2) A county, municipal corporation, or special taxing district may not prohibit the discharge of firearms at established ranges.

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§ 4-301

(a) In this subtitle the following words have the meanings indicated.

(b) "Assault long gun" means any assault weapon listed under § 5–101(r)(2) of the Public Safety Article.

(c) "Assault pistol" means any of the following firearms or a copy regardless of the producer or manufacturer:

(1) AA Arms AP–9 semiautomatic pistol;

(2) Bushmaster semiautomatic pistol;

(3) Claridge HI–TEC semiautomatic pistol;

(4) D Max Industries semiautomatic pistol;

(5) Encom MK–IV, MP–9, or MP–45 semiautomatic pistol;

(6) Heckler and Koch semiautomatic SP–89 pistol;

(7) Holmes MP–83 semiautomatic pistol;

(8) Ingram MAC 10/11 semiautomatic pistol and variations including the Partisan Avenger and the SWD Cobray;

(9) Intratec TEC–9/DC–9 semiautomatic pistol in any centerfire variation;

(10) P.A.W.S. type semiautomatic pistol;

(11) Skorpion semiautomatic pistol;

(12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);

(13) UZI semiautomatic pistol;

(14) Weaver Arms semiautomatic Nighthawk pistol; or

(15) Wilkinson semiautomatic "Linda" pistol.

(d) "Assault weapon" means:

(1) an assault long gun;

(2) an assault pistol; or

(3) a copycat weapon.

(e) "Binary trigger system" means a device that, when installed in or attached to a firearm, fires both when the trigger is pulled and on release of the trigger.

(f) "Bump stock" means a device that, when installed in or attached to a firearm, increases the rate of fire of the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.

(g) "Burst trigger system" means a device that, when installed in or attached to a firearm, allows the firearm to discharge two or more shots with a single pull of the trigger by altering the trigger reset.

(h) (1) "Copycat weapon" means:

(i) a semiautomatic centerfire rifle that can accept a detachable magazine and has any two of the following:

1. a folding stock;
2. a grenade launcher or flare launcher; or
3. a flash suppressor;

(ii) a semiautomatic centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;

(iii) a semiautomatic centerfire rifle that has an overall length of less than 29 inches;

(iv) a semiautomatic pistol with a fixed magazine that can accept more than 10 rounds;

(v) a semiautomatic shotgun that has a folding stock; or

(vi) a shotgun with a revolving cylinder.

(2) "Copycat weapon" does not include an assault long gun or an assault pistol.

(i) "Detachable magazine" means an ammunition feeding device that can be removed readily from a firearm without requiring disassembly of the firearm action or without the use of a tool, including a bullet or cartridge.

(j) "Flash suppressor" means a device that functions, or is intended to function, to perceptibly reduce or redirect muzzle flash from the shooter's field of vision.

(k) "Hellfire trigger" means a device that, when installed in or attached to a firearm, disengages the trigger return spring when the trigger is pulled.

(l) "Licensed firearms dealer" means a person who holds a dealer's license under Title 5, Subtitle 1 of the Public Safety Article.

(m) (1) "Rapid fire activator" means any device, including a removable manual or power-driven activating device, constructed so that, when installed in or attached to a firearm:

- (i) the rate at which the trigger is activated increases; or
- (ii) the rate of fire increases.

§ 4-302

This subtitle does not apply to:

(1) if acting within the scope of official business, personnel of the United States government or a unit of that government, members of the armed forces of the United States or of the National Guard, law enforcement personnel of the State or a local unit in the State, or a railroad police officer authorized under Title 3 of the Public Safety Article or 49 U.S.C. § 28101;

(2) a firearm modified to render it permanently inoperative;

(3) possession, importation, manufacture, receipt for manufacture, shipment for manufacture, storage, purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who is:

(i) providing or servicing an assault weapon or detachable magazine for a law enforcement unit or for personnel exempted under item (1) of this section;

(ii) acting to sell or transfer an assault weapon or detachable magazine to a licensed firearm dealer in another state or to an individual purchaser in another state through a licensed firearms dealer; or

(iii) acting to return to a customer in another state an assault weapon transferred to the licensed firearms dealer or manufacturer under the terms of a warranty or for repair;

- (4) organizations that are required or authorized by federal law governing their specific business or activity to maintain assault weapons and applicable ammunition and detachable magazines;
- (5) the receipt of an assault weapon or detachable magazine by inheritance, and possession of the inherited assault weapon or detachable magazine, if the decedent lawfully possessed the assault weapon or detachable magazine and the person inheriting the assault weapon or detachable magazine is not otherwise disqualified from possessing a regulated firearm;
- (6) the receipt of an assault weapon or detachable magazine by a personal representative of an estate for purposes of exercising the powers and duties of a personal representative of an estate;
- (7) possession by a person who is retired in good standing from service with a law enforcement agency of the State or a local unit in the State and is not otherwise prohibited from receiving an assault weapon or detachable magazine if:
 - (i) the assault weapon or detachable magazine is sold or transferred to the person by the law enforcement agency on retirement; or
 - (ii) the assault weapon or detachable magazine was purchased or obtained by the person for official use with the law enforcement agency before retirement;
- (8) possession or transport by an employee of an armored car company if the individual is acting within the scope of employment and has a permit issued under Title 5, Subtitle 3 of the Public Safety Article; or
- (9) possession, receipt, and testing by, or shipping to or from:
 - (i) an ISO 17025 accredited, National Institute of Justice–approved ballistics testing laboratory; or
 - (ii) a facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems.

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§ 4-303

(a) Except as provided in subsection (b) of this section, a person may not:

- (1) transport an assault weapon into the State; or
 - (2) possess, sell, offer to sell, transfer, purchase, or receive an assault weapon.
- (b) (1) A person who lawfully possessed an assault pistol before June 1, 1994, and who registered the assault pistol with the Secretary of State Police before August 1, 1994, may:
- (i) continue to possess and transport the assault pistol; or
 - (ii) while carrying a court order requiring the surrender of the assault pistol, transport the assault pistol directly to a law enforcement unit, barracks, or station, a State or local law enforcement agency, or a federally licensed firearms dealer, as applicable, if the person has notified a law enforcement unit, barracks, or station that the person is transporting the assault pistol in accordance with a court order and the assault pistol is unloaded.
- (2) A licensed firearms dealer may continue to possess, sell, offer for sale, or transfer an assault long gun or a copycat weapon that the licensed firearms dealer lawfully possessed on or before October 1, 2013.
- (3) A person who lawfully possessed, has a purchase order for, or completed an application to purchase an assault long gun or a copycat weapon before October 1, 2013, may:
- (i) possess and transport the assault long gun or copycat weapon; or
 - (ii) while carrying a court order requiring the surrender of the assault long gun or copycat weapon, transport the assault long gun or copycat weapon directly to a law enforcement unit, barracks, or station, a State or local law enforcement agency, or a federally licensed firearms dealer, as applicable, if the person has notified a law enforcement unit, barracks, or station that the person is transporting the assault long gun or copycat weapon in accordance with a court order and the assault long gun or copycat weapon is unloaded.
- (4) A person may transport an assault weapon to or from:
- (i) an ISO 17025 accredited, National Institute of Justice–approved ballistics testing laboratory; or

(ii) a facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems.

(5) A federally licensed firearms dealer may receive and possess an assault weapon received from a person in accordance with a court order to transfer firearms under § 6–234 of the Criminal Procedure Article.

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§ 4-304

A law enforcement unit may seize as contraband and dispose of according to regulation an assault weapon transported, sold, transferred, purchased, received, or possessed in violation of this subtitle.

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§ 4-305

(a) This section does not apply to:

(1) a .22 caliber rifle with a tubular magazine; or

(2) a law enforcement officer or a person who retired in good standing from service with a law enforcement agency of the United States, the State, or any law enforcement agency in the State.

(b) A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than 10 rounds of ammunition for a firearm.

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§ 4-306

(a) Except as otherwise provided in this subtitle, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(b) (1) A person who uses an assault weapon, a rapid fire activator, or a magazine that has a capacity of more than 10 rounds of ammunition, in the commission of a felony or a crime of violence as defined in § 5–101 of the Public Safety Article is guilty of a misdemeanor and on conviction, in addition to any other sentence imposed for the felony or crime of violence, shall be sentenced under this subsection.

(2) (i) For a first violation, the person shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 5 years.

(iii) The mandatory minimum sentence of 5 years may not be suspended.

(iv) Except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(3) (i) For each subsequent violation, the person shall be sentenced to imprisonment for not less than 10 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 10 years.

(iii) A sentence imposed under this paragraph shall be consecutive to and not concurrent with any other sentence imposed for the felony or crime of violence.

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§ 4-401

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Crime of violence” means:

(i) murder in any degree;

(ii) manslaughter;

(iii) kidnapping;

- (iv) rape in any degree;
 - (v) assault in the first degree;
 - (vi) robbery under § 3–402 or § 3–403 of this article;
 - (vii) burglary in any degree;
 - (viii) home invasion under § 6–202(b) of this article;
 - (ix) escape in the first degree; or
 - (x) theft.
- (2) “Crime of violence” includes an attempt to commit a crime listed in paragraph (1) of this subsection.
- (c) “Machine gun” means a loaded or unloaded weapon that is capable of automatically discharging more than one shot or bullet from a magazine by a single function of the firing device.

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§ 4-402

- (a) The presence of a machine gun in a room, boat, or vehicle is evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle.
- (b) This subtitle does not prohibit or interfere with:
- (1) the manufacture, sale, and transportation of a machine gun for or to a military force or peace officer of the United States, a state, or a political subdivision of a state;
 - (2) the possession of a machine gun for a scientific purpose;
 - (3) the possession, as a curiosity, ornament, or keepsake, of a machine gun that cannot be used as a weapon;
 - (4) the possession of a machine gun for a purpose that is manifestly not aggressive or offensive; or
 - (5) the transportation of a lawfully possessed machine gun by a person who is carrying a court order requiring the surrender of the machine gun, if:
 - (i) the machine gun is unloaded;
 - (ii) the person has notified the law enforcement unit, barracks, or station that the machine gun is being transported in accordance with the court order; and
 - (iii) the person transports the machine gun directly to the law enforcement unit, barracks, or station.
- (c) (1) A court may issue a warrant to search for and seize a machine gun possessed in violation of this subtitle under the same procedure as for issuance of a warrant for stolen property.
- (2) On application by the State's Attorney, a court may order the confiscation or destruction of a legally seized machine gun or the transfer of the machine gun to a peace officer of the State or a political subdivision of the State.

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§ 4-403

- (a) (1) A manufacturer of a machine gun shall keep a register of each machine gun manufactured or handled by the manufacturer.
- (2) The register shall contain:
- (i) the method of manufacture and serial number of the machine gun;
 - (ii) the date of manufacture, sale, loan, gift, delivery, and receipt of the machine gun from the manufacturer; and
 - (iii) the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom the machine gun was received, and the purpose for which the machine gun was acquired.
- (3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(b) (1) On demand, a manufacturer of a machine gun shall allow a marshal, sheriff, or police officer to inspect the manufacturer's entire stock of machine guns, parts, and supplies and the register required under subsection (a) of this section.

(2) A person who violates paragraph (1) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(c) (1) A person who acquires a machine gun shall register the machine gun with the Secretary of State Police:

(i) within 24 hours after acquiring the machine gun; and

(ii) in each succeeding year during the month of May.

(2) The Secretary of State Police shall prepare and, on request of an applicant, furnish an application form for registration under this subsection.

(3) An application for registration shall contain:

(i) the make, model, serial number, caliber, type, barrel length, finish, and country of origin of the machine gun;

(ii) the name, address, race, gender, date of birth, Maryland driver's license number, and occupation of the person in possession of the machine gun; and

(iii) the name of the person from whom the machine gun was acquired and the purpose for acquiring the machine gun.

(4) Each application for registration filed with the Secretary of State Police shall be accompanied by a nonrefundable registration fee of \$10.

(5) Registration data provided under this section is not open to public inspection.

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§ 4-404

(a) A person may not use or possess a machine gun in the commission or attempted commission of a crime of violence.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

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§ 4-405

(a) Possession or use of a machine gun is presumed to be for an offensive or aggressive purpose when:

(1) the machine gun:

(i) is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun is found;

(ii) is in the possession of, or used by, an unnaturalized foreign-born person or a person who has been convicted of a crime of violence in any state or federal court of the United States; or

(iii) is not registered as required under § 4-403 of this subtitle; or

(2) empty or loaded shells that have been used or are susceptible of being used in the machine gun are found in the immediate vicinity of the machine gun.

(b) A person may not possess or use a machine gun for an offensive or aggressive purpose.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years.

(d) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 4-406

This subtitle shall be interpreted and construed as to effectuate its general purpose to make uniform the law of those states that enact it.

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§ 4-407

This subtitle may be cited as the Uniform Machine Gun Act.

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§ 4-501

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Destructive device" means explosive material, incendiary material, or toxic material that is:

(i) combined with a delivery or detonating apparatus so as to be capable of inflicting injury to persons or damage to property; or

(ii) deliberately modified, containerized, or otherwise equipped with a special delivery, activation, or detonation component that gives the material destructive characteristics of a military ordnance.

(2) "Destructive device" includes a bomb, grenade, mine, shell, missile, flamethrower, poison gas, Molotov cocktail, pipe bomb, and petroleum-soaked ammonium nitrate.

(c) (1) "Explosive material" means material that explodes when detonated and has a destructive capability.

(2) "Explosive material" includes:

(i) explosives as defined in § 11-101 of the Public Safety Article; and

(ii) dynamite for construction work, ammonium nitrate, natural gas in pipelines or storage tanks, ether, and cannisterized oxygen for health care facilities.

(3) "Explosive material" does not include items excluded from explosives in § 11-101 of the Public Safety Article when the items are used in their original configuration.

(d) (1) "Incendiary material" means a flammable or combustible liquid.

(2) "Incendiary material" includes gasoline, acetone, benzene, butane, jet fuel, fuel oil, kerosene, and diesel fuel.

(e) (1) "Toxic material" means material that is capable of causing death or serious bodily injury almost immediately on being absorbed through the skin, inhaled, or ingested.

(2) "Toxic material" includes:

(i) nerve gas, mustard gas, cyanide gas, chlorine gas, sulphuric acid, or their precursors; and

(ii) a biological substance containing a disease organism or microorganism.

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§ 4-502

This subtitle does not apply to:

(1) a member of the armed forces of the United States or of the National Guard or law enforcement personnel of the United States, the State, or a political subdivision of the State while acting within the scope of official duties;

(2) an officer or employee of the United States, the State, or a political subdivision of the State who is authorized to handle a destructive device within the scope of official duties and who is acting within the scope of those duties;

(3) a person authorized by law to possess explosive material, incendiary material, or toxic material who is acting within the scope of authority if the possession of the material is specifically regulated or licensed by law; or

(4) a person who possesses smokeless or black gunpowder under Title 11, Subtitle 1 of the Public Safety Article and uses the gunpowder for loading or reloading small arms ammunition, antique firearms, or replicas of antique firearms.

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§ 4-503

(a) A person may not knowingly:

(1) manufacture, transport, possess, control, store, sell, distribute, or use a destructive device; or

- (2) possess explosive material, incendiary material, or toxic material with intent to create a destructive device.
- (b) (1) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$250,000 or both.
- (2) A sentence imposed under this subsection may be separate from and consecutive to or concurrent with a sentence for a crime based on the act or acts establishing the violation of this section.
- (3) In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed:
- (i) for a first violation, 6 months; and
 - (ii) for each subsequent violation, 1 year or until the person is 21 years old, whichever is longer.
- (c) (1) In addition to any penalty provided in subsection (b) of this section, a person convicted or found to have committed a delinquent act under this section may be ordered by the court to pay restitution to:
- (i) the State, county, municipal corporation, bicounty agency, multicounty agency, county board of education, public authority, or special taxing district for actual costs reasonably incurred due to a violation of this section, including the search for, removal of, and damages caused by a destructive device; and
 - (ii) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property or damage sustained due to a violation of this section.
- (2) (i) If a person convicted or found to have committed a delinquent act under this section is a minor, the court may order the minor, the minor's parent, or both to pay the restitution described in paragraph (1) of this subsection.
- (ii) Except as otherwise provided in this section, the provisions of Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution under this paragraph.
- (3) This subsection does not limit the right of a person to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

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Title 5 — Crimes Against Public Health, Conduct, and Sensibilities

§ 5-101

- (a) In this title the following words have the meanings indicated.
- (b) "Administer" means to introduce a substance into the system of a human or animal by injection, inhalation, ingestion, application to the skin, or any combination of those methods or by any other means.
- (c) (1) "Agent" means an employee or other authorized person who acts for or at the direction of a manufacturer, distributor, or authorized provider.
- (2) "Agent" does not include:
- (i) a common carrier, contract carrier, or public warehouseman; or
 - (ii) an employee of a common carrier, contract carrier, or public warehouseman.
- (d) (1) "Authorized provider" means:
- (i) a person licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research; or
 - (ii) a pharmacy, laboratory, hospital, or other institution licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research.
- (2) "Authorized provider" includes:
- (i) a scientific investigator;

(ii) an individual authorized by the State to practice medicine, dentistry, or veterinary medicine; and

(iii) an animal control facility licensed under § 2–305 of the Agriculture Article.

(e) (1) “Cannabimimetic agents” means substances that are cannabinoid receptor type 1 (CB1 receptor) agonists as demonstrated by binding studies and functional assays within one of the following structural classes:

(i) 2–(3–hydroxycyclohexyl)phenol with substitution at the 5–position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

(ii) 3–(1–naphthoyl)indole or 3–(1–naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthoyl or naphthyl ring to any extent;

(iii) 3–(1–naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted on the naphthoyl ring to any extent;

(iv) 1–(1–naphthylmethylene)indene by substitution of the 3–position of the indene ring, whether or not further substituted in the indene ring to any extent and whether or not substituted on the naphthyl ring to any extent; or

(v) 3–phenylacetylindole or 3–benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent and whether or not substituted on the phenyl ring to any extent.

(2) “Cannabimimetic agents” includes:

(i) 5–(1,1–dimethylheptyl)–2–[(1R,3S)–3–hydroxycyclohexyl]–phenol (CP–47,497);

(ii) 5–(1,1–dimethyloctyl)–2–[(1R,3S)–3–hydroxycyclohexyl]–phenol (cannabicyclohexanol or CP–47,497 C8–homolog);

(iii) 1–pentyl–3–(1–naphthoyl)indole (JWH–018 and AM678);

(iv) 1–butyl–3–(1–naphthoyl)indole (JWH–073);

(v) 1–hexyl–3–(1–naphthoyl)indole (JWH–019);

(vi) 1–[2–(4–morpholinyl)ethyl]–3–(1–naphthoyl)indole (JWH–200);

(vii) 1–pentyl–3–(2–methoxyphenylacetyl)indole (JWH–250);

(viii) 1–pentyl–3–[1–(4–methoxynaphthoyl)]indole (JWH–081);

(ix) 1–pentyl–3–(4–methyl–1–naphthoyl)indole (JWH–122);

(x) 1–pentyl–3–(4–chloro–1–naphthoyl)indole (JWH–398);

(xi) 1–(5–fluoropentyl)–3–(1–naphthoyl)indole (AM2201);

(xii) 1–(5–fluoropentyl)–3–(2–iodobenzoyl)indole (AM694);

(xiii) 1–pentyl–3–[(4–methoxy)–benzoyl]indole (SR–19 and RCS–4);

(xiv) 1–cyclohexylethyl–3–(2–methoxyphenylacetyl)indole (SR–18 and RCS–8); and

(xv) 1–pentyl–3–(2–chlorophenylacetyl)indole (JWH–203).

(e–1) (1) “Cannabis” means the plant *Cannabis sativa* L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta–9–tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis.

(2) “Cannabis” does not include hemp as defined in § 14–101 of the Agriculture Article.

(e–2) “Civil use amount” means:

(1) an amount of usable cannabis that exceeds 1.5 ounces but does not exceed 2.5 ounces;

(2) an amount of concentrated cannabis that exceeds 12 grams but does not exceed 20 grams; or

(3) an amount of cannabis products containing delta–9–tetrahydrocannabinol that exceeds 750 milligrams but does not exceed 1,250 milligrams.

(f) (1) “Coca leaf” includes a leaf containing cocaine, the optical and geometric isomers of cocaine, and any compound, manufactured substance, salt, derivative, mixture, or preparation of a coca leaf.

(2) "Coca leaf" does not include a derivative of a coca leaf that does not contain cocaine, ecgonine, or a substance from which cocaine or ecgonine may be synthesized or made.

(g) (1) "Controlled dangerous substance" means:

(i) a drug or substance listed in Schedule I through Schedule V; or

(ii) an immediate precursor to a drug or substance listed in Schedule I through Schedule V that:

1. by regulation the Department designates as being the principal compound commonly used or produced primarily for use to manufacture a drug or substance listed in Schedule I through Schedule V;

2. is an immediate chemical intermediary used or likely to be used to manufacture a drug or substance listed in Schedule I through Schedule V; and

3. must be controlled to prevent or limit the manufacture of a drug or substance listed in Schedule I through Schedule V.

(2) "Controlled dangerous substance" does not include distilled spirits, wine, malt beverages, or tobacco.

(h) "Controlled paraphernalia" means:

(1) a hypodermic syringe, needle, or any other object or combination of objects adapted to administer a controlled dangerous substance by hypodermic injection;

(2) a gelatin capsule, glassine envelope, or other container suitable for packaging individual quantities of a controlled dangerous substance; or

(3) lactose, quinine, mannite, mannitol, dextrose, sucrose, procaine hydrochloride, or any other substance suitable as a diluent or adulterant.

(i) "Deliver" means to make an actual, constructive, or attempted transfer or exchange from one person to another whether or not remuneration is paid or an agency relationship exists.

(j) "Department" means the Maryland Department of Health.

(k) "Depressant or stimulant drug" means a drug that contains any quantity of a substance that the Attorney General of the United States by regulation designates as having a potential for abuse because of:

(1) a depressant or stimulant effect on the central nervous system; or

(2) a hallucinogenic effect.

(l) (1) "Dispense" means to deliver to the ultimate user or the human research subject by or in accordance with the lawful order of an authorized provider.

(2) "Dispense" includes to prescribe, administer, package, label, or compound a substance for delivery.

(m) "Distribute" means, with respect to a controlled dangerous substance, to deliver other than by dispensing.

(n) (1) "Drug" means:

(i) a substance recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary;

(ii) a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;

(iii) except for food, a substance intended to affect the structure or function of the body of humans or other animals; or

(iv) a substance intended for use as a component of any substance specified in item (i), (ii), or (iii) of this paragraph.

(2) "Drug" does not include a device or an accessory, part, or component of a device.

(o) "Drug dependent person" means a person who:

(1) is using a controlled dangerous substance; and

(2) is in a state of psychological or physical dependence, or both, that:

(i) arises from administration of that controlled dangerous substance on a continuous basis; and

(ii) is characterized by behavioral and other responses that include a strong compulsion to take the substance on a continuous basis in order to experience its psychological effects or to avoid the discomfort of its absence.

(p) (1) "Drug paraphernalia" means equipment, a product, or material that is used, intended for use, or designed for use, in:

(i) planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, or concealing a controlled dangerous substance in violation of this title; or

(ii) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of this title.

(2) "Drug paraphernalia" includes:

(i) a kit used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant that is a controlled dangerous substance other than cannabis or from which a controlled dangerous substance can be derived;

(ii) a kit used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled dangerous substance other than cannabis;

(iii) an isomerization device used, intended for use, or designed for use in increasing the potency of any species of plant that is a controlled dangerous substance other than cannabis;

(iv) testing equipment used, intended for use, or designed for use in analyzing the strength, effectiveness, or purity of a controlled dangerous substance other than cannabis;

(v) a scale or balance used, intended for use, or designed for use in weighing or measuring a controlled dangerous substance other than cannabis;

(vi) a diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting a controlled dangerous substance other than cannabis;

(vii) a separation gin or sifter used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, a controlled dangerous substance other than cannabis;

(viii) a blender, bowl, container, spoon, or mixing device used, intended for use, or designed for use in compounding a controlled dangerous substance other than cannabis;

(ix) a capsule, balloon, envelope, or other container used, intended for use, or designed for use in packaging small quantities of a controlled dangerous substance other than cannabis;

(x) a container or other object used, intended for use, or designed for use in storing or concealing a controlled dangerous substance other than cannabis;

(xi) a hypodermic syringe, needle, or other object used, intended for use, or designed for use in parenterally injecting a controlled dangerous substance into the human body; and

(xii) an object used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body.

(p-1) "Electronic prescription" means a prescription that:

(1) is generated on an electronic application and transmitted as an electronic data file; and

(2) if the prescription is for a controlled dangerous substance, complies with the requirements of 21 C.F.R. Part 1306.

(q) (1) "Manufacture", with respect to a controlled dangerous substance, means to produce, prepare, propagate, compound, convert, or process a controlled dangerous substance:

(i) directly or indirectly by extraction from substances of natural origin;

(ii) independently by chemical synthesis; or

(iii) by a combination of extraction and chemical synthesis.

(2) "Manufacture" includes to package and repackage a controlled dangerous substance and label and relabel its containers.

(3) "Manufacture" does not include:

- (i) to prepare or compound a controlled dangerous substance by an individual for the individual's own use; or
- (ii) to prepare, compound, package, or label a controlled dangerous substance:
 - 1. by an authorized provider incidental to administering or dispensing a controlled dangerous substance in the course of professional practice; or
 - 2. if the controlled dangerous substance is not for sale by an authorized provider, or by the authorized provider's agent under the authorized provider's supervision, for or incidental to research, teaching, or chemical analysis.
- (r) (1) "Narcotic drug" means a substance:
 - (i) that has been found to present an extreme danger to the health and welfare of the community because of addiction-forming and addiction-sustaining qualities;
 - (ii) that is:
 - 1. an opiate;
 - 2. a compound, manufactured substance, salt, derivative, or preparation of opium, coca leaf, or an opiate; or
 - 3. a substance and any compound, manufactured substance, salt, derivative, or preparation that is chemically identical with a substance listed in items 1 and 2 of this item; and
 - (iii) that is produced:
 - 1. directly or indirectly by extraction from substances of vegetable origin;
 - 2. independently by chemical synthesis; or
 - 3. by a combination of extraction and chemical synthesis.
- (2) "Narcotic drug" includes decocainized coca leaf or an extract of coca leaf that does not contain cocaine or ecgonine.
- (s) "Noncontrolled substance" means a substance that is not classified as a controlled dangerous substance under Subtitle 4 of this title.
- (t) (1) "Opiate" means a substance that has an addiction-forming or addiction-sustaining quality similar to morphine or that can be converted into a drug that has this addiction-forming or addiction-sustaining quality.
- (2) "Opiate" includes:
 - (i) the racemic and levorotatory forms of an opiate;
 - (ii) except for seeds, the opium poppy, the plant of the species *Papaver somniferum* L.;
 - (iii) the poppy straw consisting of the opium poppy after mowing except the seeds; and
 - (iv) coca leaf.
- (3) "Opiate" does not include, unless specifically designated as controlled under § 5-202 of this title, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan).
- (u) "Personal use amount" means:
 - (1) an amount of usable cannabis that does not exceed 1.5 ounces;
 - (2) an amount of concentrated cannabis that does not exceed 12 grams;
 - (3) an amount of cannabis products containing delta-9-tetrahydrocannabinol that does not exceed 750 milligrams; or
 - (4) two or fewer cannabis plants.
- (v) "Possess" means to exercise actual or constructive dominion or control over a thing by one or more persons.
- (w) (1) "Prescription drug" means a drug that:
 - (i) is intended to be used by an individual; and
 - (ii) because of its toxicity, other potentiality for harmful effect, method of use, or collateral measures necessary for its use:
 - 1. bears a cautionary label warning a person that under federal law the drug may not be dispensed without a prescription;
- or

2. is designated by the Department as not safe for use except under the supervision of a person licensed by the State to administer a prescription drug.

(2) "Prescription drug" does not include a controlled dangerous substance.

(x) "Produce", with respect to a controlled dangerous substance, includes to manufacture, plant, cultivate, grow, and harvest.

(y) "Registrant" means a person who is registered by the Department to manufacture, distribute, or dispense a controlled dangerous substance in the State.

(z) "Schedule I" means the controlled dangerous substances described in § 5–402 of this title.

(aa) "Schedule II" means the controlled dangerous substances described in § 5–403 of this title.

(bb) "Schedule III" means the controlled dangerous substances described in § 5–404 of this title.

(cc) "Schedule IV" means the controlled dangerous substances described in § 5–405 of this title.

(dd) "Schedule V" means the controlled dangerous substances described in § 5–406 of this title.

(ee) "Secretary" means the Secretary of the Department.

(ff) "Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use, for the use of a member of the person's household, or for administration to an animal owned by the person or by a member of the person's household.

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§ 5-102

(a) The General Assembly finds that:

(1) many of the substances listed in this title have a useful and legitimate medical purpose and are necessary to maintain the health and general welfare of the people of the State; but

(2) the illegal manufacture, distribution, possession, and administration of controlled dangerous substances have a substantial and detrimental effect on the health and general welfare of the people of the State.

(b) (1) The purpose of this title is to establish a uniform law to control the manufacture, distribution, possession, and administration of controlled dangerous substances and related paraphernalia to:

(i) ensure their availability for legitimate medical and scientific purposes; but

(ii) prevent their abuse, which results in a serious health problem to the individual and represents a serious danger to the welfare of the people of the State.

(2) This title shall be liberally construed to accomplish this purpose.

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§ 5-103

(a) (1) Subject to paragraph (2) of this subsection, this title does not apply to the sale of a prescription drug:

(i) made to an authorized provider; or

(ii) made by a manufacturer, wholesale distributor, or pharmacist licensed by the State to:

1. another manufacturer, wholesale distributor, or pharmacist licensed by the State; or

2. a hospital or institution that operates a dispensary in which an authorized provider licensed to administer prescription drugs is in charge.

(2) A sale is exempt from this title only if a record of the sale:

(i) is maintained and available for inspection; and

(ii) shows the date of sale, the name and address of the purchaser, and the quantity purchased.

(b) This title does not apply to:

- (1) the distribution of a prescription drug, device, or supply for the treatment, care, or cure of farm animals, poultry, fowl, or other animals used in furtherance of farming activities;
- (2) the sale or offering for sale, or the distribution of seeds, feed for livestock and poultry, fertilizers, lime, land plaster, fungicides, and insecticides; or
- (3) a drug that on June 1, 1961, could be sold without a prescription.

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§ 5-201

(a) The Department, those of its officers, agents, inspectors, and representatives whom the Secretary designates, and each police officer and State's Attorney in the State shall:

- (1) enforce the provisions of this title that are not specifically delegated; and
- (2) cooperate with each unit that enforces any federal, state, or local law relating to controlled dangerous substances.

(b) The Department may:

- (1) arrange for the exchange of information between governmental officials concerning the use and abuse of dangerous substances;
- (2) coordinate and cooperate in training programs on dangerous substance law enforcement at the local and State levels;
- (3) eradicate wild or unlawfully grown plants from which controlled dangerous substances may be extracted; and
- (4) cooperate with the federal Drug Enforcement Administration by establishing a centralized unit that will:
 - (i) accept, catalogue, file, and collect statistics obtained from law-enforcement units, including records of drug dependent persons convicted of drug crimes and of other offenders who violate dangerous substance laws in the State; and
 - (ii) make the statistics available for federal, State, and local law-enforcement purposes.

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§ 5-202

(a) The Department shall control all substances listed in Subtitle 4 of this title.

(b) In accordance with the Administrative Procedure Act, the Department may add a substance as a controlled dangerous substance on its own initiative or on the petition of an interested party.

(c) To determine whether to add a substance as a controlled dangerous substance, the Department shall consider:

- (1) the actual or relative potential for abuse of the substance;
- (2) if known, scientific evidence of the pharmacological effect of the substance;
- (3) the state of current scientific knowledge regarding the substance;
- (4) the history and current pattern of abuse of the substance;
- (5) the scope, duration, and significance of abuse of the substance;
- (6) any risk that the substance poses to the public health;
- (7) the ability of the substance to cause psychological or physiological dependence; and
- (8) whether the substance is an immediate precursor of a controlled dangerous substance.

(d) After considering the factors listed in subsection (c) of this section, the Department shall:

- (1) make findings with respect to those factors; and
- (2) issue an order to control the substance if the Department finds that the substance has a potential for abuse.

(e) If the Department designates a substance as an immediate precursor of a controlled dangerous substance, a substance that is a precursor of the immediate precursor is not subject to control solely because it is a precursor of the immediate precursor.

(f) (1) A new substance that is designated as a controlled substance under federal law is a similarly controlled dangerous substance under this title unless the Department objects to the inclusion.

(2) If the Department objects, it shall publish the reasons for the objection and give each interested party an opportunity to be heard.

(3) After the hearing, the Department shall publish its decision, which is final.

(4) An action for judicial review of a final decision made in accordance with this section does not stay the effect of the decision.

(g) The Department annually shall update and republish a schedule.

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§ 5-203

The Department may adopt regulations to implement this title.

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§ 5-204

The Department may charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled dangerous substances in the State.

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§ 5-301

(a) (1) Except as otherwise provided in this section, a person shall be registered by the Department before the person manufactures, distributes, or dispenses a controlled dangerous substance in the State or transports a controlled dangerous substance into the State.

(2) The Department shall adopt regulations to carry out this subsection.

(b) An applicant must register separately each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses a controlled dangerous substance.

(c) (1) An authorized provider applying for a registration to dispense a controlled dangerous substance under this section and who will prescribe or dispense controlled dangerous substances under that registration shall attest on the registration form to the Department that the authorized provider has completed 2 hours of continuing education.

(2) An authorized provider shall make the attestation required under paragraph (1) of this subsection:

(i) before the authorized provider's initial registration; or

(ii) if the authorized provider is registered before October 1, 2018, before the first renewal of the authorized provider's registration that occurs on or after October 1, 2018.

(3) The continuing education required under paragraph (1) of this subsection shall be:

(i) related to the prescribing or dispensing of controlled dangerous substances; and

(ii) recognized by the authorized provider's licensing or certification board or accredited by the Accreditation Council for Continuing Medical Education.

(d) To the extent authorized by the registration and subject to subsection (b) of this section and this subtitle, a person registered by the Department under this subtitle may:

(1) possess, manufacture, distribute, or dispense controlled dangerous substances; and

(2) perform any activity listed in item (1) of this subsection to conduct research.

(e) A person need not register with the Department to possess a controlled dangerous substance while acting in the course of the person's business or profession if the person is:

(1) an agent or agent's employee of a registered manufacturer, distributor, or dispenser of a controlled dangerous substance;

(2) a common or contract carrier or warehouseman, or an employee of a common or contract carrier or warehouseman; or

(3) an ultimate user or person in possession of a controlled dangerous substance acting in good faith in accordance with a lawful order of an authorized provider.

(f) If the Department finds that a waiver is consistent with public health and safety, by regulation, the Department may waive the registration requirement for a manufacturer, distributor, or dispenser.

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§ 5-302

(a) A registration expires on the date set by the Department unless it is renewed for an additional term as provided in this section.

(b) A registration may not be renewed for more than 3 years.

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§ 5-303

(a) Unless the Department determines that the issuance of the registration is inconsistent with the public interest, the Department shall register an applicant to manufacture or distribute controlled dangerous substances included in Schedule I through Schedule V.

(b) To determine the public interest, the Department shall consider:

(1) the maintenance of effective controls against diversion of particular controlled dangerous substances and any Schedule I or Schedule II substance compounded from a controlled dangerous substance into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable federal, State, and local law;

(3) any convictions of the applicant under federal, State, and local laws relating to the manufacture, distribution, or dispensing of controlled dangerous substances;

(4) the applicant's experience in the manufacture and distribution of controlled dangerous substances and the effectiveness of the applicant's controls against diversion; and

(5) any other factor that is relevant to and consistent with public health and safety.

(c) (1) A registrant may manufacture or distribute only a controlled dangerous substance that is specified in the registration.

(2) A manufacturer or distributor who complies with federal law on registration, other than fees, is deemed to have complied with this section.

(d) (1) A registrant may distribute controlled dangerous substances in Schedule I and Schedule II only in accordance with an order form.

(2) A registrant who complies with federal law on order forms for Schedule I and Schedule II is deemed to have complied with this subsection.

(e) (1) A registrant distributor shall report to the Department and the Office of the Attorney General any suspicious order of controlled dangerous substances, including an order:

(i) of unusual size;

(ii) of unusual frequency; or

(iii) that deviates substantially from a normal pattern.

(2) A registrant distributor may satisfy the reporting requirement under paragraph (1) of this subsection by providing to the Department and the Office of the Attorney General copies of reports made under 21 C.F.R. § 1301.74(b).

(3) Unless disclosed in the course of an administrative, civil, or criminal investigation or proceeding initiated to enforce local, State, or federal law or to protect the public health, a report made under paragraph (1) of this subsection shall be maintained confidentially.

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§ 5-304

(a) If an authorized provider is authorized to dispense or conduct research under State law, the Department shall register the authorized provider to dispense a controlled dangerous substance or to conduct research with a controlled dangerous substance listed in Schedule II through Schedule V.

(b) An authorized provider who prescribes a controlled dangerous substance listed in Schedule II through Schedule V shall be registered with the Prescription Drug Monitoring Program described in Title 21, Subtitle 2A of the Health – General Article before obtaining a new or renewal registration with the Department under subsection (a) of this section.

(c) The Department need not require separate registration under this section for an authorized provider who is:

- (1) engaged in research with a nonnarcotic controlled dangerous substance in Schedule II through Schedule V; and
- (2) already registered under this subtitle in another capacity.

(d) An authorized provider may conduct research in the State with a controlled dangerous substance listed in Schedule I if the authorized provider is registered under federal law to conduct research with a controlled dangerous substance listed in Schedule I and gives evidence of the registration to the Department.

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§ 5-305

In accordance with regulations that the Department adopts, the Department may inspect the establishment of a registrant or applicant for registration.

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§ 5-306

(a) This section does not apply to an authorized provider who lawfully prescribes or administers, but does not otherwise dispense, a controlled dangerous substance listed in Schedule II, Schedule III, Schedule IV, or Schedule V.

(b) (1) A registrant shall make a complete and accurate record of all stocks of controlled dangerous substances on hand every 2 years during the regular fiscal inventory.

(2) The registrant shall keep the record for 2 years.

(c) Records shall contain the information required by regulations that the Department adopts.

(d) A registrant who complies with federal law on records and reports is deemed to have complied with this section.

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§ 5-307

(a) Subject to the notice and hearing provisions of § 5–308 of this subtitle, the Department may deny a registration to any applicant, suspend or revoke a registration, or refuse to renew a registration if the Department finds that the applicant or registrant:

- (1) has materially falsified an application filed in accordance with or required by this title;
- (2) has been convicted of a crime under federal law or the law of any state relating to a controlled dangerous substance;
- (3) has surrendered federal registration or had federal registration suspended or revoked and may no longer manufacture, distribute, or dispense a controlled dangerous substance;
- (4) has violated this title; or
- (5) has failed to meet the requirements for registration under this title.

(b) The Department may limit revocation or suspension of a registration to the particular controlled dangerous substance for which grounds for revocation or suspension exist.

(c) The Department may limit an initial registration or the renewal of a registration to the particular controlled dangerous substance for which grounds for denial or refusal to issue or renew exist.

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§ 5-308

- (a) (1) Before the Department takes action under § 5-307 of this subtitle, the Department shall serve on the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended or its renewal refused.
- (2) The order to show cause shall:
- (i) contain a statement of the basis of the proposed denial, revocation, suspension, or refusal; and
 - (ii) order the applicant or registrant to appear before the Department at a time and place stated in the order, but not less than 30 days after the date of receipt of the order.
- (3) If the Department proposes to deny a renewal of registration, the order to show cause shall be served at least 30 days before the registration expires.
- (b) Proceedings to deny, revoke, or suspend a registration or renewal of a registration shall be conducted in accordance with the Administrative Procedure Act.
- (c) (1) The proceedings under this section shall be independent of and not instead of any criminal prosecution or other proceeding under State law.
- (2) Except as provided in subsection (d) of this section, an existing registration:
- (i) is not abated by proceedings to refuse renewal of registration; and
 - (ii) shall remain in effect pending the outcome of the proceedings under this section.
- (d) (1) The Department may suspend a registration simultaneously with the institution of proceedings under this section if the Department finds that an imminent danger exists to public health or safety.
- (2) The suspension shall continue until the earliest of:
- (i) the end of all proceedings, including any judicial review;
 - (ii) withdrawal by the Department of the suspension; or
 - (iii) dissolution of the suspension by the appropriate circuit court.

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§ 5-309

- (a) If the Department suspends or revokes a registration, the Department may place under seal all controlled dangerous substances that the registrant owns or possesses at the time of the suspension or revocation in accordance with the registration.
- (b) Unless the court on request orders the sale of perishable substances and the deposit of the proceeds of the sale with the court, a disposition may not be made of controlled dangerous substances under seal until the time for taking an appeal has elapsed or until all appeals end.
- (c) When a revocation order becomes final, all controlled dangerous substances placed under seal in accordance with this section shall be forfeited to the State.

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§ 5-310

The Department shall notify promptly the federal Drug Enforcement Administration of each order that suspends or revokes registration and each forfeiture of a controlled dangerous substance under this subtitle.

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§ 5-401

- (a) The substances included in the schedules in this subtitle are controlled dangerous substances whether designated by official name, common or usual name, chemical name, or trade name.
- (b) For purposes of this subtitle, a drug is a depressant or stimulant drug if:
- (1) it is lysergic acid diethylamide; or
 - (2) it contains any quantity of:

- (i) barbituric acid or a salt of barbituric acid;
- (ii) a derivative of barbituric acid that is designated as habit forming under the Federal Food, Drug, and Cosmetic Act;
- (iii) amphetamine or its optical isomers;
- (iv) a salt of amphetamine or a salt of an optical isomer of amphetamine;
- (v) a substance that the Attorney General of the United States designates as habit-forming because of its stimulant effect on the central nervous system; or
- (vi) a substance that the Attorney General of the United States designates as having a potential for abuse because of:
 1. a depressant or stimulant effect on the central nervous system; or
 2. a hallucinogenic effect.

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§ 5-402

(a) Schedule I consists of each:

- (1) controlled dangerous substance analogue, as defined in subsection (b) of this section;
- (2) controlled dangerous substance added to Schedule I by the Department under § 5–202(b) of this title; and
- (3) controlled dangerous substance designated as a Schedule I controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) (1) In this subsection:

(i) “controlled dangerous substance analogue” means a substance:

1. that has a chemical structure substantially similar to the chemical structure of a controlled dangerous substance described in Schedule I or Schedule II; and
2. that has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance described in Schedule I or Schedule II; but

(ii) “controlled dangerous substance analogue” does not include:

1. a controlled dangerous substance;
2. a substance for which there is an approved new drug application; or
3. a substance exempted for investigational use under § 506 of the Federal Food, Drug, and Cosmetic Act.

(2) To the extent intended for human consumption, each controlled dangerous substance analogue is a substance described in Schedule I.

(c) The Department may not add a substance to Schedule I under § 5–202 of this title unless the Department finds:

- (1) a high potential for abuse of the substance;
- (2) no accepted medical use in the United States for the substance; and
- (3) a lack of accepted safety for use of the substance under medical supervision.

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§ 5-403

(a) Schedule II consists of each controlled dangerous substance:

- (1) added to Schedule II by the Department under § 5–202(b) of this title; or
- (2) designated as a Schedule II controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) The Department may not add a substance to Schedule II under § 5–202 of this title unless the Department finds:

- (1) a high potential for abuse of the substance;

(2) currently accepted medical use of the substance in the United States, or currently accepted medical use with severe restrictions; and

(3) evidence that abuse of the substance may lead to severe psychological or physical dependence.

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§ 5-404

(a) Schedule III consists of each controlled dangerous substance by whatever official name, common or usual name, chemical name, or brand name:

(1) added to Schedule III by the Department under § 5–202(b) of this title; or

(2) designated as a Schedule III controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) The Department may not add a substance to Schedule III under § 5–202 of this title unless the Department finds:

(1) a potential for abuse of the substance that is less than that for the substances listed in Schedule I and Schedule II;

(2) well documented and approved medical use of the substance in the United States; and

(3) evidence that abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

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§ 5-405

(a) Schedule IV consists of each controlled dangerous substance:

(1) added to Schedule IV by the Department under § 5–202(b) of this title; or

(2) designated as a Schedule IV controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) The Department may not add a substance to Schedule IV under § 5–202 of this title unless the Department finds that:

(1) the substance has a low potential for abuse relative to the substances listed in Schedule III;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

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§ 5-406

(a) Schedule V consists of each controlled dangerous substance:

(1) added to Schedule V by the Department under § 5–202(b) of this title; or

(2) designated as a Schedule V controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) The Department may not add a substance to Schedule V under § 5–202 of this title unless the Department finds:

(1) the substance has a low potential for abuse relative to the substances listed in Schedule IV;

(2) the substance has currently accepted medical use in the United States; and

(3) abuse of the substance may lead to limited physical dependence or psychological dependence liability relative to the substances listed in Schedule IV.

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§ 5-501

(a) Except as provided in subsection (b) of this section, a person may not dispense a controlled dangerous substance without a written prescription or an electronic prescription from an authorized provider if the substance is:

- (1) listed in Schedule II; and
- (2) a drug to which § 21–220 of the Health – General Article applies.
- (b) A controlled dangerous substance to which subsection (a) of this section applies may be dispensed without a written prescription or an electronic prescription by:
 - (1) an authorized provider who:
 - (i) is not a pharmacist; and
 - (ii) dispenses the controlled dangerous substance directly to an ultimate user; or
 - (2) a pharmacist if:
 - (i) an emergency exists;
 - (ii) the pharmacist dispenses the drug under regulations of the Department on an oral prescription that the pharmacist reduces promptly to writing and keeps on file; and
 - (iii) federal law authorizes the oral prescription.
- (c) A prescription for a controlled dangerous substance listed in Schedule II shall be kept on file in conformity with the requirements for records and inventories under § 5–306 of this title.
- (d) A person may not refill a prescription for a controlled dangerous substance listed in Schedule II.

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§ 5-502

An authorized provider may not dispense methadone, directly or by prescription, unless:

- (1) the authorized provider is associated with a controlled drug therapy program authorized by the Department; or
- (2) an emergency or medical situation exists under regulations that the Department adopts in cooperation with the Medical and Chirurgical Faculty of Maryland.

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§ 5-503

(a) In this section, “opium” includes:

- (1) codeine; and
- (2) a natural or synthetic compound, manufactured substance, salt, derivative, mixture, or preparation of opium.
- (b) (1) Except on a valid prescription of an authorized prescriber as defined in § 12-101 of the Health Occupations Article, a person may not dispense, give, or sell a preparation containing opium or any of its derivatives.
- (2) This subsection does not apply to:
 - (i) a sale made to an authorized provider; or
 - (ii) a sale made by a manufacturer, distributor, or licensed pharmacy to a hospital or institution that operates a dispensary in which an authorized provider is in charge.
- (c) (1) Except on a prescription from an authorized prescriber as defined in § 12-101 of the Health Occupations Article, a person may not possess or control a preparation containing opium or its derivatives.
- (2) A person may possess or control a preparation containing opium or its derivatives if the possession or control is in the regular course of lawful business, occupation, profession, employment, or duty of the person.
- (d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:
 - (1) for a first violation, a fine not exceeding \$1,000;
 - (2) for a second violation, a fine not exceeding \$2,000; or
 - (3) for each subsequent violation, imprisonment not exceeding 18 months.

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§ 5-504

(a) Except when dispensed directly to an ultimate user by an authorized provider who is not a pharmacist, a controlled dangerous substance listed in Schedule III or Schedule IV that is a drug to which § 21–220 of the Health – General Article applies may not be dispensed without a written prescription, an electronic prescription, or an oral prescription.

(b) Unless renewed by the authorized provider, the prescription may not be:

- (1) filled or refilled more than 6 months after the date of prescription; or
- (2) refilled more than five times.

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§ 5-505

(a) A controlled dangerous substance listed in Schedule V may not be distributed or dispensed except for a medical purpose.

(b) When dispensing the controlled dangerous substance, an authorized provider shall securely affix to the container, in addition to any other label already there, a label with:

- (1) the dispenser's name, signature, and registry number;
- (2) the date on which the controlled dangerous substance is dispensed; and
- (3) the purchaser's name.

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§ 5-601

(a) Except as otherwise provided in this title, a person may not:

(1) possess or administer to another a controlled dangerous substance, unless:

- (i) obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or
- (ii) the controlled dangerous substance is cannabis, the individual is at least 21 years old, and the amount possessed is the personal use amount; or

(2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:

- (i) fraud, deceit, misrepresentation, or subterfuge;
- (ii) the counterfeiting or alteration of a prescription or a written order;
- (iii) the concealment of a material fact;
- (iv) the use of a false name or address;
- (v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or
- (vi) making, issuing, or presenting a false or counterfeit prescription or written order.

(b) Information that is communicated to a physician in an effort to obtain a controlled dangerous substance in violation of this section is not a privileged communication.

(c) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to:

- (i) for a first conviction, imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both;
- (ii) for a second or third conviction, imprisonment not exceeding 18 months or a fine not exceeding \$5,000 or both; or
- (iii) for a fourth or subsequent conviction, imprisonment not exceeding 2 years or a fine not exceeding \$5,000 or both.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a person whose violation of this section involves the use or possession of cannabis is guilty of a misdemeanor of possession of cannabis and is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

(ii) 1. A finding of guilt under this section involving the use or possession of the personal use amount of cannabis by a person under the age of 21 years is a civil offense punishable by a fine not exceeding \$100.

2. A finding of guilt under this section involving the use or possession of the civil use amount of cannabis is a civil offense punishable by a fine not exceeding \$250.

3. A. In addition to a fine, a court may order a person under the age of 21 years who commits a violation punishable under subsubparagraph 1 or 2 of this subparagraph to attend a drug education program approved by the Maryland Department of Health, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

B. A court that orders a person to a drug education program or substance abuse assessment or treatment under this subsubparagraph may hold the case sub curia pending receipt of proof of completion of the program, assessment, or treatment.

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

2. "Bona fide physician–patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient's medical condition.

3. "Caregiver" means an individual designated by a patient with a debilitating medical condition to provide physical or medical assistance to the patient, including assisting with the medical use of cannabis, who:

A. is a resident of the State;

B. is at least 21 years old;

C. is an immediate family member, a spouse, or a domestic partner of the patient;

D. has not been convicted of a crime of violence as defined in § 14–101 of this article;

E. has not been convicted of a violation of a State or federal controlled dangerous substances law;

F. has not been convicted of a crime of moral turpitude;

G. has been designated as caregiver by the patient in writing that has been placed in the patient's medical record prior to arrest;

H. is the only individual designated by the patient to serve as caregiver; and

I. is not serving as caregiver for any other patient.

4. "Debilitating medical condition" means a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces one or more of the following, as documented by a physician with whom the patient has a bona fide physician–patient relationship:

A. cachexia or wasting syndrome;

B. severe or chronic pain;

C. severe nausea;

D. seizures;

E. severe and persistent muscle spasms; or

F. any other condition that is severe and resistant to conventional medicine.

(ii) 1. In a prosecution for the use or possession of cannabis, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

2. Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed cannabis because of medical necessity, the court shall dismiss the charge.

(iii) 1. In a prosecution for the use or possession of cannabis under this section, it is an affirmative defense that the defendant used or possessed cannabis because:

A. the defendant has a debilitating medical condition that has been diagnosed by a physician with whom the defendant has a bona fide physician–patient relationship;

B. the debilitating medical condition is severe and resistant to conventional medicine; and

C. cannabis is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition.

2. A. In a prosecution for the possession of cannabis under this section, it is an affirmative defense that the defendant possessed cannabis because the cannabis was intended for medical use by an individual with a debilitating medical condition for whom the defendant is a caregiver.

B. A defendant may not assert the affirmative defense under this subsubparagraph unless the defendant notifies the State's Attorney of the defendant's intention to assert the affirmative defense and provides the State's Attorney with all documentation in support of the affirmative defense in accordance with the rules of discovery provided in Maryland Rules 4-262 and 4-263.

3. An affirmative defense under this subparagraph may not be used if the defendant was:

A. using cannabis in a public place or assisting the individual for whom the defendant is a caregiver in using the cannabis in a public place; or

B. in possession of more than 1 ounce of cannabis.

(4) The smoking of cannabis in a public place is a civil offense punishable by:

(i) for a first finding of guilt, a fine not exceeding \$50; and

(ii) for a second or subsequent finding of guilt, a fine not exceeding \$150.

(d) The provisions of subsection (c)(2)(ii) of this section may not be construed to affect the laws relating to:

(1) operating a vehicle or vessel while under the influence of or while impaired by a controlled dangerous substance; or

(2) seizure and forfeiture.

(e) (1) (i) Before imposing a sentence under subsection (c) of this section, the court may order the Maryland Department of Health or a certified and licensed designee to conduct an assessment of the defendant for substance use disorder and determine whether the defendant is in need of and may benefit from drug treatment.

(ii) If an assessment for substance use disorder is requested by the defendant and the court denies the request, the court shall state on the record the basis for the denial.

(2) On receiving an order under paragraph (1) of this subsection, the Maryland Department of Health, or the designee, shall conduct an assessment of the defendant for substance use disorder and provide the results to the court, the defendant or the defendant's attorney, and the State identifying the defendant's drug treatment needs.

(3) The court shall consider the results of an assessment performed under paragraph (2) of this subsection when imposing the defendant's sentence and:

(i) except as provided in subparagraph (ii) of this paragraph, the court shall suspend the execution of the sentence and order probation and, if the assessment shows that the defendant is in need of substance abuse treatment, require the Maryland Department of Health or the designee to provide the medically appropriate level of treatment as identified in the assessment; or

(ii) the court may impose a term of imprisonment under subsection (c) of this section and order the Division of Correction or local correctional facility to facilitate the medically appropriate level of treatment for the defendant as identified in the assessment.

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§ 5-602

(a) Except as otherwise provided in this title, a person may not:

(1) distribute or dispense a controlled dangerous substance; or

(2) possess a controlled dangerous substance other than cannabis in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense a controlled dangerous substance.

(b) (1) Except as otherwise provided in this title, a person may not possess cannabis in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense cannabis.

(2) Possession of the civil use amount of cannabis or the personal use amount of cannabis without other evidence of an intent to distribute or dispense does not constitute a violation of paragraph (1) of this subsection.

(c) (1) (i) In this subsection, “adult sharing” means transferring cannabis between persons who are 21 years of age or older without remuneration.

(ii) “Adult sharing” does not include instances in which:

1. cannabis is given away contemporaneously with another reciprocal transaction between the same parties;
2. a gift of cannabis is offered or advertised in conjunction with an offer for the sale of goods or services; or
3. a gift of cannabis is contingent on a separate reciprocal transaction for goods or services.

(2) This section does not prohibit, and no civil or criminal penalty may be imposed for, adult sharing of the personal use amount of cannabis.

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§ 5-603

(a) Except as otherwise provided in this title, a person may not manufacture a controlled dangerous substance other than cannabis, or manufacture, distribute, or possess a machine, equipment, instrument, implement, device, or a combination of them that is adapted to produce a controlled dangerous substance other than cannabis under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense a controlled dangerous substance other than cannabis in violation of this title.

(b) Except as otherwise provided in this title, a person may not cultivate or grow cannabis or manufacture a cannabis product, or manufacture, distribute, or possess a machine, equipment, an instrument, an implement, a device, or a combination of them that is adapted to produce cannabis or a cannabis product under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense cannabis or a cannabis product in violation of this title.

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

(ii) “Adult sharing” has the meaning stated in § 5–602(c)(1) of this subtitle.

(iii) 1. “Volatile solvent” means a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.

2. “Volatile solvent” includes butane, hexane, and propane.

(2) A person who is at least 21 years old may manufacture a personal use amount of cannabis products or concentrated cannabis for personal use or adult sharing at a private residence if the manufacturing process does not involve the use of a volatile solvent.

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§ 5-604

(a) In this section, “counterfeit substance” means a controlled dangerous substance, or its container or labeling, that:

(1) without authorization, bears a likeness of the trademark, trade name, or other identifying mark, imprint, number, or device of a manufacturer, distributor, or dispenser other than the actual manufacturer, distributor, or dispenser; and

(2) thereby falsely purports or is represented to be the product of, or to have been distributed by, the other manufacturer, distributor, or dispenser.

(b) Except as otherwise provided in this title, a person may not:

- (1) create or distribute a counterfeit substance; or
- (2) possess a counterfeit substance with intent to distribute it.

(c) Except as otherwise provided in this title, a person may not manufacture, distribute, or possess equipment that is designed to print, imprint, or reproduce an authentic or imitation trademark, trade name, other identifying mark, imprint, number, or device of another onto a drug or the container or label of a drug, rendering the drug a counterfeit substance.

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§ 5-605

(a) "Common nuisance" means a dwelling, building, vehicle, vessel, aircraft, or other place:

- (1) resorted to by individuals for the purpose of administering illegally controlled dangerous substances; or
- (2) where controlled dangerous substances or controlled paraphernalia are manufactured, distributed, dispensed, stored, or concealed illegally.

(b) A person may not keep a common nuisance.

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§ 5-606

(a) Except as otherwise provided in this title, a person may not pass, issue, make, or possess a false, counterfeit, or altered prescription for a controlled dangerous substance with intent to distribute the controlled dangerous substance.

(b) Information that is communicated to an authorized prescriber in an effort to obtain a controlled dangerous substance in violation of subsection (a) of this section is not a privileged communication.

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§ 5-607

(a) (1) Except as provided in paragraph (2) of this subsection and §§ 5–608 and 5–609 of this subtitle, a person who violates a provision of §§ 5–602 through 5–606 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$15,000 or both.

(2) A person who violates § 5–602(b)(1) or § 5–603(b) of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(b) A person convicted under this section is not prohibited from participating in a drug treatment program under § 8–507 of the Health – General Article because of the length of the sentence.

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§ 5-608

(a) Except as otherwise provided in this section, a person who violates a provision of §§ 5–602 through 5–606 of this subtitle with respect to a Schedule I or Schedule II narcotic drug is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$15,000 or both.

(b) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 20 years or a fine not exceeding \$15,000 or both if the person previously has been convicted once:

(1) under subsection (a) of this section or § 5–609 of this subtitle;

(2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle; or

(3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State.

(c) (1) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 25 years or a fine not exceeding \$25,000 or both if the person previously:

(i) has served at least one term of confinement of at least 180 days in a correctional institution as a result of a conviction:

1. under subsection (a) of this section or § 5–609 or § 5–614 of this subtitle;

2. of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle; or

3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State; and

(ii) has been convicted twice, if the convictions arise from separate occasions:

1. under subsection (a) of this section or § 5–609 of this subtitle;

2. of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle;
3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State; or
4. of any combination of these crimes.

(2) A separate occasion is one in which the second or succeeding crime is committed after there has been a charging document filed for the preceding crime.

(d) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 40 years or a fine not exceeding \$25,000 or both if the person previously has served three or more separate terms of confinement as a result of three or more separate convictions:

- (1) under subsection (a) of this section or § 5–609 of this subtitle;
- (2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle;
- (3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State; or
- (4) of any combination of these crimes.

(e) A person convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is not prohibited from participating in a drug treatment program under § 8–507 of the Health – General Article because of the length of the sentence.

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§ 5-609

(a) Except as otherwise provided in this section, a person who violates a provision of §§ 5–602 through 5–606 of this subtitle with respect to any of the following controlled dangerous substances is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$15,000 or both:

- (1) phencyclidine;
- (2) 1–(1–phenylcyclohexyl) piperidine;
- (3) 1–phenylcyclohexylamine;
- (4) 1–piperidinocyclohexanecarbonitrile;
- (5) N–ethyl–1–phenylcyclohexylamine;
- (6) 1–(1–phenylcyclohexyl)–pyrrolidine;
- (7) 1–(1–(2–thienyl)–cyclohexyl)–piperidine;
- (8) lysergic acid diethylamide; or
- (9) 750 grams or more of 3, 4–methylenedioxymethamphetamine (MDMA).

(b) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 20 years or a fine not exceeding \$15,000 or both if the person previously has been convicted once:

- (1) under subsection (a) of this section or § 5–608 of this subtitle;
- (2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–608 of this subtitle;
- (3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if committed in this State; or
- (4) of any combination of these crimes.

(c) (1) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 25 years or a fine not exceeding \$25,000 or both if the person previously:

(i) has served at least one term of confinement of at least 180 days in a correctional institution as a result of a conviction under subsection (a) of this section, § 5–608 of this subtitle, or § 5–614 of this subtitle; and

(ii) if the convictions do not arise from a single incident, has been convicted twice:

1. under subsection (a) of this section or § 5–608 of this subtitle;
2. of conspiracy to commit a crime included in subsection (a) of this section or § 5–608 of this subtitle;
3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if committed in this State; or
4. of any combination of these crimes.

(2) A separate occasion is one in which the second or succeeding crime is committed after there has been a charging document filed for the preceding crime.

(d) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 40 years or a fine not exceeding \$25,000 or both if the person previously has served three separate terms of confinement as a result of three separate convictions:

- (1) under subsection (a) of this section or § 5–608 of this subtitle;
- (2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–608 of this subtitle;
- (3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if committed in this State; or
- (4) of any combination of these crimes.

(e) A person convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is not prohibited from participating in a drug treatment program under § 8–507 of the Health – General Article because of the length of the sentence.

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§ 5-610

(a) In addition to any other penalty provided by law, a person who is convicted or found to have committed a delinquent act under § 5-602, § 5-603, § 5-604, § 5-605, or § 5-606 of this subtitle may be ordered by the court to pay restitution for actual costs reasonably incurred in cleaning up or remediating laboratories or other facilities operated for the illegal manufacture of a controlled dangerous substance.

(b) If the person convicted or found to have committed a delinquent act is a minor, the court may order the minor, the minor's parent, or both to pay the restitution described in subsection (a) of this section.

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§ 5-612

(a) A person may not manufacture, distribute, dispense, or possess:

- (1) 50 pounds or more of cannabis;
- (2) 448 grams or more of cocaine;
- (3) 448 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of cocaine;
- (4) 448 grams or more of cocaine base, commonly known as “crack”;
- (5) 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;
- (6) 28 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;
- (7) 5 grams or more of fentanyl or any structural variation of fentanyl that is scheduled by the United States Drug Enforcement Administration;

(8) 28 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of fentanyl or any structural variation of fentanyl that is scheduled by the United States Drug Enforcement Administration;

(9) 1,000 dosage units or more of lysergic acid diethylamide;

(10) any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;

(11) 16 ounces or more of phencyclidine in liquid form;

(12) 448 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of phencyclidine;

(13) 448 grams or more of methamphetamine; or

(14) 448 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of methamphetamine.

(b) For the purpose of determining the quantity of a controlled dangerous substance involved in individual acts of manufacturing, distributing, dispensing, or possessing under subsection (a) of this section, the acts may be aggregated if each of the acts occurred within a 90-day period.

(c) (1) (i) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of a felony and on conviction shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not exceeding \$100,000.

(ii) The court may not suspend any part of the mandatory minimum sentence of 5 years.

(iii) Except as provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

(2) A person who violates subsection (a)(1) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$50,000 or both.

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§ 5-613

(a) In this section, “drug kingpin” means an organizer, supervisor, financier, or manager who acts as a coconspirator in a conspiracy to manufacture, distribute, dispense, transport in, or bring into the State a controlled dangerous substance.

(b) (1) (i) Except as provided in paragraph (2) of this subsection, a drug kingpin who conspires to manufacture, distribute, dispense, transport in, or bring into the State a controlled dangerous substance in an amount listed in § 5–612 of this subtitle is guilty of a felony and on conviction is subject to imprisonment for not less than 20 years and not exceeding 40 years without the possibility of parole or a fine not exceeding \$1,000,000 or both.

(ii) A court may not suspend any part of the mandatory minimum sentence of 20 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(2) A drug kingpin who conspires to manufacture, distribute, dispense, transport in, or bring into the State cannabis in an amount listed in § 5–612(a)(1) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$100,000 or both.

(c) It is not a defense to a prosecution under this section that the controlled dangerous substance was brought into or transported in the State solely for ultimate distribution or dispensing in another jurisdiction.

(d) Notwithstanding any other provision of this title, a conviction under this section does not merge with the conviction for any crime that is the object of the conspiracy.

(e) The provisions of § 6–220 of the Criminal Procedure Article do not apply to a conviction under this section.

(f) This section does not:

(1) prohibit a court from imposing an enhanced penalty under § 5–905 of this title; or

(2) preclude or limit a prosecution for any other crime.

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§ 5-614

(a) (1) Unless authorized by law to possess the substance, a person may not bring into the State:

- (i) 45 kilograms or more of cannabis;
- (ii) 28 grams or more of cocaine;
- (iii) any mixture containing 28 grams or more of cocaine;
- (iv) 4 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;
- (v) 1,000 dosage units of lysergic acid diethylamide;
- (vi) any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;
- (vii) 28 grams or more of phencyclidine in liquid or powder form;
- (viii) 112 grams or more of any mixture containing phencyclidine;
- (ix) 1,000 dosage units or more of methaqualone;
- (x) 28 grams or more of methamphetamine;
- (xi) any mixture containing 28 grams or more of methamphetamine; or
- (xii) 4 grams or more of fentanyl or a fentanyl analogue.

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$50,000 or both.

(b) (1) Unless authorized by law to possess the cannabis, a person may not bring into the State more than 5 kilograms but less than 45 kilograms of cannabis.

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

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§ 5-617

(a) A person may not distribute, attempt to distribute, or possess with intent to distribute a noncontrolled substance:

- (1) that the person represents as a controlled dangerous substance;
- (2) that the person intends for use or distribution as a controlled dangerous substance; or
- (3) under circumstances where one reasonably should know that the noncontrolled substance will be used or distributed for use as a controlled dangerous substance.

(b) To determine if a person has violated this section, the court or other authority shall include in its consideration:

- (1) whether the noncontrolled substance was packaged in a manner normally used to distribute a controlled dangerous substance illegally;
- (2) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of consideration was substantially greater than the reasonable value of the noncontrolled substance; and
- (3) whether the physical appearance of the noncontrolled substance is substantially identical to that of a controlled dangerous substance.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$15,000 or both.

(d) It is not a defense to a prosecution under this section that the defendant believed that the noncontrolled substance was a controlled dangerous substance.

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§ 5-618

(a) Except as authorized in this title, a person may not possess or purchase a noncontrolled substance that the person reasonably believes is a controlled dangerous substance.

(b) To determine if a person has violated this section, the court shall include in its consideration:

(1) whether the noncontrolled substance was packaged in a manner normally used to illegally distribute a controlled dangerous substance;

(2) if the noncontrolled substance was purchased, whether the amount of the consideration was substantially greater than the reasonable value of the noncontrolled substance; and

(3) whether the physical appearance of the noncontrolled substance is substantially identical to that of a controlled dangerous substance.

(c) It is not a defense to a prosecution under this section that the substance a person possessed or purchased was not a controlled dangerous substance if the person reasonably believed that it was a controlled dangerous substance.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

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§ 5-619

(a) To determine whether an object is drug paraphernalia, a court shall consider, among other logically relevant factors:

(1) any statement by an owner or a person in control of the object concerning its use;

(2) any prior conviction of an owner or a person in control of the object under a State or federal law relating to a controlled dangerous substance;

(3) the proximity of the object, in time and space, to a direct violation of this section or to a controlled dangerous substance;

(4) a residue of a controlled dangerous substance on the object;

(5) direct or circumstantial evidence of the intent of an owner or a person in control of the object to deliver it to another who, the owner or the person knows or should reasonably know, intends to use the object to facilitate a violation of this section;

(6) any instructions, oral or written, provided with the object concerning its use;

(7) any descriptive materials accompanying the object that explain or depict its use;

(8) national and local advertising concerning use of the object;

(9) the manner in which the object is displayed for sale;

(10) whether the owner or a person in control of the object is a licensed distributor or dealer of tobacco products or other legitimate supplier of related items to the community;

(11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(12) the existence and scope of legitimate uses for the object in the community; and

(13) expert testimony concerning use of the object.

(b) The innocence of an owner or a person in control of the object as to a direct violation of this section does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.

(c) (1) Unless authorized under this title, a person may not use or possess with intent to use drug paraphernalia to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding \$500; and

(ii) for each subsequent violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating subsection (d)(4) of this section is subject to the penalty specified under paragraph (2)(ii) of this subsection.

(d) (1) Unless authorized under this title, a person may not deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that the drug paraphernalia will be used to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding \$500; and

(ii) for each subsequent violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating paragraph (4) of this subsection is subject to imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

(4) If a person who is at least 18 years old violates paragraph (1) of this subsection by delivering drug paraphernalia to a minor who is at least 3 years younger than the person, the person is guilty of a separate misdemeanor and on conviction is subject to imprisonment not exceeding 8 years or a fine not exceeding \$15,000 or both.

(e) (1) A person may not advertise in a newspaper, magazine, handbill, poster, sign, mailing, or other writing or publication, or by sound truck, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, wholly or partly, is to promote the sale or delivery of drug paraphernalia.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding \$500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

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§ 5-620

(a) Unless authorized under this title, a person may not:

(1) obtain or attempt to obtain controlled paraphernalia by:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) counterfeiting a prescription or a written order;

(iii) concealing a material fact or the use of a false name or address;

(iv) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or

(v) making or issuing a false or counterfeit prescription or written order; or

(2) possess or distribute controlled paraphernalia under circumstances which reasonably indicate an intention to use the controlled paraphernalia for purposes of illegally administering a controlled dangerous substance.

(b) Evidence of circumstances that reasonably indicate an intent to use controlled paraphernalia to manufacture, distribute, or dispense a controlled dangerous substance unlawfully include the close proximity of the controlled paraphernalia to an adulterant, diluent, or equipment commonly used to illegally manufacture, distribute, or dispense controlled dangerous substances, including:

(1) a scale;

(2) a sieve;

(3) a strainer;

(4) a measuring spoon;

(5) staples;

- (6) a stapler;
- (7) a glassine envelope;
- (8) a gelatin capsule;
- (9) procaine hydrochloride;
- (10) mannitol;
- (11) lactose;
- (12) quinine; and
- (13) a controlled dangerous substance.

(c) Information that is communicated to a physician to obtain controlled paraphernalia from the physician in violation of this subtitle is not a privileged communication.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

- (1) for a first violation, a fine not exceeding \$500; and
- (2) for each subsequent violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 5-621

(a) (1) In this section the following words have the meanings indicated.

(2) "Drug trafficking crime" means a felony or a conspiracy to commit a felony involving the possession, distribution, manufacture, or importation of a controlled dangerous substance under §§ 5–602 through 5–609 and 5–614 of this subtitle.

(3) "Forfeiting authority" means the office or person designated by agreement between the State's Attorney for a county and the chief executive officer of the governing body that has jurisdiction over the assets subject to forfeiture.

(b) During and in relation to a drug trafficking crime, a person may not:

- (1) possess a firearm under sufficient circumstances to constitute a nexus to the drug trafficking crime; or
- (2) use, wear, carry, or transport a firearm.

(c) (1) In addition to the sentence provided for the drug trafficking crime, a person who violates subsection (b) of this section is guilty of a felony and on conviction is subject to:

- (i) for a first violation, imprisonment for not less than 5 years and not exceeding 20 years; or
- (ii) for each subsequent violation, imprisonment for not less than 10 years and not exceeding 20 years.

(2) (i) The court shall impose a minimum sentence of 5 years under paragraph (1)(i) of this subsection.

(ii) The court shall impose a minimum sentence of 10 years under paragraph (1)(ii) of this subsection.

(3) (i) A court may not suspend any part of a mandatory minimum sentence.

(ii) Except as provided in § 4-305 of the Correctional Services Article, a person sentenced under this subsection is not eligible for parole.

(iii) A sentence imposed under paragraph (1)(ii) of this subsection shall be consecutive to and not concurrent with any other sentence imposed by virtue of the commission of the drug trafficking crime.

(d) (1) (i) In this subsection, "firearm silencer" means a device that is designed for silencing, muffling, or diminishing the report of a firearm.

(ii) "Firearm silencer" includes a combination of parts designed, redesigned, or intended for use in assembling or fabricating a firearm silencer or muffler.

(2) A court shall double the minimum mandatory sentence provided in subsection (c)(1)(ii) of this section if the firearm used during and in relation to a drug trafficking crime is:

- (i) listed in § 4-301 of this article or § 5-101 of the Public Safety Article;

- (ii) a machine gun; or
- (iii) equipped with a firearm silencer.
- (e) (1) A firearm or ammunition seized under this section is contraband and shall be forfeited summarily to a forfeiting authority.
- (2) Unless otherwise prohibited by law or if forfeiture proceedings have begun, the forfeiting authority shall return the seized property to the owner or possessor within 90 days after the date of seizure if:
 - (i) the owner or possessor of the property seized is acquitted; or
 - (ii) the charges against the person are dismissed.
- (3) Unless otherwise prohibited by law, the forfeiting authority shall return the seized property to the owner or possessor promptly if the State:
 - (i) enters a nolle prosequi against the owner or possessor of property seized; and
 - (ii) does not charge the person within 90 days after the nolle prosequi is entered.

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§ 5-622

- (a) In this section, "firearm" includes:
 - (1) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, and short-barreled rifle, as those words are defined in § 4-201 of this article;
 - (2) a machine gun, as defined in § 4-401 of this article; and
 - (3) a regulated firearm, as defined in § 5-101 of the Public Safety Article.
- (b) A person may not possess, own, carry, or transport a firearm if that person has been convicted of:
 - (1) a felony under this title;
 - (2) a crime under the laws of another state or of the United States that would be a felony under this title if committed in this State;
 - (3) conspiracy to commit a crime referred to in items (1) and (2) of this subsection; or
 - (4) an attempt to commit a crime referred to in items (1) and (2) of this subsection.
- (c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

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§ 5-623

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Drug crime" means:
 - (i) a crime under this title; or
 - (ii) a crime committed in another jurisdiction that would be a crime under this title if committed in this State.
- (3) "Financial transaction" means:
 - (i) a payment;
 - (ii) a purchase;
 - (iii) a sale;
 - (iv) a loan;
 - (v) a pledge;
 - (vi) a transfer;
 - (vii) a delivery;

(viii) a deposit;

(ix) a withdrawal; or

(x) an extension of credit or exchange of a monetary instrument or equivalent property, including precious metals, stones or jewelry, airline tickets, stamps, or credit in a financial institution as defined in § 1-101 of the Financial Institutions Article.

(4) "Monetary instrument" means:

(i) coin or currency of the United States or any other country;

(ii) a bank check;

(iii) a travelers' check;

(iv) a money order;

(v) an investment security; or

(vi) a negotiable instrument.

(5) "Proceeds" means money or any other property with a value exceeding \$10,000.

(b) Except for a financial transaction necessary to preserve a person's right to representation as guaranteed by the 6th Amendment to the United States Constitution and Article 21 of the Maryland Declaration of Rights, a person may not, with the intent to promote a drug crime or with the intent to conceal or disguise the nature, location, source, ownership, or control of proceeds of a drug crime:

(1) receive or acquire proceeds knowing that the proceeds are derived from a drug crime;

(2) engage in a financial transaction involving proceeds knowing that the proceeds are derived from a drug crime;

(3) give, sell, transfer, trade, invest, conceal, transport, or maintain an interest in proceeds knowing that the proceeds are derived from a drug crime;

(4) direct, promote, plan, organize, initiate, finance, manage, supervise, or facilitate the transportation or transfer of proceeds knowing that the proceeds are derived from a drug crime; or

(5) conduct a financial transaction involving proceeds knowing that the proceeds are derived from a drug crime.

(c) A person who violates this section is guilty of a felony and on conviction is subject to:

(1) for a first violation:

(i) imprisonment not exceeding 5 years;

(ii) a fine not exceeding the greater of \$250,000 or twice the value of the proceeds involved in the financial transaction; or

(iii) both; or

(2) for each subsequent violation:

(i) imprisonment not exceeding 10 years;

(ii) a fine not exceeding the greater of \$500,000 or 5 times the value of the proceeds involved in the financial transaction; or

(iii) both.

(d) Notwithstanding any other provision of law, for purposes of this section each financial transaction is a separate violation.

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§ 5-624

(a) In this section, "drug" does not include alcohol.

(b) A person may not administer a controlled dangerous substance or other drug to another without that person's knowledge and commit against that other:

(1) a crime of violence as defined in § 14-101 of this article; or

(2) a sexual offense in the third degree under § 3-307 of this article.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation of this section.

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§ 5-627

(a) A person may not manufacture, distribute, dispense, or possess with intent to distribute a controlled dangerous substance in violation of § 5-602 of this subtitle or conspire to commit any of these crimes:

(1) in a school vehicle, as defined under § 11-154 of the Transportation Article; or

(2) in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for elementary or secondary education.

(b) Subsection (a) of this section applies whether or not:

(1) school was in session at the time of the crime; or

(2) the real property was being used for purposes other than school purposes at the time of the crime.

(c) (1) A person who violates this section is guilty of a felony and on conviction is subject to:

(i) for a first violation, imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both; or

(ii) for each subsequent violation, imprisonment not less than 5 years and not exceeding 40 years or a fine not exceeding \$40,000 or both.

(2) (i) The court may not suspend the 5-year minimum sentence required by paragraph (1)(ii) of this subsection.

(ii) Except as otherwise provided in § 4-305 of the Correctional Services Article, a person sentenced under paragraph (1)(ii) of this subsection is not eligible for parole during this period of the 5-year minimum sentence.

(3) A sentence imposed under paragraph (1) of this subsection shall be consecutive to any other sentence imposed.

(d) Notwithstanding any other law, a conviction under this section may not merge with a conviction under § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, or § 5-628 of this subtitle.

(e) (1) In a prosecution under this section, a map or certified copy of a map made by a county or municipal unit to depict the location and boundaries of the area within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for school purposes is admissible as prima facie evidence of the location and boundaries of the depicted area, if the governing body of the county or municipal corporation approves the map or certified copy of the map as an official record of the location and boundaries of the depicted area.

(2) The map or a certified copy of the map shall be filed with the county or municipal corporation, which shall maintain the map or the certified copy of the map as an official record.

(3) The governing body of the county or municipal corporation may revise periodically the map or certified copy of the map.

(4) This subsection does not preclude the prosecution from introducing other evidence to establish an element of a crime under this section.

(5) This subsection does not preclude the use or admissibility of maps or diagrams other than those approved by the county or municipal corporation.

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§ 5-628

(a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a person may not hire, solicit, engage, or use a minor to manufacture, deliver, or distribute on behalf of that person a controlled dangerous substance in sufficient quantity to reasonably indicate under all the circumstances an intent to distribute the controlled dangerous substance.

(ii) This paragraph does not prohibit a person from hiring, soliciting, engaging, or using a minor to manufacture, deliver, or distribute a controlled dangerous substance if the manufacturing, delivering, or distributing has a lawful purpose.

(2) A person may not transport, carry, or otherwise bring a minor into the State to use the minor to violate this section or § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-612, § 5-613, § 5-617, or § 5-627 of this subtitle.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both.

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§ 5-701

(a) Sections 5–701 through 5–704 of this subtitle apply to:

(1) the sale of prescription drugs by a manufacturer, wholesale distributor, retail pharmacist, or jobber to a person not legally qualified or authorized to purchase and hold prescription drugs for use or resale; and

(2) an authorized provider's assistant who is not licensed to administer prescription drugs.

(b) A person may not dispense a prescription drug except:

(1) on an authorized provider's:

(i) electronic prescription;

(ii) written prescription; or

(iii) oral prescription that the pharmacist reduces to writing and files; or

(2) by refilling a written prescription, an electronic prescription, or an oral prescription that is authorized:

(i) by the authorized provider in the original prescription; or

(ii) by oral direction that the pharmacist reduces to writing and files.

(c) A person may not dispense a prescription drug by filling or refilling a written prescription, an electronic prescription, or an oral prescription of an authorized provider unless the drug bears a label that, in addition to any requirements of the Department or federal law, contains:

(1) the name and address of the dispenser;

(2) the serial number and date of the prescription;

(3) the name of the authorized provider; and

(4) if stated in the prescription, the name and address of the patient and the directions for use.

(d) Except as otherwise provided under this title, a person may not:

(1) manufacture, distribute, or possess with intent to distribute a prescription drug;

(2) affix a false or counterfeit label to a package, container, or other receptacle containing a prescription drug;

(3) omit, remove, alter, or obliterate a label or symbol that is required by federal, State, or local law on a prescription drug; or

(4) obtain or attempt to obtain a prescription drug by:

(i) fraud, deceit, or misrepresentation;

(ii) the counterfeiting or altering of a prescription or written order;

(iii) concealing a material fact;

(iv) using a false name or address;

(v) falsely assuming the title of or falsely representing that the person is a manufacturer, distributor, or authorized provider; or

(vi) making or issuing a false or counterfeit prescription or written order.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 5-702

(a) (1) This subsection applies to a person engaged in the business of selling prescription drugs, controlled dangerous substances, medicines, chemicals, or preparations for medical use or of compounding or dispensing these in accordance with physicians' prescriptions.

(2) A person subject to this subsection may not knowingly sell or deliver to another a drug, medicine, chemical, or preparation for medicinal use that is recognized or authorized by the latest edition of the United States Pharmacopoeia and National Formulary or prepared according to the private formula of another that is:

(i) other or different from the prescription drug, controlled dangerous substance, medicine, chemical, or preparation that is ordered or called for by the person; or

(ii) except as authorized under § 12-504 of the Health Occupations Article, called for in a prescription of a physician or other authorized provider.

(b) Subsection (a) of this section applies to a person acting on the person's own behalf or as an agent or employee of some other person.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment of not less than 1 month and not exceeding 1 year or a fine of not less than \$100 and not exceeding \$500 or both.

(2) If a person convicted under this section holds a license under Title 12 of the Health Occupations Article, the license shall be revoked in accordance with § 12-313(c) of the Health Occupations Article.

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§ 5-703

(a) This section does not apply to the mailing of a drug to a person who under State law is authorized to disburse, prescribe, or administer the drug.

(b) A person may not send by mail a prescription drug, controlled dangerous substance, or medicine to "Resident", "Occupant", or to a named addressee who has not requested that the prescription drug, controlled dangerous substance, or medicine be mailed.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 5-704

The Department may adopt regulations to administer and enforce §§ 5-701 through 5-703 of this subtitle.

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§ 5-705

(a) Subject to subsection (c) of this section, in a criminal case involving counterfeiting of a prescription under this title, an affidavit by an authorized provider may be introduced as evidence that:

(1) the signature on a prescription of the authorized provider has been counterfeited;

(2) the individual named on the prescription was not a patient of the authorized provider; or

(3) the individual named on the prescription did not have a prescription from the authorized provider for the named prescription drug or controlled dangerous substance or did not have a prescription for that quantity of the prescription drug or controlled dangerous substance.

(b) The affidavit shall:

(1) be attached to a copy of the prescription;

(2) be given under oath subject to the penalty of perjury;

(3) declare that the prescription is counterfeit or altered;

- (4) describe in detail the parts of the prescription that have been counterfeited; and
 - (5) state whether a patient relationship exists between the individual named on the prescription and the authorized provider.
- (c) (1) At least 10 days before a proceeding in which the State intends to introduce into evidence an affidavit as provided under subsection (b) of this section, the State shall provide written notice to the defendant that the State intends to:
- (i) rely on the affidavit; and
 - (ii) introduce the affidavit into evidence at the proceeding.
- (2) On written demand of a defendant filed at least 5 days before the proceeding described in subsection (a) of this section, the State shall require the presence of the affiant as a prosecution witness.

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§ 5-708

- (a) (1) This section applies to fingernail polish, model airplane glue, or any other substance that causes intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system when smelled or inhaled.
- (2) This section does not apply to:
- (i) the inhalation of anaesthesia for medical or dental purposes; or
 - (ii) controlled dangerous substances.
- (b) (1) A person may not deliberately smell or inhale a substance listed in paragraph (2) of this subsection in an amount that causes intoxication, excitement, stupefaction, or dulling of the brain or nervous system.
- (2) This section applies to a drug or any other noxious substance or chemical that contains:
- (i) an aldehyde;
 - (ii) butane;
 - (iii) butyl nitrite;
 - (iv) a chlorinated hydrocarbon;
 - (v) ether;
 - (vi) a fluorinated hydrocarbon;
 - (vii) a ketone;
 - (viii) methyl benzene;
 - (ix) nitrous oxide;
 - (x) an organic acetate; or
 - (xi) another substance containing solvents releasing toxic vapors.

- (c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 5-709

- (a) In this section, "distribute" includes actual, constructive, or attempted transfer, exchange, or delivery, regardless of remuneration or agency relationship.
- (b) A person may not distribute or possess with intent to distribute to another a substance listed in § 5-708 of this subtitle:
- (1) with the intent to induce unlawful inhaling of the substance; or
 - (2) with the knowledge that the other will unlawfully inhale the substance.
- (c) A person may not:
- (1) instruct another in the practice of inhaling or smelling that is prohibited under § 5-708(b) of this subtitle; or

(2) distribute a butane canister to a minor.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$1,000 or both.

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§ 5-710

(a) In this section, "human growth hormone" means:

(1) somatrem, somatropin, and any of their analogues; or

(2) a substance labeled as being or containing somatrem or somatropin and any analogue of somatrem or somatropin.

(b) This section applies to an athletic facility, commercial health club, public recreation center, weight training gym, school gymnasium, or other establishment operated primarily for the exercise, physical fitness, athletic training, or physical education of the individuals who use the facility.

(c) The operator of a facility subject to this section shall obtain and affix at least one warning notice in each locker room maintained in the facility.

(d) (1) The lettering in each warning notice shall be at least 1 inch high and shall be conspicuously placed for maximum possible visibility.

(2) The warning notice shall read:

Warning

The nonprescription use, possession, or distribution of anabolic steroids or human growth hormone is illegal in the State of Maryland. On conviction, violators are subject to imprisonment or a fine or both.

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§ 5-801

Notwithstanding any other law, the Department of State Police may initiate investigations and enforce this title and Title 12 of the Criminal Procedure Article throughout the State without regard to any limitation otherwise applicable to that department's activities in a municipal corporation or other political subdivision.

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§ 5-802

(a) (1) Notwithstanding any other law, a law enforcement officer of the Maryland Transportation Authority Police, a municipal corporation, or a county may investigate and otherwise enforce this title and Title 12 of the Criminal Procedure Article throughout the State without any limitation as to jurisdiction and to the same extent as a law enforcement officer of the Department of State Police.

(2) The authority granted in paragraph (1) of this subsection may be exercised only in accordance with regulations that the Secretary of the State Police adopts.

(3) The regulations are not subject to Title 10, Subtitle 1 of the State Government Article.

(b) If action is taken under the authority granted in this section, notification of an investigation or enforcement action shall be made:

(1) in a municipal corporation, to the chief of police or designee of the chief of police;

(2) in a county that has a county police department, to the chief of police or designee of the chief of police;

(3) in a county without a police department, to the sheriff or designee of the sheriff;

(4) in Baltimore City, to the Police Commissioner or the Police Commissioner's designee; and

(5) on property owned, leased, or operated by or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or the Maryland Port Administration, to the chief of police of the Maryland Transportation Authority or the chief's designee.

(c) When acting under the authority granted in this section, a law enforcement officer:

(1) in addition to any other immunities and exemptions to which the officer may be entitled, has the immunities from liability and exemptions accorded to a law enforcement officer of the Department of State Police; but

(2) remains an employee of the officer's employing agency.

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§ 5-803

(a) (1) The Secretary of State Police may pay a person the sum of money that the Secretary considers appropriate for information about a violation of this title.

(2) The money shall:

(i) be paid without reference to any reward to which the person may otherwise be entitled by law; and

(ii) be from funds appropriated for the Department of State Police, Intelligence Division.

(b) Money that is expended from appropriations of the Department of State Police, Intelligence Division, for purchase of controlled dangerous substances and that is subsequently recovered shall be reimbursed to the current appropriation for that Department.

(c) The Secretary of State Police may advance money to enforce this section.

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§ 5-804

(a) In this section, "administrative probable cause" means a valid public interest in the effective enforcement of this title or regulations sufficient to justify administrative inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the administrative inspection warrant.

(b) On showing of administrative probable cause, a judge of the State may issue an administrative inspection warrant to conduct:

(1) administrative inspections authorized by this title; and

(2) seizures of property appropriate to the inspections.

(c) (1) An administrative inspection warrant shall issue only on an affidavit:

(i) of a designated officer or employee with knowledge of the facts alleged;

(ii) that is sworn to before the judge; and

(iii) that establishes the grounds for issuing the warrant.

(2) If the judge is satisfied that grounds for the application exist or that there is administrative probable cause to believe they exist, the judge shall issue an administrative inspection warrant that identifies:

(i) the area, premises, building, or conveyance to be inspected;

(ii) the purpose of the inspection; and

(iii) where appropriate, the type of property to be inspected.

(3) The warrant shall be directed to a person authorized to execute it.

(4) The warrant shall:

(i) identify the item or type of property to be seized;

(ii) state the grounds for its issuance and the name of the affiant;

(iii) require the person to whom the warrant is directed to inspect the area, premises, building, or conveyance identified for the specified purpose;

(iv) require, where appropriate, the seizure of the specified property;

(v) require that the warrant be served during normal business hours; and

(vi) designate the judge to whom the warrant is to be returned.

- (d) (1) An administrative inspection warrant issued in accordance with this section shall be executed and returned within 10 days after its date.
- (2) If property is seized in accordance with an administrative inspection warrant, the person who executes the warrant:
- (i) shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken; or
- (ii) shall leave the copy and receipt at the place from which the property was taken.
- (3) The warrant shall be returned promptly and be accompanied by a written inventory of any property taken.
- (4) The inventory shall be made in the presence of the person executing the warrant and:
- (i) the person from whose possession or premises the property was taken; or
- (ii) if that person is not present, at least one other credible person.
- (5) On request, the judge shall deliver a copy of the inventory to:
- (i) the person from whom or from whose premises the property was taken; and
- (ii) the applicant for the warrant.
- (6) A judge who issues an administrative inspection warrant under this section shall:
- (i) attach to the warrant a copy of the return and all papers filed in connection with the return; and
- (ii) file them with the clerk of the court from which the warrant was issued.

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§ 5-805

(a) In this section, "controlled premises" means:

- (1) a place where a registrant or person exempted from registration requirements under this title is required to keep records; or
- (2) a place, including a factory, warehouse, establishment, or conveyance, where a registrant or person exempted from registration requirements under this title may possess, manufacture, compound, process, sell, deliver, or dispose of a controlled dangerous substance.
- (b) The Department may make administrative inspections of controlled premises in accordance with this section and designate those who may seize property under this section.
- (c) An officer or employee designated by the Department may enter controlled premises to conduct an administrative inspection:
- (1) when authorized by an administrative inspection warrant issued under § 5-804 of this subtitle; and
- (2) on presenting the warrant and appropriate credentials to the owner, operator, or agent in charge.
- (d) When authorized by an administrative inspection warrant, an officer or employee designated by the Department may:
- (1) inspect and copy records that must be kept under this title;
- (2) inspect, within reasonable limits and in a reasonable manner:
- (i) controlled premises and all pertinent equipment, finished and unfinished material, containers, and labeling in the controlled premises;
- (ii) except as provided in subsection (e) of this section, all other things in the controlled premises, including records, files, papers, processes, controls, and facilities, bearing on violation of this title; and
- (3) inventory stock and obtain samples of a controlled dangerous substance in the controlled premises.
- (e) Without a warrant, the Department may inspect books and records in accordance with this title and enter and conduct administrative inspections, including seizures of property:
- (1) with the consent of the owner, operator, or agent in charge of the controlled premises;
- (2) in a situation that presents imminent danger to health or safety;

- (3) in a situation that involves inspection of a conveyance where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;
 - (4) in any other exceptional or emergency situation in which time or opportunity to apply for a warrant is lacking; and
 - (5) in all other situations where a warrant is not legally required.
- (f) Unless the owner, operator, or agent in charge of the controlled premises consents in writing, an inspection authorized under this section may not extend to:
- (1) financial data;
 - (2) sales data other than shipment data; or
 - (3) pricing data.

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§ 5-806

The Department, the Attorney General, and the State's Attorney for a county may apply to the appropriate court for a temporary or permanent injunction to restrain a person from violating this title:

- (1) whether or not an adequate remedy at law exists;
- (2) in addition to the other remedies provided by this title; and
- (3) notwithstanding any other law.

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§ 5-807

(a) (1) The State need not negate an exemption, proviso, or exception set forth in this title in:

- (i) a complaint, information, indictment, or other pleading; or
- (ii) a trial, hearing, or other proceeding under this title.

(2) The burden of proof to establish an exemption, proviso, or exception is on the person claiming its benefit.

(b) (1) In the absence of proof that a person is a registrant or holder of an order form issued under § 5–303(d) of this title, the person is presumed not to be a registrant or holder of a form.

(2) The person has the burden of proof to rebut the presumption.

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§ 5-808

(a) If the individual is engaged in the enforcement or prosecution of this title or other law relating to controlled dangerous substances, criminal liability may not be imposed under this title on:

- (1) an authorized officer of the United States, this State, or a political subdivision of this State; or
- (2) an authorized police department civilian employee of the United States, this State, or a political subdivision of this State.

(b) A public official or employee who is covered under subsection (a) of this section may temporarily possess controlled dangerous substances, drug paraphernalia, or controlled paraphernalia incidental to the discharge of official or employee duties.

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§ 5-809

Notwithstanding any other law, at a hearing relating to bail or sentencing arising out of a violation or alleged violation of this title, hearsay evidence is admissible if:

- (1) the hearsay is relevant to the issue; and
- (2) the underlying circumstances on which the hearsay is based and the reliability of the source of the information are demonstrated.

§ 5-810

(a) (1) In this section the following words have the meanings indicated.

(2) "Drug crime" means:

(i) a violation of this title;

(ii) a violation of Title 12 of the Criminal Procedure Article; or

(iii) a violation of the law of any other jurisdiction if the prohibited conduct would be a violation of this title or Title 12 of the Criminal Procedure Article if committed in this State.

(3) "License" has the meaning stated in § 10–1401 of the State Government Article.

(4) "Licensing authority" has the meaning stated in § 10–1401 of the State Government Article.

(5) "Licensing information" means a statement of:

(i) each license held by the defendant on the date of sentencing;

(ii) the full name of the licensee as it appears on the license and, if different, as it appears in the court's docket;

(iii) the birth date of the licensee; and

(iv) the name of each licensing authority by whom the defendant is licensed.

(b) (1) If an individual is convicted of a drug crime, the court:

(i) shall determine at sentencing whether the individual holds a license; and

(ii) if the individual holds a license, shall obtain the licensing information.

(2) If the individual holds a license, at sentencing, the court shall make a prima facie finding of fact as to whether a relationship exists between the conviction and the license including:

(i) a determination of the individual's ability to perform the tasks authorized by the license;

(ii) a finding of whether the public will be protected if the individual continues to perform the tasks authorized by the license;

(iii) a finding of whether the nature and circumstances of the drug crime merit referral to the licensing authority; and

(iv) a finding of any other facts that the court considers relevant.

(3) If the court makes a prima facie finding of fact that a relationship between the conviction and the license exists, the court shall follow the procedures under subsection (c) of this section.

(c) (1) This subsection applies to a conviction of a licensee for a drug crime if:

(i) the licensee has at least one prior conviction or probation before judgment for a drug crime committed on or after January 1, 1991; or

(ii) 1. the licensee does not have a prior conviction or probation before judgment for a drug crime committed on or after January 1, 1991; and

2. the court makes a prima facie finding of fact that a relationship exists between the conviction and the license under subsection (b) of this section.

(2) On conviction of a licensee, the court shall:

(i) notify the clerk of the court of the determination; and

(ii) provide the clerk of the court with the licensing information.

(3) The clerk of the court shall certify and report the conviction and the licensing information to the licensing authority, under administrative orders that the Chief Justice of the Supreme Court of Maryland adopts.

(d) If the court makes a prima facie finding of fact under subsection (b) of this section that a relationship between the conviction and the license does not exist, the clerk may not certify or report to a licensing authority the conviction or the licensing information.

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§ 5-901

Notwithstanding any other law, a violation of this title shall be treated as if it were a felony for purposes of arrest, search, and seizure, whether or not a defendant is subsequently charged with or convicted of a violation that is a misdemeanor.

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§ 5-902

(a) Except as otherwise authorized by this title, a person may not:

- (1) omit, remove, alter, or obliterate a symbol required by federal law for a substance governed by this title;
- (2) refuse or fail to make, keep, or furnish a record, notification, order form, statement, invoice, or information required under this title;
- (3) refuse entry into a premises or inspection, if the entry or inspection is authorized under this title; or
- (4) as a registrant or other authorized person under this title, keep or maintain a store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or other place that is:

(i) resorted to by persons using a controlled dangerous substance in violation of this title for the purpose of using a controlled dangerous substance; or

(ii) used for keeping or selling a controlled dangerous substance in violation of this title.

(b) Unless authorized by the registrant's registration, a registrant may not manufacture, distribute, or dispense a controlled dangerous substance to another registrant or other authorized person.

(c) An authorized provider may not prescribe, administer, manufacture, distribute, dispense, or possess a controlled dangerous substance, drug paraphernalia, or controlled paraphernalia except:

(1) in the course of regular professional duties; and

(2) in conformity with this title and the standards of the authorized provider's profession relating to controlled dangerous substances, drug paraphernalia, or controlled paraphernalia.

(d) A controlled dangerous substance, drug paraphernalia, or controlled paraphernalia manufactured, distributed, dispensed, possessed, prescribed, or administered in violation of subsection (c) of this section is contraband.

(e) (1) If the trier of fact specifically finds that a person has knowingly or intentionally violated this section, the person is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$100,000 or both.

(2) In all other cases, a person who violates this section is subject to a civil penalty not exceeding \$50,000.

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§ 5-903

(a) In manufacturing or distributing a controlled dangerous substance, a person may not willfully use a registration number that is fictitious, revoked, suspended, or issued to another.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$100,000 or both.

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§ 5-904

(a) A registrant may not:

(1) distribute or dispense a controlled dangerous substance listed in Schedule I or Schedule II in violation of § 5-303(d) of this title; or

(2) distribute a controlled dangerous substance listed in Schedule I or Schedule II in the course of the registrant's legitimate business, except in accordance with an order form under § 5-303(d) of this title.

(b) (1) If the trier of fact specifically finds that a person knowingly or intentionally violated subsection (a)(1) of this section, the person is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$100,000 or both.

(2) In all other cases, a person who violates subsection (a)(1) of this section is subject to a civil penalty not exceeding \$50,000.

(3) A person who willfully violates subsection (a)(2) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$100,000 or both.

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§ 5-905

(a) Except as provided in subsection (e) of this section, a person convicted of a subsequent crime under this title is subject to:

(1) a term of imprisonment twice that otherwise authorized;

(2) twice the fine otherwise authorized; or

(3) both.

(b) For purposes of this section, a crime is considered a subsequent crime, if, before the conviction for the crime, the offender has ever been convicted of a crime under this title or under any law of the United States or of this or another state relating to other controlled dangerous substances.

(c) A person convicted of a subsequent crime under a law superseded by this title is eligible for parole, probation, and suspension of sentence in the same manner as those persons convicted under this title.

(d) A sentence on a single count under this section may be imposed in conjunction with other sentences under this title.

(e) A person whose prior and subsequent convictions were for a violation of § 5–601, § 5–602, § 5–603, § 5–604, § 5–605, or § 5–606 of this title is subject to this section only if the person was also previously convicted of a crime of violence as defined in § 14–101 of this article.

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§ 5-906

In addition to a penalty imposed under this title, a court may require an individual to complete the educational program on acquired immune deficiency syndrome (AIDS) developed under § 18-339 of the Health - General Article if:

(1) the individual pleads guilty or nolo contendere to, or is found guilty of, violating this title; and

(2) the judge believes the individual will attend and benefit from the program.

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§ 5-907

A penalty imposed for violation of this title is in addition to, and not instead of, any other civil or administrative penalty or sanction authorized by law.

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§ 5-908

(a) The Department may impose a civil penalty in an amount not exceeding \$1,000 for each violation of this title.

(b) The Department shall adopt regulations to set standards for the imposition of penalties under this section.

(c) The Department shall remit a penalty imposed under this section to the General Fund of the State.

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§ 5-1101

This title may be cited as the “Maryland Controlled Dangerous Substances Act”.

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Title 6 — Crimes Against Public Administration

§ 6-101

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Dwelling" means a structure any part of which has been adapted for overnight accommodation of an individual, regardless of whether an individual is actually present.

(2) "Dwelling" includes a kitchen, shop, barn, stable, or outbuilding that is a parcel to, belongs to, or adjoins the dwelling.

(c) "Maliciously" means acting with intent to harm a person or property.

(d) (1) "Structure" means a building or other construction, a vehicle, or watercraft.

(2) "Structure" includes a:

(i) barn, stable, pier, wharf, and any facility attached to a pier or wharf;

(ii) tent, public building, or public bridge; and

(iii) railroad car.

(e) "Willfully" means acting intentionally, knowingly, and purposely.

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§ 6-102

(a) A person may not willfully and maliciously set fire to or burn:

(1) a dwelling; or

(2) a structure in or on which an individual who is not a participant is present.

(b) A person who violates this section is guilty of the felony of arson in the first degree and on conviction is subject to imprisonment not exceeding 30 years or a fine not exceeding \$50,000 or both.

(c) It is not a defense to a prosecution under this section that the person owns the property.

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§ 6-103

(a) A person may not willfully and maliciously set fire to or burn a structure that belongs to the person or to another.

(b) A person who violates this section is guilty of the felony of arson in the second degree and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$30,000 or both.

(c) It is not a defense to a prosecution under this section that the person owns the property.

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§ 6-104

(a) This section applies to a violation involving property damage of \$1,000 or more.

(b) A person may not willfully and maliciously set fire to or burn the personal property of another.

(c) A person who violates this section is guilty of the felony of malicious burning in the first degree and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

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§ 6-105

(a) This section applies to a violation involving property damage of less than \$1,000.

(b) A person may not willfully and maliciously set fire to or burn the personal property of another.

(c) A person who violates this section is guilty of the misdemeanor of malicious burning in the second degree and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both.

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§ 6-106

- (a) A person may not set fire to or burn property of any kind with the intent to defraud another.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.
- (c) A person who violates this section is subject to § 5-106(b) of the Courts Article.
- (d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

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§ 6-107

- (a) A person may not threaten verbally or in writing to:
 - (1) set fire to or burn a structure; or
 - (2) explode a destructive device, as defined in § 4-501 of this article, in, on, or under a structure.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

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§ 6-108

- (a) A person may not willfully and maliciously set fire to or burn the contents of a dumpster or trash receptacle that belongs to another.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$500 or both.

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§ 6-109

Placing or distributing a flammable, explosive, or combustible material or device in or near a structure or personal property in preparation for burning the structure or property is an attempt to burn the structure or property.

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§ 6-110

If a structure is divided into separately owned or leased units, each unit is a separate structure for purposes of prosecution under this subtitle.

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§ 6-111

- (a) An indictment, information, warrant, or other charging document for a crime under this subtitle is sufficient if it substantially states:

“(name of defendant) on (date) in (county) burned or set fire to (describe property) or (describe other violation) in violation of (section violated) against the peace, government, and dignity of the State.”.
- (b) If the general form of indictment or information described in subsection (a) of this section is used to charge a crime under this subtitle in a case in the circuit court, the defendant, on timely demand, is entitled to a bill of particulars.

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§ 6-112

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Crime of malicious or fraudulent burning” means a violation of § 6–104, § 6–105, or § 6–106 of this subtitle.

- (3) "Serious physical injury" has the meaning stated in § 3-201 of this article.
- (b) A person may not commit a crime of malicious or fraudulent burning that results in the death of or serious physical injury to a firefighter.
- (c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years.
- (d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence imposed for any crime based on the act establishing the violation of this section.

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§ 6-201

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Break" retains its judicially determined meaning except to the extent that its meaning is expressly or impliedly changed in this subtitle.
- (c) (1) "Burglar's tool" means a tool, instrument, or device adapted, designed, or used to commit or facilitate the commission of a burglary crime.
- (2) "Burglar's tool" includes:
- (i) a picklock, key, crowbar, prybar, jack, or bit;
 - (ii) explosive material including nitroglycerine, dynamite, or gunpowder; and
 - (iii) a device capable of burning through metal, concrete, or other solid material, including an acetylene torch, electric arc, burning bar, thermal lance, or oxygen lance.
- (d) "Crime of violence" has the meaning stated in § 14-101 of this article.
- (e) "Dwelling" retains its judicially determined meaning except to the extent that its meaning is expressly or impliedly changed in this subtitle.
- (f) "Enter" retains its judicially determined meaning except to the extent that its meaning is expressly or impliedly changed in this subtitle.
- (g) (1) "Firearm" includes:
- (i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, and short-barreled rifle, as those terms are defined in § 4-201 of this article;
 - (ii) a machine gun, as defined in § 4-401 of this article; and
 - (iii) a regulated firearm, as defined in § 5-101 of the Public Safety Article.
- (2) "Firearm" does not include a firearm that has been modified to be permanently inoperative.
- (h) (1) "Storehouse" retains its judicially determined meaning.
- (2) "Storehouse" includes:
- (i) a building or other construction, or a watercraft;
 - (ii) a barn, stable, pier, wharf, and any facility attached to a pier or wharf;
 - (iii) a storeroom or public building; and
 - (iv) a trailer, aircraft, vessel, or railroad car.

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§ 6-202

- (a) A person may not break and enter the dwelling of another with the intent to commit theft.
- (b) A person may not break and enter the dwelling of another with the intent to commit a crime of violence.
- (c) A person who violates subsection (a) of this section is guilty of the felony of burglary in the first degree and on conviction is subject to imprisonment not exceeding 20 years.

(d) A person who violates subsection (b) of this section is guilty of the felony of home invasion and on conviction is subject to imprisonment not exceeding 25 years.

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§ 6-203

(a) A person may not break and enter the storehouse of another with the intent to commit theft, a crime of violence, or arson in the second degree.

(b) A person may not break and enter the storehouse of another with the intent to steal, take, or carry away a firearm.

(c) A person who violates this section is guilty of the felony of burglary in the second degree and on conviction is subject to:

(1) for a violation of subsection (a) of this section, imprisonment not exceeding 15 years; and

(2) for a violation of subsection (b) of this section, imprisonment not exceeding 20 years or a fine not exceeding \$10,000 or both.

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§ 6-204

(a) A person may not break and enter the dwelling of another with the intent to commit a crime.

(b) A person who violates this section is guilty of the felony of burglary in the third degree and on conviction is subject to imprisonment not exceeding 10 years.

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§ 6-205

(a) A person may not break and enter the dwelling of another.

(b) A person may not break and enter the storehouse of another.

(c) A person, with the intent to commit theft, may not be in or on:

(1) the dwelling or storehouse of another; or

(2) a yard, garden, or other area belonging to the dwelling or storehouse of another.

(d) A person may not possess a burglar's tool with the intent to use or allow the use of the burglar's tool in the commission of a violation of this subtitle.

(e) A person who violates this section is guilty of the misdemeanor of burglary in the fourth degree and on conviction is subject to imprisonment not exceeding 3 years.

(f) A person who is convicted of violating § 7-104 of this article may not also be convicted of violating subsection (c) of this section based on the act establishing the violation of § 7-104 of this article.

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§ 6-206

(a) A person may not possess a burglar's tool with the intent to use or allow the use of the burglar's tool in the commission of a crime involving the breaking and entering of a motor vehicle.

(b) A person may not be in or on the motor vehicle of another with the intent to commit theft of the motor vehicle or property that is in or on the motor vehicle.

(c) A person who violates this section is guilty of a misdemeanor, shall be considered a rogue and vagabond, and on conviction is subject to imprisonment not exceeding 3 years.

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§ 6-207

(a) A person may not open or attempt to open a vault, safe, or other secure repository by the use of a destructive device, as defined in § 4-501 of this article, while committing burglary in the first, second, or third degree.

(b) A person who violates this section is guilty of the felony of burglary with destructive device and on conviction is subject to imprisonment not exceeding 20 years.

(c) A sentence imposed for a violation of this section may be separate from and consecutive to or concurrent with a sentence for another crime based on the act establishing the violation of this section.

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§ 6-208

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Enclosure" means a building, structure, aircraft, watercraft, or vehicle, and each:

1. separately secured or occupied portion of it; and
2. structure appurtenant or connected to it.

(ii) "Enclosure" includes a trailer and a sleeping car.

(3) "Research" means a studious and serious inquiry, examination, investigation, or experimentation designed to discover or accumulate data, theories, technologies, or applications for a governmental, scientific, educational, or proprietary purpose.

(4) "Research facility" means an enclosure or separately secured yard, pad, pond, laboratory, pasture, or pen used to conduct research, house research subjects, or store supplies, records, data, prototypes, or equipment necessary to or derived from research.

(5) (i) "Research property" means property, regardless of value, related to research in a research facility.

(ii) "Research property" includes a sample, specimen, research subject, record, data, test result, or proprietary information.

(b) A person may not break and enter a research facility without the permission of the research facility with the intent to:

- (1) obtain unauthorized control over research property;
- (2) alter or eradicate research property;
- (3) damage or deface research property;
- (4) move research property in a manner intended to cause harm to it;
- (5) destroy or remove research property; or
- (6) engage in conduct that results in the removal of research property.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

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§ 6-209

For purposes of prosecution under this subtitle, a unit in a building or structure that is divided into separately owned or leased units may not be considered a separate dwelling or storehouse unless it is objectively apparent that each unit constitutes a separate dwelling or storehouse.

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§ 6-210

(a) An indictment, information, warrant, or other charging document for burglary or another crime under this subtitle is sufficient if it substantially states:

"(name of defendant) on (date) in (county) did break and enter (describe property) or (describe other crime) in violation of (section violated) against the peace, government, and dignity of the State."

(b) If the general form of indictment or information described in subsection (a) of this section is used to charge a crime under this subtitle in a case in the circuit court, the defendant, on timely demand, is entitled to a bill of particulars.

(c) A person charged with a violation of § 6-202 of this subtitle may be convicted of a violation of § 6-204 or § 6-205(a) of this subtitle.

(d) A person charged with a violation of § 6-203 of this subtitle may be convicted of a violation of § 6-205(b) of this subtitle.

(e) A person charged with a violation of § 6-204 of this subtitle may be convicted of a violation of § 6-205(a) of this subtitle.

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§ 6-301

(a) A person may not willfully and maliciously destroy, injure, or deface the real or personal property of another.

(b) A person who, in violation of this section, causes damage of at least \$1,000 to the property is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.

(c) A person who, in violation of this section, causes damage of less than \$1,000 to the property is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$500 or both.

(d) (1) For purposes of this subsection, an act of "graffiti" means a permanent drawing, permanent painting, or a permanent mark or inscription on the property of another without the permission of the owner of the property.

(2) In addition to the penalties set forth in subsections (b) and (c) of this section, the court shall order a person convicted of causing malicious destruction by an act of graffiti to pay restitution or perform community service or both.

(3) Title 11, Subtitle 6 of the Criminal Procedure Article applies to an order of restitution under this subsection.

(e) (1) Except as provided in paragraph (2) of this subsection, to determine a penalty, the court may consider as one crime the aggregate value of damage to each property resulting from one scheme or continuing course of conduct.

(2) If separate acts resulting in damage to the properties of one or more owners are set forth by separate counts in one or more charging documents, the separate counts may not be merged for sentencing.

(f) (1) The value of damage is not a substantive element of a crime under this section and need not be stated in the charging document.

(2) The value of damage shall be based on the evidence and that value shall be applied for the purpose of imposing the penalties established in this section.

(3) If it cannot be determined from the evidence whether the value of the damage to the property is more or less than \$1,000, the value is deemed to be less than \$1,000.

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§ 6-302

(a) A person may not willfully throw, shoot, or propel a rock, brick, piece of iron, steel, or other similar metal, or a dangerous missile at or into a vehicle or other means of transportation that is occupied by an individual.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

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§ 6-303

(a) In this section, "electric company" has the meaning stated in § 1–101 of the Public Utilities Article.

(b) This section does not apply to:

(1) an employee of or a person authorized by an electric company; and

(2) supervision and control of an electric company and its material, equipment, or facilities by the political subdivision within which the electric company is doing business.

(c) A person may not willfully:

(1) tamper or interfere with the material, equipment, or facilities of an electric company;

- (2) make a connection with an electrical conductor to use the electricity; or
- (3) tamper with a meter used to register electricity consumed.
- (d) Prima facie evidence of intent to violate this section by a person who uses or directly benefits from the use or diversion of electricity includes:
 - (1) a connection, wire, conductor, meter alteration, or other device that diverts electricity without the electric current being registered by the meter installed by the electric company that supplies the electricity;
 - (2) the use of electricity supplied by an electric company without the electricity being registered on a meter that the electric company supplied; and
 - (3) a showing by a check or test meter used by the electric company that a customer uses more electricity than is registered on the meter that the electric company supplied for the customer's premises.
- (e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 6-304

- (a) In this section, "gas company" has the meaning stated in § 1–101 of the Public Utilities Article.
- (b) (1) A person may not wrongfully and maliciously damage, connect, disconnect, tap, or interfere or tamper with material, equipment, or facilities of a gas company.
- (2) A person may not intentionally damage or defraud a gas company by:
 - (i) bypassing a meter provided for registering the gas consumed;
 - (ii) willfully tampering with, damaging, or preventing the action of a meter to register gas; or
 - (iii) causing or procuring a meter to be damaged or altered.
- (c) Prima facie evidence of a violation of this section by the person who would directly benefit from the use of the gas passing through the meter includes:
 - (1) a device that allows the use of gas supplied by a gas company without the gas being registered on a meter provided by the gas company; and
 - (2) damage or alteration to a meter so as to prevent the action of the meter.
- (d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$250 or both.

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§ 6-305

- (a) In this section, "water equipment" includes a canal, spring, reservoir, tunnel, mound, dam, plug, main, pipe, conduit, connection, tap, valve, engine, or machinery.
- (b) This section does not apply to:
 - (1) a person who is authorized by the company, municipal corporation, county, or unit of State or local government that uses or supplies water for domestic, agricultural, or manufacturing purposes or an authorized employee of the company, municipal corporation, county, or unit of State or local government; or
 - (2) governmental regulation of:
 - (i) water equipment; or
 - (ii) water companies, as defined in § 1–101 of the Public Utilities Article.
- (c) A person may not wrongfully and maliciously:
 - (1) connect, disconnect, tap, interfere or tamper with, or make a connection with water equipment that belongs to a company, municipal corporation, county, or unit of State or local government that uses or supplies water for domestic, agricultural, or manufacturing purposes; or

(2) tamper with a meter used to register the water consumed.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 6-306

(a) A person may not remove, deface, or obliterate a manufacturer's serial number that is punched on or affixed by plate to a manufactured good with the intent to prevent tracing or identifying that good.

(b) Except as provided in § 14-107(m) of the Transportation Article, a person may not knowingly keep or offer for sale a manufactured good from which the manufacturer's serial number has been removed, defaced, or obliterated in violation of subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both for each violation.

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§ 6-307

(a) A person may not:

(1) sell or possess a stolen:

(i) manufactured serial number; or

(ii) vehicle identification plate or label; or

(2) possess a manufactured serial number or vehicle identification plate or label if the person intends it to be:

(i) affixed to stolen property; or

(ii) used for fraudulent purposes.

(b) A person who violates a provision of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both for each violation.

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§ 6-401

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Off-road vehicle" means a motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(2) "Off-road vehicle" includes:

(i) a four-wheel drive or low-pressure-tire vehicle;

(ii) a motorcycle or a related two-wheel vehicle;

(iii) an amphibious machine;

(iv) a ground-effect vehicle; and

(v) an air-cushion vehicle.

(c) "Vehicle" has the meaning stated in § 11-176 of the Transportation Article.

(d) "Wanton" retains its judicially determined meaning.

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§ 6-402

(a) A person may not enter or trespass on property that is posted conspicuously against trespass by:

(1) signs placed where they reasonably may be seen; or

(2) paint marks that:

(i) conform with regulations that the Department of Natural Resources adopts under § 5–209 of the Natural Resources Article; and

(ii) are made on trees or posts that are located:

1. at each road entrance to the property; and
2. adjacent to public roadways, public waterways, and other land adjoining the property.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

- (1) for a first violation, imprisonment not exceeding 90 days or a fine not exceeding \$500 or both;
- (2) for a second violation occurring within 2 years after the first violation, imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both; and
- (3) for each subsequent violation occurring within 2 years after the preceding violation, imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both.

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§ 6-403

(a) A person may not enter or cross over private property or board the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so, unless entering or crossing under a good faith claim of right or ownership.

(b) A person may not remain on private property including the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

- (1) for a first violation, imprisonment not exceeding 90 days or a fine not exceeding \$500 or both;
- (2) for a second violation occurring within 2 years after the first violation, imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both; and
- (3) for each subsequent violation occurring within 2 years after the preceding violation, imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both.

(d) This section prohibits only wanton entry on private property.

(e) This section also applies to property that is used as a housing project and operated by a housing authority or State public body, as those terms are defined in Division II of the Housing and Community Development Article, if an authorized agent of the housing authority or State public body gives the required notice specified in subsection (a) or (b) of this section.

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§ 6-404

(a) This section does not apply to:

- (1) a vessel;
- (2) a military, fire, or law enforcement vehicle;
- (3) a farm-type tractor, other agricultural equipment used for agricultural purposes, or construction equipment used for agricultural purposes or earth moving;
- (4) earth-moving or construction equipment used for those purposes; or
- (5) a lawn mower, snowblower, garden or lawn tractor, or golf cart while being used for its designed purpose.

(b) Except when traveling on a clearly designated private driveway, a person may not use a vehicle or off-road vehicle on private property unless the person has in the person's possession the written permission of the owner or tenant of the private property.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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§ 6-405

(a) In this section, "political subdivision" includes a:

- (1) county;
- (2) municipal corporation;
- (3) bicounty or multicounty agency;
- (4) county board of education;
- (5) public authority; or
- (6) special taxing district.

(b) This section does not apply to:

- (1) a vessel;
- (2) a military, fire, or law enforcement vehicle;
- (3) a farm-type tractor, other agricultural equipment used for agricultural purposes, or construction equipment used for agricultural purposes or earth moving;
- (4) earth-moving or construction equipment used for those purposes; or
- (5) a lawn mower, snowblower, garden or lawn tractor, or golf cart while being used for its designed purpose.

(c) Except as otherwise allowed by law, a person may not use an off-road vehicle on property known by the person to be owned or leased by the State or a political subdivision.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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§ 6-406

(a) "Cultivated land" means land that has been cleared of its natural vegetation and is currently planted with a crop or orchard.

(b) Unless a person has permission from the owner of cultivated land or an agent of the owner, a person may not enter on the cultivated land of another.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

(d) This section:

- (1) prohibits only wanton entry on cultivated land; and
- (2) does not:
 - (i) prevent a person who resides on cultivated land from receiving a person who seeks to provide a lawful service; or
 - (ii) apply to a person entering cultivated land under color of law or color of title.

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§ 6-407

(a) A person may not enter or remain in the stable area of a racetrack after being notified by a racetrack official, security guard, or law enforcement officer that the person is not allowed in the stable area.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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§ 6-408

(a) A person may not enter on the property of another for the purpose of invading the privacy of an occupant of a building or enclosure located on the property by looking into a window, door, or other opening.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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§ 6-409

(a) A person may not refuse or fail to leave a public building or grounds, or a specific part of a public building or grounds, during the time when the public building or grounds, or specific part of the public building or grounds, is regularly closed to the public if:

(1) the surrounding circumstances would indicate to a reasonable person that the person who refuses or fails to leave has no apparent lawful business to pursue at the public building or grounds; and

(2) a regularly employed guard, watchman, or other authorized employee of the government unit that owns, operates, or maintains the public building or grounds asks the person to leave.

(b) A person may not refuse or fail to leave a public building or grounds, or a specific part of a public building or grounds, during regular business hours if:

(1) the surrounding circumstances would indicate to a reasonable person that the person who refuses or fails to leave:

(i) has no apparent lawful business to pursue at the public building or grounds; or

(ii) is acting in a manner disruptive of and disturbing to the conduct of normal business by the government unit that owns, operates, or maintains the public building or grounds; and

(2) an authorized employee of the government unit asks the person to leave.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

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§ 6-410

(a) A person may not commit wanton trespass on the property of Government House.

(b) Notwithstanding any other provision of law, the property of Government House need not be posted against trespass.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

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§ 6-411

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Dwelling" means a building or part of a building that provides living or sleeping facilities for one or more individuals.

(ii) "Dwelling" does not include:

1. common elements of a condominium, as defined in § 11–101 of the Real Property Article;

2. property of a cooperative housing corporation other than a unit as defined in § 5–6B–01 of the Corporations and Associations Article; or

3. common areas of a multifamily dwelling as defined in § 12–203 of the Public Safety Article.

(3) "Firearm" has the meaning stated in § 4–104 of this article.

(4) "Law enforcement official" has the meaning stated in § 4–201 of this article.

(5) "Police officer" has the meaning stated in § 3–201 of the Public Safety Article.

(6) (i) "Property" means a building.

(ii) "Property" does not include the land adjacent to a building.

(b) This section does not apply to:

(1) a law enforcement official or police officer;

(2) an on-duty employee of a law enforcement agency authorized by the agency to possess firearms on duty or whose duty assignment involves the possession of firearms;

(3) a member of the armed forces of the United States, the National Guard, or the uniformed services on duty or traveling to or from duty;

(4) a correctional officer or warden of a correctional facility in the State;

(5) the wearing, carrying, or transporting of a firearm on a portion of real property subject to an easement, a right-of-way, a servitude, or any other property interest that allows public access on or through the real property; or

(6) the wearing, carrying, or transporting of a firearm on a portion of real property subject to an easement, a right-of-way, a servitude, or any other property interest allowing access on or through the real property by:

(i) the holder of the easement, right-of-way, servitude, or other property interest; or

(ii) a guest or assignee of the holder of the easement, right-of-way, servitude, or other property interest.

(c) A person wearing, carrying, or transporting a firearm may not enter or trespass in the dwelling of another unless the owner or the owner's agent has given express permission, either to the person or to the public generally, to wear, carry, or transport a firearm inside the dwelling.

(d) A person wearing, carrying, or transporting a firearm may not:

(1) enter or trespass on property unless the owner or the owner's agent has posted a clear and conspicuous sign indicating that it is permissible to wear, carry, or transport a firearm on the property; or

(2) enter or trespass on property unless the owner or the owner's agent has given the person express permission to wear, carry, or transport a firearm on the property.

(e) A person who willfully violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(f) (1) A conviction under this section may not merge with a conviction for any other crime based on the act establishing the violation of this section.

(2) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

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§ 6-412

(a) (1) In this section the following words have the meanings indicated.

(2) "Practice land surveying" has the same meaning as provided in § 15-101 of the Business Occupations and Professions Article.

(3) "Professional land surveyor" means a land surveyor who is licensed by the State Board for Professional Land Surveyors to practice land surveying.

(b) This subtitle does not apply to a professional land surveyor, or an agent or employee of a professional land surveyor, who enters a property to practice land surveying.

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§ 6-501

In this subtitle, "railroad vehicle" includes a car, carriage, engine, locomotive, or tender.

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§ 6-502

(a) In this section, "railroad" includes a switch, frog, rail, roadbed, tie, viaduct, bridge, trestle, culvert, embankment, structure, or appliance that pertains to or connects with a railroad.

(b) A person may not, with the intent to obstruct or derail a railroad vehicle in the State:

- (1) break or damage a railroad; or
- (2) place or cause anything to be placed on a railroad.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

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§ 6-503

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Passenger" means an individual who is traveling by railroad vehicle with lawful authorization and who does not participate in the operation of the railroad vehicle.

(ii) "Passenger" does not include a stowaway.

(3) (i) "Railroad" means a form of ground transportation that runs on rails or electromagnetic guide ways.

(ii) "Railroad" includes:

1. a commuter or other short-haul railroad passenger service in a metropolitan or suburban area; and
2. a high-speed ground transportation system that connects metropolitan areas.

(iii) "Railroad" does not include:

1. highway ground transportation; or
2. a rapid transit operation in a metropolitan area that does not connect to the general railroad transportation system.

(4) "Railroad carrier" means a person who provides railroad transportation.

(5) "Railroad property" means the material, equipment, and property used on or in connection with a railroad, right-of-way, or yard.

(6) "Right-of-way" means the track or roadbed that is:

- (i) owned, leased, or operated by a railroad carrier;
- (ii) located on either side of the tracks of the railroad carrier; and
- (iii) 1. readily recognizable to a reasonable person as railroad property; or
2. reasonably identified as railroad property by fencing or appropriate signs.

(7) "Yard" means a system of parallel tracks, crossovers, and switches where railroad vehicles are switched or connected, and where railroad vehicles and other rolling stock are kept when not in use or when awaiting repair.

(b) This section does not apply to:

- (1) a passenger on a railroad vehicle;
- (2) an individual who enters railroad property in an emergency to:
 - (i) rescue from harm another individual or an animal, including livestock, a pet, or wildlife; or
 - (ii) remove an object that the individual reasonably believes to pose an imminent threat to life or limb;
- (3) an individual on the station grounds or in the depot of a railroad carrier as a passenger or to transact lawful business;
- (4) a person, a family member or invitee of a person, or an employee or independent contractor of a person who enters a railroad right-of-way to obtain access to land that the person owns, leases, or operates at a private crossing approved by the railroad carrier;
- (5) a person having permission of the railroad carrier to enter the railroad property;
- (6) a law enforcement officer, firefighter, or emergency response personnel while performing official duties;
- (7) a representative of the Maryland Department of Transportation or the Maryland Department of Labor while performing official duties; or

(8) a representative of the Federal Railroad Administration or the National Transportation Safety Board while performing official duties.

(c) (1) Without the consent of the railroad carrier or other lawful authorization, a person may not ride on the outside or inside of a railroad vehicle, including a flatbed or container.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

(d) (1) Without the consent of the railroad carrier or other lawful authorization, and except to cross the property at a public highway or other authorized crossing, a person may not knowingly enter or remain on railroad property.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

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§ 6-504

(a) A person may not give a train signal to start a stopped train or to stop a moving train unless the person is an authorized employee of a railroad company.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months.

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§ 6-505

(a) In this section, "railroad" has the meaning stated in § 1–101 of the Public Utilities Article.

(b) A person may not willfully and maliciously strike a railroad vehicle on a railroad or on an electric railway in the State by:

(1) shooting or throwing an object at the railroad vehicle; or

(2) causing an object to fall on the railroad vehicle.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$1,000 or both.

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§ 6-506

(a) Unless authorized by a railroad company that maintains offices in the State, a person may not:

(1) buy, sell, or engage in the business of buying or selling railroad tickets or the unused parts of railroad tickets;

(2) act as vendor or broker of whole or partly used railroad tickets;

(3) solicit personally or by sign, advertisement, or otherwise to buy or sell railroad tickets; or

(4) aid or abet in buying or selling railroad tickets in the State.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$100 or both.

(c) Each act of buying or selling railroad tickets is a separate violation.

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Title 7 — Fraud and Related Crimes

§ 7-101

(a) In this part the following words have the meanings indicated.

(b) (1) "Deception" means knowingly to:

(i) create or confirm in another a false impression that the offender does not believe to be true;

- (ii) fail to correct a false impression that the offender previously has created or confirmed;
 - (iii) prevent another from acquiring information pertinent to the disposition of the property involved;
 - (iv) sell or otherwise transfer or encumber property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, regardless of whether the impediment is of value or a matter of official record;
 - (v) insert or deposit a slug in a vending machine;
 - (vi) remove or alter a label or price tag;
 - (vii) promise performance that the offender does not intend to perform or knows will not be performed; or
 - (viii) misrepresent the value of a motor vehicle offered for sale by tampering or interfering with its odometer, or by disconnecting, resetting, or altering its odometer with the intent to change the mileage indicated.
- (2) "Deception" does not include puffing or false statements of immaterial facts and exaggerated representations that are unlikely to deceive an ordinary individual.
- (c) "Deprive" means to withhold property of another:
- (1) permanently;
 - (2) for a period that results in the appropriation of a part of the property's value;
 - (3) with the purpose to restore it only on payment of a reward or other compensation; or
 - (4) to dispose of the property or use or deal with the property in a manner that makes it unlikely that the owner will recover it.
- (d) (1) "Exert control" includes to take, carry away, appropriate to a person's own use or sell, convey, or transfer title to an interest in or possession of property.
- (2) "Exert control" does not include:
- (i) to trespass on the land of another; or
 - (ii) to occupy the land of another without authorization.
- (e) (1) "Interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server.
- (2) "Interactive computer service" includes a service or system that provides access to the Internet.
- (f) "Motor vehicle" has the meaning stated in § 11-135 of the Transportation Article.
- (g) "Obtain" means:
- (1) in relation to property, to bring about a transfer of interest in or possession of the property; and
 - (2) in relation to a service, to secure the performance of the service.
- (h) Except as otherwise expressly provided in this part, "owner" means a person, other than the offender:
- (1) who has an interest in or possession of property regardless of whether the person's interest or possession is unlawful; and
 - (2) without whose consent the offender has no authority to exert control over the property.
- (i) (1) "Property" means anything of value.
- (2) "Property" includes:
- (i) real estate;
 - (ii) money;
 - (iii) a commercial instrument;
 - (iv) an admission or transportation ticket;
 - (v) a written instrument representing or embodying rights concerning anything of value, or services, or anything otherwise of value to the owner;
 - (vi) a thing growing on or affixed to, or found on land, or part of or affixed to any building;

- (vii) electricity, gas, and water;
- (viii) a bird, animal, or fish that ordinarily is kept in a state of confinement;
- (ix) food or drink;
- (x) a sample, culture, microorganism, or specimen;
- (xi) a record, recording, document, blueprint, drawing, map, or a whole or partial copy, description, photograph, prototype, or model of any of them;
- (xii) an article, material, device, substance, or a whole or partial copy, description, photograph, prototype, or model of any of them that represents evidence of, reflects, or records a secret:
 - 1. scientific, technical, merchandising, production, or management information; or
 - 2. designed process, procedure, formula, invention, trade secret, or improvement;
- (xiii) a financial instrument; and
- (xiv) information, electronically produced data, and a computer software or program in a form readable by machine or individual.
- (j) "Property of another" means property in which a person other than the offender has an interest that the offender does not have the authority to defeat or impair, even though the offender also may have an interest in the property.
- (k) "Service" includes:
 - (1) labor or professional service;
 - (2) telecommunication, public utility, toll facility, or transportation service;
 - (3) lodging, entertainment, or restaurant service; and
 - (4) the use of computers, data processing, or other equipment.
- (l) "Slug" means an object that, because of its size, shape, or other quality, can be deposited or inserted in a vending machine as an improper substitute for the payment required to operate the vending machine.
- (m) (1) "Theft" means the conduct described in §§ 7-104 through 7-107 of this subtitle.
- (2) "Theft" includes motor vehicle theft, unless otherwise indicated.
- (n) "Vending machine" means a device designed to receive a specified payment and in exchange automatically offer, provide, assist in providing, or allow a person to acquire property or service.

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§ 7-102

- (a) Conduct described as theft in this part constitutes a single crime and includes the separate crimes formerly known as:
 - (1) larceny;
 - (2) larceny by trick;
 - (3) larceny after trust;
 - (4) embezzlement;
 - (5) false pretenses;
 - (6) shoplifting; and
 - (7) receiving stolen property.
- (b) (1) A person acts "knowingly":
 - (i) with respect to conduct or a circumstance as described by a statute that defines a crime, when the person is aware of the conduct or that the circumstance exists;
 - (ii) with respect to the result of conduct as described by a statute that defines a crime, when the person is practically certain that the result will be caused by the person's conduct; and

(iii) with respect to a person's knowledge of the existence of a particular fact, if that knowledge is an element of a crime, when the person is practically certain of the existence of that fact.

(2) The terms "knowing" and "with knowledge" are construed in the same manner.

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§ 7-103

(a) In this section, "value" means:

(1) the market value of the property or service at the time and place of the crime; or

(2) if the market value cannot satisfactorily be ascertained, the cost of the replacement of the property or service within a reasonable time after the crime.

(b) Except as provided in § 7–104.1 of this subtitle, the value of property or service under this part shall be determined in accordance with this section.

(c) (1) Except as provided in paragraph (2) of this subsection, this subsection applies to a written instrument whether or not the instrument has been issued or delivered.

(2) This subsection does not apply to a written instrument that has a readily ascertainable market value.

(3) (i) For purposes of this part, a written instrument is valued as provided by this paragraph.

(ii) The value of an instrument constituting evidence of debt, including a check, draft, or promissory note, is the amount due or collectible on the instrument. That value is ordinarily the face amount of the instrument, less any portion that has been satisfied.

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects a valuable legal right, privilege, or obligation is the amount of economic loss the owner of the instrument might reasonably suffer because of the loss of the instrument.

(d) The value of a trade secret lacking a readily ascertainable market value is a reasonable value that represents the damage the owner suffered by the loss of an advantage over those who do not know or use the trade secret.

(e) (1) For the purposes of determining whether a theft violation subject to either § 7–104(g)(1) or (2) of this subtitle has been committed, when it cannot be determined whether the value of the property or service is more or less than \$1,500 under the standards of this section, the value is deemed to be less than \$1,500.

(2) For the purposes of determining whether a theft violation subject to either § 7–104(g)(2) or (3) of this subtitle has been committed, when it cannot be determined whether the value of the property or service is more or less than \$100 under the standards of this section, the value is deemed to be less than \$100.

(f) (1) When theft is committed in violation of this part under one scheme or continuing course of conduct, whether from the same or several sources:

(i) the conduct may be considered as one crime; and

(ii) the value of the property or services may be aggregated in determining whether the theft is a felony or a misdemeanor.

(2) Multiple thefts committed by the same person in multiple counties under one scheme or continuing course of conduct may be joined and prosecuted in any county in which any one of the thefts occurred.

(g) The value of a chip designated for use in a table game authorized under Title 9, Subtitle 1A of the State Government Article is:

(1) the face value depicted on the chip; or

(2) if no face value is depicted on the chip, the value designated by the Maryland Lottery and Gaming Control Commission based on the color of the chip.

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§ 7-104

(a) A person may not willfully or knowingly obtain or exert unauthorized control over property, if the person:

(1) intends to deprive the owner of the property;

(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or
(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.

(b) A person may not obtain control over property by willfully or knowingly using deception, if the person:

(1) intends to deprive the owner of the property;

(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.

(c) (1) A person may not possess stolen personal property knowing that it has been stolen, or believing that it probably has been stolen, if the person:

(i) intends to deprive the owner of the property;

(ii) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(iii) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(2) In the case of a person in the business of buying or selling goods, the knowledge required under this subsection may be inferred if:

(i) the person possesses or exerts control over property stolen from more than one person on separate occasions;

(ii) during the year preceding the criminal possession charged, the person has acquired stolen property in a separate transaction; or

(iii) being in the business of buying or selling property of the sort possessed, the person acquired it for a consideration that the person knew was far below a reasonable value.

(3) In a prosecution for theft by possession of stolen property under this subsection, it is not a defense that:

(i) the person who stole the property has not been convicted, apprehended, or identified;

(ii) the defendant stole or participated in the stealing of the property;

(iii) the property was provided by law enforcement as part of an investigation, if the property was described to the defendant as being obtained through the commission of theft; or

(iv) the stealing of the property did not occur in the State.

(4) Unless the person who criminally possesses stolen property participated in the stealing, the person who criminally possesses stolen property and a person who has stolen the property are not accomplices in theft for the purpose of any rule of evidence requiring corroboration of the testimony of an accomplice.

(d) A person may not obtain control over property knowing that the property was lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature or amount of the property, if the person:

(1) knows or learns the identity of the owner or knows, is aware of, or learns of a reasonable method of identifying the owner;

(2) fails to take reasonable measures to restore the property to the owner; and

(3) intends to deprive the owner permanently of the use or benefit of the property when the person obtains the property or at a later time.

(e) A person may not obtain the services of another that are available only for compensation:

(1) by deception; or

(2) with knowledge that the services are provided without the consent of the person providing them.

(f) Under this section, an offender's intention or knowledge that a promise would not be performed may not be established by or inferred solely from the fact that the promise was not performed.

(g) (1) A person convicted of theft of property or services with a value of:

(i) at least \$1,500 but less than \$25,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both; and
2. shall restore the property taken to the owner or pay the owner the value of the property or services;

(ii) at least \$25,000 but less than \$100,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 10 years or a fine not exceeding \$15,000 or both; and
2. shall restore the property taken to the owner or pay the owner the value of the property or services; or

(iii) \$100,000 or more is guilty of a felony and:

1. is subject to imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both; and
2. shall restore the property taken to the owner or pay the owner the value of the property or services.

(2) Except as provided in paragraph (3) of this subsection, a person convicted of theft of property or services with a value of at least \$100 but less than \$1,500, is guilty of a misdemeanor and:

(i) is subject to:

1. for a first conviction, imprisonment not exceeding 6 months or a fine not exceeding \$500 or both; and
2. for a second or subsequent conviction, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(3) A person convicted of theft of property or services with a value of less than \$100 is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(4) Subject to paragraph (5) of this subsection, a person who has four or more prior convictions under this subtitle and who is convicted of theft of property or services with a value of less than \$1,500 under paragraph (2) of this subsection is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(5) The court may not impose the penalties under paragraph (4) of this subsection unless the State's Attorney serves notice on the defendant or the defendant's counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial that:

(i) the State will seek the penalties under paragraph (4) of this subsection; and

(ii) lists the alleged prior convictions.

(h) (1) If a person is convicted of a violation under this section for failure to pay for motor fuel after the motor fuel was dispensed into a vehicle, the court shall:

(i) notify the person that the person's driver's license may be suspended under § 16–206.1 of the Transportation Article; and

(ii) notify the Motor Vehicle Administration of the violation.

(2) The Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with the Motor Vehicle Administration, shall establish uniform procedures for reporting a violation under this subsection.

(i) An action or prosecution for a violation of subsection (g)(2) or (3) of this section shall be commenced within 2 years after the commission of the crime.

(j) A person who violates this section by use of an interactive computer service may be prosecuted, indicted, tried, and convicted in any county in which the victim resides or the electronic communication originated or terminated.

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§ 7-105

(a) In this section, "owner" means a person who has a lawful interest in or is in lawful possession of a motor vehicle by consent or chain of consent of the title owner.

(b) A person may not knowingly and willfully take a motor vehicle out of the owner's lawful custody, control, or use without the owner's consent.

(c) A person who violates this section:

(1) is guilty of the felony of taking a motor vehicle and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both; and

(2) shall restore the motor vehicle or, if unable to restore the motor vehicle, pay to the owner the full value of the motor vehicle.

(d) (1) This section does not preclude prosecution for theft of a motor vehicle under § 7-104 of this part.

(2) If a person is convicted under § 7-104 of this part and this section for the same act or transaction, the conviction under this section shall merge for sentencing purposes into the conviction under § 7-104 of this part.

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§ 7-106

(a) In this section, "newspaper" means a periodical that is distributed on a complimentary or compensatory basis.

(b) A person may not knowingly or willfully obtain or exert control that is unauthorized over newspapers with the intent to prevent another from reading the newspapers.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$500 or both.

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§ 7-107

(a) A person who obtains property or a service by a bad check under the circumstances described in Title 8, Subtitle 1 of this article may not be prosecuted for theft under this part unless that person:

(1) makes a false representation that there are sufficient funds in the drawee bank to cover the check; and

(2) commits deception as provided under § 7-104(b) or (e) of this part.

(b) If a person is prosecuted for theft under this section, the presumptions of § 8-104 of this article apply to the same extent as if the person were prosecuted under § 7-104 of this part.

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§ 7-108

(a) An indictment, information, warrant, or other charging document for theft under this part, other than for taking a motor vehicle under § 7-105 of this part, is sufficient if it substantially states:

"(name of defendant) on (date) in (county) stole (property or services stolen) of (name of victim), having a value of (less than \$1,500, at least \$1,500 but less than \$25,000, at least \$25,000 but less than \$100,000, or \$100,000 or more) in violation of § 7-104 of the Criminal Law Article, against the peace, government, and dignity of the State."

(b) An indictment, information, warrant, or other charging document for theft under this part for taking a motor vehicle under § 7-105 of this part is sufficient if it substantially states:

"(name of defendant) on (date) in (county) knowingly and willfully took a motor vehicle out of (name of victim)'s lawful custody, control, or use, without the consent of (name of victim), in violation of § 7-105 of the Criminal Law Article, against the peace, government, and dignity of the State."

(c) In a case in the circuit court in which the general form of indictment or information is used to charge a defendant with a crime under this part, the defendant, on timely demand, is entitled to a bill of particulars.

(d) Unless specifically charged by the State, theft of property or services with a value of less than \$100 as provided under § 7-104(g)(3) of this subtitle may not be considered a lesser included crime of any other crime.

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§ 7-109

(a) Subject to subsection (b) of this section, a charge of theft may be proved by evidence that the theft was committed in a manner that is theft under this part, even if a different manner is specified in the information, indictment, warrant, or other charging document.

(b) A court may grant a continuance or other appropriate relief:

- (1) to ensure a fair trial; and
- (2) if the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

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§ 7-110

(a) (1) It is not a defense to the crime of theft that the defendant has an interest in the property that was the subject of the theft if another also has an interest in or right to possess the property that the defendant is not entitled to infringe.

(2) In determining the right of possession:

(i) a joint or common owner of the property does not have a right of possession of the property that is superior to the right of any other joint or common owner of the property; and

(ii) in the absence of a contrary agreement, a person in lawful possession of the property has a right of possession superior to the right of possession of a person who has only a security interest in the property, even if legal title to the property lies with the holder of the security interest under a conditional sale contract or other security agreement.

(b) (1) It is not a defense to the crime of theft that the property was taken, obtained, or withheld from a person who had obtained the property by illegal means.

(2) It is not a defense to the crime of theft of property or services with a value of less than \$100 as provided under § 7-104(g)(3) of this subtitle that the value of the property or services at issue is \$100 or more.

(c) It is a defense to the crime of theft that:

- (1) the defendant acted under a good faith claim of right to the property involved;
- (2) the defendant acted in the honest belief that the defendant had the right to obtain or exert control over the property as the defendant did;
- (3) the property involved was that of the defendant's spouse, unless the defendant and the defendant's spouse were not living together as husband and wife and were living in separate residences at the time of the alleged theft; or
- (4) in a case of theft of a trade secret, the defendant rightfully knew the trade secret, or the trade secret was available to the defendant from a source other than the owner.

(d) Any common law and evidentiary presumption applicable on July 1, 1979 to the crimes consolidated under this part also apply to the crime of theft, unless the presumption:

- (1) is repealed or modified under this part; or
- (2) is modified by a court decision rendered after July 1, 1979.

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§ 7-113

(a) A fiduciary may not:

- (1) fraudulently and willfully appropriate money or a thing of value that the fiduciary holds in a fiduciary capacity contrary to the requirements of the fiduciary's trust responsibility; or
- (2) secrete money or a thing of value that the fiduciary holds in a fiduciary capacity with a fraudulent intent to use the money or thing of value contrary to the requirements of the fiduciary's trust responsibility.

(b) A person who violates this section is guilty of the misdemeanor of embezzlement and on conviction is subject to imprisonment for not less than 1 year and not exceeding 5 years.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 7-114

(a) (1) In this section, "revenue officer" means an officer with the duty to collect revenue due to the State, a county, or other governmental entity.

(2) "Revenue officer" includes:

- (i) a clerk;
- (ii) a notary public;
- (iii) a register of wills;
- (iv) a sheriff; and
- (v) a tax collector.

(b) A revenue officer may not willfully detain and neglect to pay money due to the State, a county, or other governmental entity into the Treasury of the State or a county or to another revenue officer authorized to receive the money longer than:

- (1) 60 days after the date specified by law for the revenue officer to make payment; or
- (2) 6 months after the date that the money is collected, if the law does not specify a date for the revenue officer to make payment.

(c) (1) A revenue officer who violates this section is guilty of the misdemeanor of defalcation.

(2) On conviction, and unless the revenue officer pays the amount in default sooner, a revenue officer who violates this section:

- (i) for each violation, is subject to imprisonment for not less than 1 year and not exceeding 5 years; and
- (ii) is subject to any other penalty provided by law.

(d) A revenue officer who violates this section is subject to § 5-106(b) of the Courts Article.

(e) In a prosecution under this section, a certificate of the Comptroller of the State or of a revenue officer of a county showing that the defendant is a defaulter is admissible as prima facie evidence of defalcation under this section.

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§ 7-115

(a) While a contract of pledge or hypothecation is in effect, a person may not, without the consent of the pledgor, repledge or rehypothecate a security, the title to which passes by delivery or endorsement received or held by the person as guaranty for money lent or advanced to the owner or holder of the security.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not less than \$500 and not exceeding \$5,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 7-116

(a) This section applies to a person who is entrusted with money as an advance against grain or other merchandise:

- (1) that is purchased and stored in an elevator; and
- (2) for which a certificate or receipt has been delivered to an official of the elevator storage facility or to the party with whom the grain or other merchandise is stored for shipment and transport to the purchaser.

(b) A person may not, for the person's own benefit and in bad faith, fail to deliver to the party who entrusted the person with money under the circumstances described in subsection (a) of this section as soon as the shipment of grain or other merchandise is completed and the bill of lading is delivered to the purchaser:

- (1) the draft or bill of exchange and other document required for shipment of the cargo of grain or other merchandise; and

(2) any policy of insurance on the grain or other merchandise.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 1 year and not exceeding 10 years or a fine not less than \$500 and not exceeding \$5,000 or both.

(d) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 7-201

(a) This section applies only to a wheeled cart or other similar device that is clearly marked with the name and address of its owner and if notice of this section is clearly and prominently displayed at each public exit from the grocery store, store, or market that owns the wheeled cart or other similar device.

(b) (1) A person may not:

(i) without the permission of the owner or agent of the owner, remove a wheeled cart or other similar device provided for the purpose of assembling or carrying purchased materials from a grocery store, store, or market, including its parking facilities;

(ii) damage any wheeled cart or other device owned by the grocery store, store, or market from which the cart was obtained; or

(iii) abandon a wheeled cart or other device on the streets or alleys of the State.

(2) A person may abandon a wheeled cart or other device on the parking facilities of the grocery store, store, or market from which the cart was obtained.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$25 for each violation.

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§ 7-202

(a) A bailee for hire, or a servant, agent, or employee of the bailee, may not willfully appropriate and use, or allow the appropriation and use of, any property that is the subject matter of the bailment without the consent of the owner of that property.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$100 or both.

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§ 7-203

(a) Without the permission of the owner, a person may not take and carry away from the premises or out of the custody of another or use of the other, or the other's agent, or a governmental unit any property, including:

(1) a vehicle;

(2) a motor vehicle;

(3) a vessel; or

(4) livestock.

(b) A person who violates this section is guilty of a misdemeanor and on conviction:

(1) is subject to imprisonment for not less than 6 months and not exceeding 4 years or a fine not less than \$50 and not exceeding \$100 or both; and

(2) shall restore the property taken and carried away in violation of this section or, if unable to restore the property, shall pay to the owner the full value of the property.

(c) It is not a defense to this section that the person intends to hold or keep the property for the person's present use and not with the intent of appropriating or converting the property.

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§ 7-204

(a) A person may not use, distribute, manufacture, duplicate, or possess keys capable of being used in locks in or on real property that the State owns or leases unless the use, distribution, manufacture, duplication, or possession is in accordance with the regulations adopted under subsection (c) of this section.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 for each violation.

(c) (1) The Department of General Services shall adopt regulations to govern the use, distribution, manufacture, duplication, and possession of keys capable of being used in locks in or on real property that the State owns or leases.

(2) Each key subject to the regulations adopted under this subsection shall be clearly identified by:

(i) the words "do not duplicate" or "unlawful to duplicate"; and

(ii) a symbol indicating State ownership.

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§ 7-205

(a) A person who leases or rents a motor vehicle under an agreement to return the motor vehicle at the end of the leasing or rental period may not abandon the motor vehicle or refuse or willfully neglect to return it.

(b) (1) A person may not be prosecuted under this section if, within 5 days after a written demand for the return of the motor vehicle is mailed by regular mail and certified United States mail, return receipt requested, to the person who leased or rented the motor vehicle at the last address known to the person who delivered the motor vehicle, the person returns or accounts for the motor vehicle to the person who delivered the motor vehicle.

(2) A prosecution may not be started until 5 days after a written demand described in paragraph (1) of this subsection is mailed.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

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§ 7-301

(a) (1) In this section the following words have the meanings indicated.

(2) "Code grabbing device" means a device that is capable of:

(i) receiving and recording the coded signal transmitted by an electronic security system; and

(ii) playing back the coded signal to disarm the electronic security system.

(3) "Electronic security system" includes:

(i) an electronic home security system;

(ii) a motor vehicle security alarm system;

(iii) an automatic garage door opener;

(iv) a home detention monitoring device; and

(v) an electronic or magnetic theft detection device used in a retail establishment.

(b) A person may not manufacture, sell, use, or possess a code grabbing device with the intent that the code grabbing device be used in the commission of a crime.

(c) A person may not knowingly possess a device intended to shield merchandise from detection by an electronic security system with the intent to commit theft.

(d) A person may not knowingly possess a tool or device designed to allow the deactivation or removal from any merchandise an electronic security system or a device used as part of an electronic security system with the intent to:

(1) use the tool or device to deactivate any electronic security system; or

(2) remove any electronic security system or device used as part of an electronic security system from any merchandise without the permission of the merchant or person owning or lawfully holding the merchandise.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 7-302

(a) (1) In this section the following words have the meanings indicated.

(2) "Access" means to instruct, communicate with, store data in, retrieve or intercept data from, or otherwise use the resources of a computer program, computer system, or computer network.

(3) (i) "Aggregate amount" means a direct loss of property or services incurred by a victim.

(ii) "Aggregate amount" includes:

1. the value of any money, property, or service lost, stolen, or rendered unrecoverable by the crime; or
2. any actual reasonable expenditure incurred by the victim to verify whether a computer program, computer, computer system, or computer network was altered, acquired, damaged, deleted, disrupted, or destroyed by access in violation of this section.

(4) (i) "Computer" means an electronic, magnetic, optical, organic, or other data processing device or system that performs logical, arithmetic, memory, or storage functions.

(ii) "Computer" includes property, a data storage facility, or a communications facility that is directly related to or operated with a computer.

(iii) "Computer" does not include an automated typewriter, a typesetter, or a portable calculator.

(5) "Computer control language" means ordered statements that direct a computer to perform specific functions.

(6) "Computer database" means a representation of information, knowledge, facts, concepts, or instructions that:

(i) is intended for use in a computer, computer system, or computer network; and

(ii) 1. is being prepared or has been prepared in a formalized manner; or

2. is being produced or has been produced by a computer, computer system, or computer network.

(7) "Computer network" means the interconnection of one or more computers through:

(i) the use of a satellite, microwave, line, or other communication medium; and

(ii) terminals or a complex consisting of two or more interconnected computers regardless of whether the interconnection is continuously maintained.

(8) "Computer program" means an ordered set of instructions or statements that may interact with related data and, when executed in a computer system, causes a computer to perform specified functions.

(9) "Computer services" includes computer time, data processing, and storage functions.

(10) "Computer software" means a computer program, instruction, procedure, or associated document regarding the operation of a computer system.

(11) "Computer system" means one or more connected or unconnected computers, peripheral devices, computer software, data, or computer programs.

(12) "Ransomware" means a computer or data contaminant, encryption, or lock that:

(i) is placed or introduced without authorization into a computer, a computer network, or a computer system; and

(ii) restricts access by an authorized person to a computer, computer data, a computer network, or a computer system in a manner that results in the person responsible for the placement or introduction of the contaminant, encryption, or lock demanding payment of money or other consideration to remove the contaminant, encryption, or lock.

(b) This section does not preclude the applicability of any other provision of this Code.

(c) (1) A person may not intentionally, willfully, and without authorization:

(i) access, attempt to access, cause to be accessed, or exceed the person's authorized access to all or part of a computer network, computer control language, computer, computer software, computer system, computer service, or computer database; or

(ii) copy, attempt to copy, possess, or attempt to possess the contents of all or part of a computer database accessed in violation of item (i) of this paragraph.

(2) A person may not commit an act prohibited by paragraph (1) of this subsection with the intent to:

(i) cause the malfunction or interrupt the operation of all or any part of a computer, computer network, computer control language, computer software, computer system, computer service, or computer data; or

(ii) alter, damage, or destroy all or any part of data or a computer program stored, maintained, or produced by a computer, computer network, computer software, computer system, computer service, or computer database.

(3) A person may not intentionally, willfully, and without authorization:

(i) possess, identify, or attempt to identify a valid access code; or

(ii) publicize or distribute a valid access code to an unauthorized person.

(4) A person may not commit an act prohibited under this subsection with the intent to interrupt or impair the functioning of:

(i) the State government;

(ii) a service, device, or system related to the production, transmission, delivery, or storage of electricity or natural gas in the State that is owned, operated, or controlled by a person other than a public service company, as defined in § 1–101 of the Public Utilities Article;

(iii) a service provided in the State by a public service company, as defined in § 1–101 of the Public Utilities Article;

(iv) a health care facility, as defined in § 18–338.1 of the Health – General Article; or

(v) a public school, as defined in § 1–101 of the Education Article.

(5) (i) This paragraph does not apply to a person who has a bona fide scientific, educational, governmental, testing, news, or other similar justification for possessing ransomware.

(ii) A person may not knowingly possess ransomware with the intent to use the ransomware for the purpose of introduction into the computer, computer network, or computer system of another person without the authorization of the other person.

(6) A person may not commit an act prohibited under this subsection with the intent to interrupt or impair the functioning of a public safety answering point, as defined in § 1–301 of the Public Safety Article.

(d) (1) A person who violates subsection (c)(1) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(2) A person who violates subsection (c)(2) or (3) of this section:

(i) if the aggregate amount of the loss is \$10,000 or more, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both; or

(ii) if the aggregate amount of the loss is less than \$10,000, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(3) A person who violates subsection (c)(4) of this section:

(i) if the aggregate amount of the loss is \$10,000 or more, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$100,000 or both; or

(ii) if the aggregate amount of the loss is less than \$10,000, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$25,000 or both.

(4) A person who violates subsection (c)(5) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$5,000 or both.

(5) A person who violates subsection (c)(6) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$25,000 or both.

(e) Access achieved in violation of this section under a single scheme or a continuing course of conduct may be considered as one violation.

(f) A court of competent jurisdiction may try a person prosecuted under this section in any county in this State where:

- (1) the defendant performed the act; or
- (2) the accessed computer is located.

(g) (1) A person who has suffered a specific and direct injury because of a violation of this section may bring a civil action in a court of competent jurisdiction.

(2) In an action under this subsection, the court may award actual damages and reasonable attorney's fees and court costs.

(3) A conviction for an offense under this section is not a prerequisite for maintenance of an action under this subsection.

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§ 7-303

(a) (1) In this section the following words have the meanings indicated.

(2) "Cable television company" means a franchised or private cable television company.

(3) "Cable television service" means:

- (i) cable and satellite cable programming;
- (ii) service provided by or through the facility of a cable television system or a closed circuit coaxial cable communication system; or
- (iii) a microwave, satellite, or similar transmission service used with a cable television system or a closed circuit coaxial cable communication system.

(b) (1) Destroying, damaging, cutting, tampering with, installing, tapping, removing, displacing, or connecting with a wire, conduit, apparatus, or other equipment of a cable television company is prima facie evidence of an intent to receive cable television services without payment.

(2) Actual possession of a device designed to facilitate an act prohibited by this section, or possession and control of a quantity of those devices indicating possession for resale, is prima facie evidence of an intent to violate this section.

(c) A person may not:

- (1) destroy, damage, cut, tamper with, install, tap, remove, displace, or connect with a wire, conduit, apparatus, or other equipment of a cable television company with the intent to receive cable television services without payment;
- (2) prevent, obstruct, or delay the sending, conveyance, distribution, or receiving of programming material transmitted by a cable television company;
- (3) with the intent to deprive a person of lawful compensation, receive, attempt to receive, or assist another to receive:
 - (i) cable television service by trick, use of a decoder, or other fraudulent means; or
 - (ii) satellite cable programming that is:
 - 1. offered for sale in the person's area through an unauthorized marketing system; or
 - 2. received by decoding encrypted satellite cable programming;
- (4) without authority from the cable television company, connect with a cable, wire, component, or other device used to distribute cable television service;
- (5) alter:
 - (i) a device installed with the authorization of a cable television company to intercept or receive a program or service carried by the company; or

- (ii) equipment capable of decoding encrypted satellite cable programming to intercept or receive satellite cable programming; or
- (6) sell, rent, or offer for sale or rent a device or a plan for a device knowing that the recipient intends to use the device or to plan to do an act prohibited by this section.
- (d) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to:
 - (i) for a first violation, imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both; or
 - (ii) for each subsequent violation, imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both.
- (2) A person who commits an act prohibited by this section for payment or offer of payment is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.
- (e) A cable television company may bring an action to enjoin a violation of this section.
- (f) In addition to the penalties under subsection (d) of this section, a person who violates subsection (c)(3) or (6) of this section is liable to the aggrieved cable television company for all appropriate civil damages awarded by a court.
- (g) A device used to violate this section is subject to seizure by and forfeiture to the State.

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§ 7-304

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Customer" means a person who subscribes to, or is financially responsible for a subscription to, telephone service from a telephone company.
- (3) "Telephone" means a device used by a person for voice communications transmitted in analog, data, or any other form.
- (4) "Telephone company" means a person that provides commercial telephone service to a customer, regardless of the communication technology used, including:
 - (i) traditional wireline or cable telephone service;
 - (ii) cellular, broadband PCS, or other commercial mobile radiotelephone service;
 - (iii) microwave, satellite, or other terrestrial telephone service; and
 - (iv) voice over Internet telephone service.
- (5) (i) "Telephone record" means information retained by a telephone company that relates to:
 - 1. the telephone number dialed by a customer or other person using the customer's telephone;
 - 2. the incoming number of a call directed to a customer or other person using the customer's telephone; or
 - 3. other data related to calls typically contained on a customer's telephone bill, such as the time the call started and ended, the duration of the call, and any charges applied.
- (ii) "Telephone record" does not include information collected or retained by customers using caller I.D. or similar technology.
- (b) This section does not apply to:
 - (1) a person acting under a valid court order, warrant, or subpoena; or
 - (2) a law enforcement officer acting in the performance of official duty.
- (c) A person may not:
 - (1) knowingly obtain, attempt to obtain, or solicit or conspire with another to obtain, a telephone record:
 - (i) without the authorization of the customer to whom the record pertains; or
 - (ii) by fraudulent, deceptive, or false means;

- (2) knowingly sell or attempt to sell a telephone record without the authorization of the customer to whom the record pertains; or
- (3) receive a telephone record:
- (i) knowing that the record has been obtained without the authorization of the customer to whom the record pertains; or
- (ii) by fraudulent, deceptive, or false means.
- (d) (1) A violation of this section is an unfair or deceptive trade practice under Title 13 of the Commercial Law Article.
- (2) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.
- (e) Notwithstanding any other law, the prosecution for a violation of this section may be commenced in any county in which:
- (1) an element of the crime occurred; or
- (2) the victim resides.
- (f) This section may not be construed to prohibit a telephone company from obtaining, using, disclosing, or allowing access to a customer's telephone record:
- (1) as otherwise authorized by law;
- (2) with the consent of the customer;
- (3) in connection with service provided to the customer;
- (4) for purposes of billing or collection from the customer;
- (5) as necessary to prevent fraud or abusive practices;
- (6) to a governmental entity, if the telephone company reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the telephone record; or
- (7) to the National Center for Missing and Exploited Children, in connection with a report submitted under § 227 of the federal Victims of Child Abuse Act of 1990.

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§ 7-306

This part does not apply to:

- (1) a radio or television broadcaster or cable radio or television operator who transfers sounds or images:
- (i) as part of or with a radio or television transmission; or
- (ii) for archival preservation; or
- (2) a person who transfers sounds or images in the person's home for the person's personal use without consideration being derived by the person, or any other, from the transfer.

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§ 7-307

This part does not affect the rights of parties in private litigation.

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§ 7-308

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Deliver" means to sell, rent, distribute, or circulate.
- (3) "Performance" includes a live performance and a performance that is transmitted by wire, radio, or television.
- (4) "Recorded article" means a phonograph record, disc, wire, tape, film, videocassette, or other article on which sounds are recorded or otherwise stored.

(b) (1) This subsection applies only to sound recordings initially fixed before February 15, 1972.

(2) Except as otherwise provided in this section, a person may not knowingly transfer or cause to be transferred any sounds recorded on a recorded article to any other recorded article:

(i) with the intent to sell or cause to be sold for profit or used to promote the sale of any product; and

(ii) without the consent of the owner of the original fixation of sounds embodied in the master recorded article.

(c) Except as otherwise provided in this section, a person may not knowingly deliver, offer for delivery, possess for delivery, cause to be delivered, cause to be offered for delivery, or cause to be possessed for delivery a recorded article or device:

(1) on which sounds have been transferred without the consent of the owner of the original fixation of sounds embodied in the master recorded article; or

(2) embodying a performance without the consent of the performer.

(d) (1) Except as otherwise provided in this section, a person may not knowingly transfer to or cause to be transferred to a recorded article on which sounds or images have been transferred or stored any performance:

(i) with the intent to sell or cause to be sold for profit or used to promote the sale of any product; and

(ii) without the consent of the performer.

(2) A person may not knowingly deliver, offer for delivery, or possess for the purpose of delivery a recorded article on which sounds or images have been transferred or stored, unless the recorded article bears in a prominent place on its outside face or package:

(i) the actual name and street address of the transferor of the sounds or images; and

(ii) the actual name of the performer or group.

(e) Except in the lobby area of a motion picture theater, a person may not knowingly operate an audiovisual recording function of a device in a motion picture theater without the consent of the owner or lessee of the theater.

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§ 7-309

(a) For a first violation, a person who violates this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both for each individual act in violation of this part.

(b) For each subsequent violation, a person who violates this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$10,000 or both for each individual act in violation of this part.

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§ 7-310

A recorded article produced in violation of this part and all equipment used to produce the recorded article are subject to forfeiture and destruction by the appropriate law enforcement unit.

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§ 7-313

(a) In this part the following words have the meanings indicated.

(b) (1) "Manufacture" means:

(i) with respect to an unlawful access device:

1. to make, produce, or assemble an unlawful access device; or

2. to modify, alter, program, or reprogram technology, software, or a device to defeat or circumvent technology, software, or a device that is used by the provider, owner, or licensee of a telecommunication service or of a data, audio, or video service, program, or transmission, to protect the telecommunication, data, audio, or video service, program, or transmission from unauthorized receipt, acquisition, access, decryption, disclosure, communication, transmission, or

retransmission; and

(ii) with respect to an unlawful telecommunication device or access code:

1. to make, produce, or assemble an unlawful telecommunication device or access code; or
2. to modify, alter, program, or reprogram a telecommunication device or access code to be capable of acquiring, disrupting, receiving, transmitting, decrypting, or facilitating the acquisition, disruption, receipt, transmission, or decryption of a telecommunication service without the express consent or express authorization of the telecommunication service provider.

(2) "Manufacture" includes knowingly to assist another in performing an activity described in paragraph (1) of this subsection.

(c) "Telecommunication device or access code" means:

(1) an instrument, device, machine, equipment, technology, or software that is capable of transmitting, acquiring, decrypting, or receiving telephonic, electronic, data, Internet access, audio, video, microwave or radio communications, transmissions, signals, or services provided by or through a cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, Internet-based, or wireless distribution network, system, or facility;

(2) a part, accessory, or component of an item listed in item (1) of this subsection, including a computer circuit, security module, smart card, software, computer chip, electronic mechanism, or other part, component, or accessory of any telecommunication device that is capable of facilitating the transmission, decryption, acquisition, or reception of any type of communication, transmission, signal, or service listed in item (1) of this subsection; or

(3) an electronic serial number, mobile identification number, service access card, account number, or personal identification number used to acquire, receive, use, or transmit a telecommunication service.

(d) "Telecommunication service" means a service provided for a fee or other compensation:

(1) to facilitate the origination, transmission, emission, or reception of signs, signals, data, writings, images, or sounds or intelligence of any nature by a telephone, cellular telephone, wire, wireless, radio, electromagnetic, photoelectronic, or photo-optical system; or

(2) by a radio, telephone, fiber optic, cable television, satellite, microwave, data transmission, wireless, or Internet-based distribution system, network, or facility, including electronic, data, video, audio, Internet access, telephonic, microwave and radio communications, transmissions, signals, and services and those communications, transmissions, signals, and services provided directly or indirectly, by or through a system, network, facility, or technology listed in this subsection.

(e) (1) "Telecommunication service provider" means a person that:

(i) owns or operates a fiber optic, cable television, satellite, Internet-based, telephone, wireless, microwave, data transmission, or radio distribution system, network, or facility; or

(ii) provides a telecommunication service directly or indirectly using any of the systems, networks, or facilities listed in item (i) of this paragraph.

(2) "Telecommunication service provider" includes a person that, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment or telecommunication service.

(f) "Unlawful access device" means an instrument, device, access code, machine, equipment, technology, or software that is primarily designed, assembled, manufactured, sold, distributed, possessed, used, offered, promoted, or advertised to defeat or circumvent technology, software, or a device, or a component or part of any technology, software, or a device used by the provider, owner, or licensee of a telecommunication service or of a data, audio, or video program or transmission, to protect that telecommunication, data, audio, or video service, program, or transmission from unauthorized receipt, acquisition, access, decryption, disclosure, communication, transmission, or retransmission.

(g) (1) "Unlawful telecommunication device or access code" means a telecommunication device or access code that has been altered, designed, modified, programmed, or reprogrammed, alone or in conjunction with another telecommunication device or access code, to facilitate the disruption, acquisition, receipt, transmission, or decryption of a telecommunication service without the express consent or express authorization of the telecommunication service provider.

(2) "Unlawful telecommunication device or access code" includes a device, technology, product, service, equipment, access code, computer software, component, or part that is primarily distributed, sold, designed, assembled, manufactured, modified, programmed, reprogrammed, or used to provide the unauthorized access to or receipt, transmission, disruption, decryption, or acquisition of a telecommunication service provided by a telecommunication service provider.

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§ 7-314

This part does not apply to:

- (1) a law enforcement officer who possesses or uses a telecommunication device or access code in the course of an official law enforcement investigation;
- (2) a telecommunication service provider while lawfully acting in that capacity; or
- (3) a person who is expressly authorized by a law enforcement unit or other lawful authority to:
 - (i) manufacture telecommunication devices or access codes for distribution or sale to a law enforcement unit or telecommunication service provider; or
 - (ii) distribute or sell telecommunication devices or access codes to law enforcement units or telecommunication service providers.

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§ 7-315

A person may not knowingly:

- (1) possess, use, manufacture, distribute, transfer, sell, offer, promote, or advertise for sale, use, or distribution, an unlawful telecommunication device or access code:
 - (i) to commit a theft of telecommunication service; or
 - (ii) to receive, disrupt, transmit, decrypt, acquire, or facilitate the receipt, disruption, transmission, decryption, or acquisition of a telecommunication service without the express consent or express authorization of the telecommunication service provider;
- (2) possess, use, manufacture, distribute, transfer, sell, offer, promote, or advertise for sale, use, or distribution an unlawful access device; or
- (3) possess, use, prepare, distribute, sell, give, transfer, offer, promote, or advertise for sale, use, or distribution equipment, hardware, cables, tools, data, computer software, or other components, knowing that the purchaser or a third person intends to use them to manufacture an unlawful telecommunication device or access code for a purpose prohibited by this part.

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§ 7-316

- (a) A person who violates § 7-315 of this part involving more than 100 unlawful telecommunication devices or access codes or unlawful access devices is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.
- (b) A person who violates § 7-315 of this part involving 100 or fewer unlawful telecommunication devices or access codes or unlawful access devices is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.
- (c) In addition to any other sentence authorized by law, the court may require a person convicted of violating this part to make restitution in accordance with the Criminal Procedure Article.
- (d) In addition to any other sentence authorized by law, the court may direct that a person convicted of a violation of this part forfeit to the State any unlawful telecommunication devices or access codes or unlawful access devices in the person's possession or control that were involved in the violation.

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§ 7-317

(a) A violation of § 7-315 of this part may be considered to have been committed at either:

(1) the place where the defendant manufactured the unlawful telecommunication device or access code or unlawful access device; or

(2) any place where the unlawful telecommunication device or access code or unlawful access device was sold or delivered to a purchaser or recipient.

(b) It is not a defense to a violation of this part that some of the acts constituting the violation occurred out of the State.

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§ 7-318

(a) A person who has suffered a specific and direct injury to a right protected by this part because of a violation of § 7-315 of this part may bring a civil action in a court of competent jurisdiction.

(b) The court:

(1) may impose preliminary and final injunctions to prevent or restrain a violation of § 7-315 of this part;

(2) at any time while an action is pending, may order the impounding of any unlawful telecommunication device or access code or unlawful access device that is in the custody or control of the violator and that the court has reasonable cause to believe was involved in the alleged violation of § 7-315 of this part;

(3) may award damages subject to subsection (d) of this section; or

(4) as part of a final judgment or decree finding a violation of § 7-315 of this part, may order the remedial modification or destruction of any unlawful telecommunication device or access code or unlawful access device involved in the violation that is in the custody or control of the violator or that has been impounded under paragraph (2) of this subsection.

(c) This section does not allow the District Court to grant relief under subsection (b)(1) of this section.

(d) (1) Damages awarded by a court under this section may be computed as actual damages suffered by the complaining party as a result of the violation of § 7-315 of this part and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages.

(2) In determining the profits of the violator under paragraph (1) of this subsection:

(i) the complaining party must prove only the violator's gross revenue; and

(ii) the violator must prove the deductible expenses and elements of profit attributable to factors other than the violation.

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Title 8 — Crimes Involving Morality and Decency

§ 8-101

(a) In this subtitle the following words have the meanings indicated.

(b) "Check" means a negotiable instrument that is not postdated at the time it is issued.

(c) "Drawer" means a person whose name appears on a check as the primary obligor, whether the actual signature on the check is that of the person or of another purportedly authorized to draw the check on the person's behalf.

(d) "Funds" means money or credit.

(e) "Issue", with respect to a check, means the act of a drawer or representative drawer who:

(1) delivers the check or causes it to be delivered to a person who acquires a right against the drawer with respect to the check as a result of the delivery; or

(2) draws the check with the intent that it be delivered to a person who on delivery would acquire a right assignable with respect to the check drawer and the check is delivered to that person.

(f) "Obtain" has the meaning stated in § 7-101 of this article.

(g) "Pass", with respect to a check, means delivering the check by a payee, holder, or bearer of the check, if:

- (1) the check was or purports to have been drawn and issued by a person other than the person delivering the check; and
- (2) the delivery was made to a third person who acquires a right with respect to the check as a result of the delivery or for a purpose other than collection.

(h) "Property" has the meaning stated in § 7-101 of this article.

(i) "Representative drawer" means a person who signs a check as drawer in a representative capacity or as agent of the drawer.

(j) "Service" includes:

- (1) labor or professional service;
- (2) telecommunication, public utility, toll facility, or transportation services;
- (3) lodging, entertainment, or restaurant service; and
- (4) the use of computers, data processing, or other equipment.

(k) "Value" has the meaning stated in § 7-103 of this article.

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§ 8-102

(a) For purposes of this subtitle, a drawer has insufficient funds with a drawee to cover a check when the drawer has with the drawee:

- (1) no account;
- (2) only a closed account;
- (3) no funds; or
- (4) funds in an amount that is less than the amount needed to cover the check.

(b) A check dishonored for "no account" has been dishonored for "insufficient funds".

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§ 8-103

(a) A person may not obtain property or services by issuing a check if:

- (1) the person knows that there are insufficient funds with the drawee to cover the check and other outstanding checks;
- (2) the person intends or believes when issuing the check that payment will be refused by the drawee on presentment; and
- (3) payment of the check is refused by the drawee on presentment.

(b) A person may not obtain property or services by issuing a check if:

- (1) when issuing the check, the person knows that the person or, in the case of a representative drawer, the person's principal intends, without the consent of the payee, to stop or countermand the payment of the check, or otherwise to cause the drawee to disregard, dishonor, or refuse to recognize the check; and
- (2) payment is refused by the drawee on presentment.

(c) A person may not issue a check if:

- (1) the check is in payment for services provided or to be provided by:

- (i) an employee of the drawer or representative drawer; or
 - (ii) an independent contractor hired by the drawer or representative drawer;
- (2) the drawer or representative drawer:

- (i) intends or believes when issuing the check that payment will be refused by the drawee on presentment; or

- (ii) knows that the drawer or, in the case of a representative drawer, the principal of the representative drawer has insufficient funds with the drawee to cover the check and other outstanding checks;
 - (3) the employee of the drawer or representative drawer or an independent contractor hired by the drawer or representative drawer passes the check to a third person; and
 - (4) payment is refused by the drawee on presentment.
- (d) A person may not obtain property or services by passing a check if:
- (1) the person knows that the drawer of the check has insufficient funds with the drawee to cover the check and other outstanding checks;
 - (2) the person intends or believes when passing the check that payment will be refused by the drawee on presentment; and
 - (3) payment of the check is refused by the drawee on presentment.
- (e) A person may not obtain property or services by passing a check if:
- (1) the person knows that:
 - (i) payment of the check has been stopped or countermanded; or
 - (ii) the drawee of the check will disregard, dishonor, or refuse to recognize the check; and
 - (2) payment is refused by the drawee on presentment.

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§ 8-104

- (a) The drawer or representative drawer is presumed to know that there are insufficient funds whenever the drawer of a check has insufficient funds with the drawee to cover the check and other outstanding checks when issuing the check.
- (b) The drawer or representative drawer of a dishonored check is presumed to have intended or believed that the check would be dishonored on presentment if:
 - (1) the drawer had no account with the drawee when issuing the check; or
 - (2) (i) when issuing the check, the drawer had insufficient funds with the drawee to cover the check and other outstanding checks;
 - (ii) the check was presented to the drawee for payment not more than 30 days after the date of issuing the check; and
 - (iii) the drawer had insufficient funds with the drawee at the time of presentment.
- (c) A notice of protest of a check, or a certificate under oath of an authorized representative of the drawee declaring the dishonor of a check, the drawer's lack of an account, or that the drawer had insufficient funds introduced in evidence is presumptive evidence, that:
 - (1) the check was dishonored by the drawee; and
 - (2) the drawer had:
 - (i) no account with the drawee when the check was issued; or
 - (ii) insufficient funds with the drawee at the time of presentment and issuing of the check.
- (d) The fact that a drawer or representative drawer, without the consent of the payee, stopped or countermanded the payment of the check, or otherwise caused the drawee to disregard, dishonor, or refuse to recognize the check without returning or tendering the return of the property obtained, is presumptive evidence that the drawer or representative drawer had the intent when issuing the check to stop or countermand payment or otherwise cause the drawee to disregard, dishonor, or refuse to recognize the check.

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§ 8-105

- (a) A person who obtains property or services by issuing or passing a check in violation of § 8-103 of this subtitle may not be prosecuted under this article, if:

- (1) other than falsely representing that there are sufficient funds with the drawee to cover the check, the issuing or passing of the check is not accompanied by a false representation; and
- (2) the person who obtains the property or services makes the check good within 10 days after the drawee dishonors the check.
- (b) (1) A prosecution may not be commenced against a person described in subsection (a) of this section earlier than 10 days after the drawee dishonors the check.
- (2) A person who obtains property or services by issuing a check in violation of § 8-103 of this subtitle may be prosecuted immediately under this article, if the person issuing the check:
- (i) is the drawer; and
- (ii) did not have an account with the drawee when the check was issued.
- (c) Unless specifically charged by the State, obtaining property or services with a value of less than \$100 by issuing or passing a check in violation of § 8-103 of this subtitle, as provided in § 8-106(d) of this subtitle, may not be considered a lesser included crime of any other crime.

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§ 8-106

- (a) (1) A person who obtains property or services with a value of at least \$1,500 but less than \$25,000 by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.
- (2) A person who obtains property or services with a value of at least \$25,000 but less than \$100,000 by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$15,000 or both.
- (3) A person who obtains property or services with a value of \$100,000 or more by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both.
- (b) A person who obtains property or services by issuing or passing more than one check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both if:
- (1) each check that is issued is for at least \$1,500 but less than \$25,000 and is issued to the same person within a 30-day period; and
- (2) the cumulative value of the property or services is at least \$1,500 but less than \$25,000.
- (c) Except as provided in subsections (b) and (d) of this section, a person who obtains property or services with a value of at least \$100 but less than \$1,500 by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.
- (d) (1) A person who obtains property or services with a value of less than \$100 by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.
- (2) It is not a defense to the crime of obtaining property or services with a value of less than \$100 by issuing or passing a check in violation of § 8-103 of this subtitle that the value of the property or services at issue is \$100 or more.

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§ 8-107

In addition to the penalties provided in § 8-106 of this subtitle, if a person obtains property or services by issuing or passing a check in violation of § 8-103 of this subtitle, on conviction, the court:

- (1) if the property has been recovered or is in the defendant's possession or control, may order restoration of the property to any person with a property interest in it;

(2) to the extent that the property is not restored or compensation has not been provided for the services, may order restitution of the value of the property or services obtained to be paid to:

- (i) any person having a property interest in the property; or
- (ii) the person who provided the services; and

(3) may order the defendant to pay a collection fee of up to \$35, for each check, to:

- (i) any person with a property interest in the property; or
- (ii) the person who provided the services.

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§ 8-108

(a) A person may not pay a fine or cost imposed by a court by delivering a check issued by the person or another person if:

- (1) the person knows that payment of the check has not been provided for; and
- (2) payment of the check is refused by the drawee on presentment.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$100 or both.

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§ 8-201

(a) In this subtitle the following words have the meanings indicated.

(b) "Cardholder" means the person named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer.

(c) (1) "Credit card" means an instrument or device issued by an issuer for the use of a cardholder in obtaining money, goods, services, or anything of value on credit.

(2) "Credit card" includes:

- (i) a debit card, access card, or other device for use by a cardholder to effect a transfer of funds through an electronic terminal, telephone, or computer;
- (ii) a magnetic tape that orders or authorizes a financial institution to debit or credit an account; and
- (iii) a code, account number, or other means of account access that is not encoded or truncated and can be used to:
 - 1. obtain money, goods, services, or anything of value; or
 - 2. initiate a transfer of funds.

(3) "Credit card" does not include a check, draft, or similar paper instrument.

(d) "Issuer" means a business organization or financial institution that issues a credit card or the authorized agent of the business organization or financial institution.

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§ 8-202

(a) If a person violates §§ 8-203 through 8-209 of this subtitle as part of one scheme or a continuing course of conduct, from the same or several sources:

- (1) the conduct may be considered as one violation; and
- (2) the value of money, goods, services, or things of value may be aggregated in determining if the crime is a felony or a misdemeanor.

(b) Sections 8-203 through 8-209 of this subtitle may not be construed to preclude the applicability of any other provision of the criminal law of this State that applies or may apply to any transaction that violates §§ 8-203 through 8-209 of this subtitle, unless that provision is inconsistent with §§ 8-203 through 8-209 of this subtitle.

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§ 8-203

(a) A person may not make or cause to be made, directly or indirectly, a false statement in writing about the identity of the person or of another to procure the issuance of a credit card:

- (1) knowing the statement to be false; and
- (2) with the intent that the statement be relied on.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both.

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§ 8-204

(a) (1) A person may not:

(i) take a credit card from another, or from the possession, custody, or control of another without the consent of the cardholder; or

(ii) with knowledge that a credit card has been taken under the circumstances described in item (i) of this paragraph, receive the credit card with the intent to use it or sell or transfer it to another who is not the issuer or the cardholder.

(2) A person who violates this subsection is guilty of credit card theft.

(b) (1) A person may not receive a credit card that the person knows was lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder and retain possession of the credit card with the intent to use, sell, or transfer it to another who is not the issuer or the cardholder.

(2) A person who violates this subsection is guilty of credit card theft.

(c) A person may not:

(1) sell a credit card unless the person is the issuer; or

(2) buy a credit card from a person other than the issuer.

(d) A person other than the issuer may not receive a credit card that the person knows was taken or retained under circumstances that constitute:

- (1) credit card theft;
- (2) a violation of § 8-203 of this subtitle; or
- (3) a violation of subsection (c) of this section.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both.

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§ 8-205

(a) (1) In this section the following words have the meanings indicated.

(2) "Falsely emboss" means to complete a credit card without the authorization of the issuer named on the credit card by adding any of the matter, other than the signature of the cardholder, that the issuer requires to appear on a credit card before it can be used by a cardholder.

(3) "Falsely make" means:

(i) to make or draw, wholly or partly, a device or instrument that purports to be a credit card but that is not a credit card because an issuer did not authorize the making or drawing; or

(ii) to alter a credit card that was validly issued.

(b) A person may not, with the intent to defraud another:

- (1) falsely make a purported credit card;

(2) falsely emboss a credit card; or

(3) transfer or possess:

(i) a falsely made instrument or device that purports to be a credit card, with knowledge that the instrument or device was falsely made; or

(ii) a falsely embossed credit card with knowledge that the credit card was falsely made or falsely embossed.

(c) A person other than the cardholder or one authorized by the cardholder may not sign a credit card with the intent to defraud another.

(d) A person who violates this section is guilty of the felony of credit card counterfeiting and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding \$1,000 or both.

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§ 8-206

(a) A person may not for the purpose of obtaining money, goods, services, or anything of value, and with the intent to defraud another, use:

(1) a credit card obtained or retained in violation of § 8–204 or § 8–205 of this subtitle; or

(2) a credit card that the person knows is counterfeit.

(b) A person may not, with the intent to defraud another, obtain money, goods, services, or anything of value by representing:

(1) without the consent of the cardholder, that the person is the holder of a specified credit card; or

(2) that the person is the holder of a credit card when the credit card had not been issued.

(c) (1) (i) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least \$1,500 but less than \$25,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(ii) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least \$25,000 but less than \$100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$15,000 or both.

(iii) If the value of all money, goods, services, and other things of value obtained in violation of this section is \$100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value obtained in violation of this section is at least \$100 but less than \$1,500, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

(3) If the value of all money, goods, services, and other things of value obtained in violation of this section is less than \$100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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§ 8-207

(a) If a person is authorized by an issuer to furnish money, goods, services, or anything of value on presentation of a credit card by the cardholder, the person or an agent or employee of the person may not, with the intent to defraud the issuer or cardholder:

(1) furnish money, goods, services, or anything of value on presentation of:

(i) a credit card obtained or retained in violation of § 8–204 or § 8–205 of this subtitle; or

(ii) a credit card that the person knows is counterfeit; or

(2) fail to furnish money, goods, services, or anything of value that the person represents in writing to the issuer that the person has furnished.

(b) (1) (i) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is at least \$1,500 but less than \$25,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(ii) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is at least \$25,000 but less than \$100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$15,000 or both.

(iii) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is \$100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is at least \$100 but less than \$1,500, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

(3) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is less than \$100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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§ 8-208

(a) In this section, "incomplete credit card" means a credit card that lacks any stamped, embossed, imprinted, or written matter, other than the signature of the cardholder, that an issuer requires to appear on a credit card before a cardholder can use the credit card.

(b) (1) Without the consent of the issuer, a person other than the cardholder may not possess an incomplete credit card with the intent to complete it.

(2) A person may not possess, with knowledge of its character, machinery, plates, or any other contrivance designed to reproduce an instrument purporting to be a credit card of an issuer that has not consented to the preparation of the credit card.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding \$1,000 or both.

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§ 8-209

(a) A person may not receive money, goods, services, or anything of value if the person knows or believes that the money, goods, services, or other thing of value was obtained in violation of § 8–206 of this subtitle.

(b) (1) (i) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least \$1,500 but less than \$25,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(ii) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least \$25,000 but less than \$100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$15,000 or both.

(iii) If the value of all money, goods, services, and other things of value obtained in violation of this section is \$100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value obtained in violation of this section is at least \$100 but less than \$1,500, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or

both.

(3) If the value of all money, goods, services, and other things of value obtained in violation of this section is less than \$100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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§ 8-210

(a) In this section, “publish” means to communicate information to one or more persons:

(1) orally:

(i) in person; or

(ii) by telephone, radio, or television; or

(2) in a writing of any kind.

(b) A person may not publish or cause to be published the number or code of an existing, canceled, revoked, expired, or nonexistent telephone credit card, or the numbering or coding system that is used in issuing telephone credit cards, with the intent that the number, code, or system be used or with knowledge that it may be used fraudulently to avoid paying a lawful toll charge.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 12 months or a fine not exceeding \$500 or both.

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§ 8-211

(a) It is not a defense to a crime under § 8-206, § 8-207, or § 8-209 of this subtitle involving money, goods, services, and other things of value with a value not exceeding \$100 that the value of the money, goods, services, and other things of value at issue is more than \$100.

(b) Unless specifically charged by the State, a violation of § 8-206, § 8-207, or § 8-209 of this subtitle involving money, goods, services, and other things of value with a value not exceeding \$100, may not be considered a lesser included crime of any other crime.

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§ 8-213

(a) In this part the following words have the meanings indicated.

(b) “Authorized use, disclosure, or receipt” means any use, disclosure, or receipt necessary to accomplish the specific purpose for which the person issued a credit card number or payment device number, or granted to another the right to use, disclose, or receive the credit card number or other payment device number.

(c) “Holder” means a person who:

(1) has been issued a credit card number or other payment device number; or

(2) is authorized by the person who has been issued a credit card number or other payment device number to use, disclose, or receive that credit card number or payment device number.

(d) (1) “Holder’s signature” means the signature of a holder in connection with a credit application or credit card transaction.

(2) “Holder’s signature” includes an electronically recorded signature.

(e) “Payment device number” means a code, account number, or other means of account access, other than a check, draft, or similar paper instrument, that can be used to obtain money, goods, services, or anything of value, or for purposes of initiating a transfer of funds.

(f) (1) “Person” has the meaning stated in § 1–101 of this article.

(2) "Person" includes a business trust, statutory trust, estate, trust, and two or more persons having a joint or common interest.

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§ 8-214

(a) A person may not use or disclose any credit card number or other payment device number or holder's signature unless:

(1) the person is the holder of the credit card number or payment device number;

(2) the disclosure is made to the holder or issuer of the credit card number or payment device number;

(3) the use or disclosure is:

(i) required under federal or State law;

(ii) at the direction of a governmental unit in accordance with law; or

(iii) in response to the order of a court having jurisdiction to issue the order;

(4) the disclosure is in connection with an authorization, processing, billing, collection, chargeback, insurance collection, fraud prevention, or credit card or payment device recovery that relates to the credit card number or payment device number, an account accessed by the credit card number or payment account number, a debt for which the holder or a person authorized by the holder gave the credit card number or payment device number for purposes of identification, or a debt or obligation arising, alone or in conjunction with another means of payment, from the use of the credit card number or payment device number;

(5) except as provided in subsection (b) of this section, the disclosure is reasonably necessary in connection with:

(i) the sale or pledge, or negotiation of the sale or pledge, of any portion of a business or the assets of a business;

(ii) the management, operation, or other activities involving the internal functioning of the person making the disclosure; or

(iii) the management, operation, or other activities involving disclosures between a corporation and its subsidiaries or controlled affiliates or between the subsidiaries or the controlled affiliates;

(6) the disclosure is made to a consumer reporting agency, as defined in § 14–1201 of the Commercial Law Article;

(7) subject to subsection (d) of this section, whether or not the person is a consumer reporting agency and whether or not the disclosure is a consumer report, the disclosure is made under a circumstance specified in the credit reporting provisions of § 14–1202(a)(3)(i), (ii), (iii), or (iv) of the Commercial Law Article; or

(8) the disclosure is allowed under § 1–303 of the Financial Institutions Article.

(b) A disclosure for marketing purposes may not be made if the holder of an active credit card number or payment device number has prohibited the issuer in writing at the issuer's address from using the card or number for marketing purposes.

(c) (1) Notwithstanding subsection (a)(5)(iii) of this section, a disclosure for marketing purposes may not be made if the holder of an active credit card number or payment device number, other than an encoded credit card number or encoded payment device number, has notified the issuer in writing at an address specified by the issuer, that disclosure for marketing purposes is not allowed.

(2) The issuer shall notify each holder of an active credit card number or payment device number of the nondisclosure option and the specified address on a periodic basis at the issuer's discretion at least once each year.

(3) The issuer shall comply with the holder's election within 45 days after receiving the holder's response.

(4) The election shall remain in effect until the holder rescinds the election or until there have been no debits or credits to the credit card number or payment device number for a 12-month period.

(d) Notwithstanding subsection (a)(7) of this section, and except as provided in § 14–1202(a)(3)(i) of the Commercial Law Article, a person may not furnish a report containing a credit card number or payment device number before receiving an individual written, electronic, or other tangible record of a certification from the requestor:

(1) containing the reason that the credit card number or payment device number is required; and

(2) stating that the credit card number or payment device number:

- (i) cannot be obtained under a circumstance specified under this part or Title 14 of the Commercial Law Article; or
- (ii) is needed for security, or loss or fraud prevention purposes.

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§ 8-216

A person who violates this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding \$1,000 or both.

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§ 8-217

(a) (1) The Attorney General may institute a civil action against a person who violates this part to recover for the State a civil penalty not exceeding \$1,000 for each violation.

(2) For the purposes of this subsection, each prohibited disclosure or use of a credit card number, payment device number, or holder's signature is an independent violation.

(b) The Attorney General may seek an injunction in a civil action to prohibit a person who has engaged or is engaged in a violation of this part from engaging in the violation.

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§ 8-301

(a) (1) In this section the following words have the meanings indicated.

(2) "Health care" means care, services, or supplies related to the health of an individual that includes the following:

(i) preventative, diagnostic, therapeutic, rehabilitative, maintenance care, palliative care and counseling, service assessment, or procedure:

1. with respect to the physical or mental condition or functional status of an individual; or
2. that affects the structure or function of the body; and

(ii) the sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

(3) "Health information" means any information, whether oral or recorded in any form or medium, that:

(i) is created or received by:

1. a health care provider;
2. a health care carrier;
3. a public health authority;
4. an employer;
5. a life insurer;
6. a school or university; or
7. a health care clearinghouse; and

(ii) relates to the:

1. past, present, or future physical or mental health or condition of an individual;
2. provision of health care to an individual; or
3. past, present, or future payment for the provision of health care to an individual.

(4) "Interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a system that provides access to the Internet and cellular phones.

(5) "Payment device number" has the meaning stated in § 8-213 of this title.

(6) (i) "Personal identifying information" includes a name, address, telephone number, driver's license number, Social Security number, place of employment, employee identification number, health insurance identification number, medical identification number, mother's maiden name, bank or other financial institution account number, date of birth, personal identification number, unique biometric data, including fingerprint, voice print, retina or iris image or other unique physical representation, digital signature, credit card number, or other payment device number.

(ii) "Personal identifying information" may be derived from any element in subparagraph (i) of this paragraph, alone or in conjunction with any other information to identify a specific natural or fictitious individual.

(7) "Re-encoder" means an electronic device that places encoded personal identifying information or a payment device number from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card or any electronic medium that allows such a transaction to occur.

(8) "Skimming device" means a scanner, skimmer, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, personal identifying information or a payment device number encoded on the magnetic strip or stripe of a credit card.

(b) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another to possess or obtain any personal identifying information of an individual, without the consent of the individual, in order to use, sell, or transfer the information to get a benefit, credit, good, service, or other thing of value or to access health information or health care.

(b-1) A person may not maliciously use an interactive computer service to disclose or assist another person to disclose the driver's license number, bank or other financial institution account number, credit card number, payment device number, Social Security number, or employee identification number of an individual, without the consent of the individual, in order to annoy, threaten, embarrass, or harass the individual.

(c) A person may not knowingly and willfully assume the identity of another, including a fictitious person:

(1) to avoid identification, apprehension, or prosecution for a crime; or

(2) with fraudulent intent to:

(i) get a benefit, credit, good, service, or other thing of value;

(ii) access health information or health care; or

(iii) avoid the payment of debt or other legal obligation.

(d) A person may not knowingly, willfully, and with fraudulent intent to obtain a benefit, credit, good, service, or other thing of value or to access health information or health care, use:

(1) a re-encoder to place information encoded on the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card or use any other electronic medium that allows such a transaction to occur without the consent of the individual authorized to use the credit card from which the personal identifying information or payment device number is being re-encoded; or

(2) a skimming device to access, read, scan, obtain, memorize, or store personal identifying information or a payment device number on the magnetic strip or stripe of a credit card without the consent of the individual authorized to use the credit card.

(e) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another possess or obtain a re-encoder device or a skimming device for the unauthorized use, sale, or transfer of personal identifying information or a payment device number.

(f) A person may not knowingly and willfully claim to represent another person without the knowledge and consent of that person, with the intent to solicit, request, or take any other action to otherwise induce another person to provide personal identifying information or a payment device number.

(g) (1) (i) A person who violates this section where the benefit, credit, good, service, health information or health care, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of at least \$1,500 but less than \$25,000 is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(ii) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of at least \$25,000 but less than \$100,000 is guilty of a felony and on

conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$15,000 or both.

(iii) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of \$100,000 or more is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both.

(2) A person who violates this section where the benefit, credit, good, service, health information or health care, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of at least \$100 but less than \$1,500 is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

(3) A person who violates this section under circumstances that reasonably indicate that the person's intent was to manufacture, distribute, or dispense another individual's personal identifying information without that individual's consent is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both.

(4) A person who violates subsection (b-1), (c)(1), (e), or (f) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

(5) When the violation of this section is pursuant to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one violation and the value of the benefit, credit, good, service, or other thing of value may be aggregated in determining whether the violation is a felony or misdemeanor.

(h) A person described in subsection (g)(2) or (4) of this section is subject to § 5-106(b) of the Courts Article.

(i) In addition to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article, a court may order a person who pleads guilty or nolo contendere or who is found guilty under this section to make restitution to the victim for reasonable costs, including reasonable attorney's fees, incurred:

(1) for clearing the victim's credit history or credit rating;

(2) for clearing the victim's record or history related to health information or health care; and

(3) in connection with a civil or administrative proceeding to satisfy a debt, lien, judgment, or other obligation of the victim that arose because of the violation.

(j) A sentence under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation of this section.

(k) Notwithstanding any other law, the Department of State Police may initiate investigations and enforce this section throughout the State without regard to any limitation otherwise applicable to the Department's activities in a municipal corporation or other political subdivision.

(l) (1) Notwithstanding any other law, a law enforcement officer of the Maryland Transportation Authority Police, the Maryland Port Administration Police, the Park Police of the Maryland-National Capital Park and Planning Commission, or a municipal corporation or county may investigate violations of this section throughout the State without any limitation as to jurisdiction and to the same extent as a law enforcement officer of the Department of State Police.

(2) The authority granted in paragraph (1) of this subsection may be exercised only in accordance with regulations that the Department of State Police adopts.

(3) The regulations are not subject to Title 10, Subtitle 1 of the State Government Article.

(4) The authority granted in paragraph (1) of this subsection may be exercised only if an act related to the crime was committed in the investigating law enforcement agency's jurisdiction or if the complaining witness resides in the investigating law enforcement agency's jurisdiction.

(m) If action is taken under the authority granted in subsection (l) of this section, notification of an investigation:

(1) in a municipal corporation, shall be made to the chief of police or designee of the chief of police;

(2) in a county that has a county police department, shall be made to the chief of police or designee of the chief of police;

(3) in a county without a police department, shall be made to the sheriff or designee of the sheriff;

(4) in Baltimore City, shall be made to the Police Commissioner or the Police Commissioner's designee;

(5) on property owned, leased, or operated by or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or the Maryland Port Administration, shall be made to the respective chief of police or the chief's designee; and

(6) on property owned, leased, or operated by or under the control of the Maryland–National Capital Park and Planning Commission, to the chief of police of the Maryland–National Capital Park and Planning Commission for the county in which the property is located.

(n) When acting under the authority granted in subsection (k) or (l) of this section, a law enforcement officer:

(1) in addition to any other immunities and exemptions to which the officer may be entitled, has the immunities from liability and exemptions accorded to a law enforcement officer of the Department of State Police; but

(2) remains an employee of the officer's employing agency.

(o) (1) A State's Attorney or the Attorney General may investigate and prosecute a violation of this section or a violation of any crime based on the act establishing a violation of this section.

(2) If the Attorney General exercises authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State's Attorney, including the use of a grand jury in any county or Baltimore City, to investigate and prosecute the violation.

(p) Notwithstanding any other provision of law, the prosecution of a violation of this section or for a violation of any crime based on the act establishing a violation of this section may be commenced in any county in which:

(1) an element of the crime occurred; or

(2) the victim resides.

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§ 8-302

(a) In this section, "offer for sale" includes to induce, solicit, attempt, or advertise in a manner intended to encourage a person to purchase an identification card.

(b) Subject to subsection (c) of this section, a person may not:

(1) sell, issue, offer for sale, or offer to issue an identification card or document that contains:

(i) a blank space for a person's age or date of birth; or

(ii) a person's incorrect age or date of birth; or

(2) knowingly sell, issue, offer for sale, or offer to issue an identification card or document that contains:

(i) an incorrect name instead of a person's true name; or

(ii) an incorrect address for a person.

(c) This section does not prohibit a manufacturer of identification cards or documents from selling or issuing identification cards or documents that contain a blank space for a person's age or date of birth to:

(1) employers, for use as employee identification cards or documents;

(2) hospitals, for use as patient identification cards; or

(3) governmental units.

(d) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

(2) Each identification card or document sold or issued and each offer in violation of this section is a crime that may be separately prosecuted.

(e) The Attorney General, or the State's Attorney for a county where a violation of this section occurs, may seek an injunction to stop a sale, issue, or offer that violates this section.

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§ 8-303

(a) (1) In this section the following words have the meanings indicated.

(2) "Government identification document" means one of the following documents issued by the United States government or any state or local government:

- (i) a passport;
- (ii) an immigration visa;
- (iii) an alien registration card;
- (iv) an employment authorization card;
- (v) a birth certificate;
- (vi) a Social Security card;
- (vii) a uniformed services identification;
- (viii) an adoption decree;
- (ix) a marriage license;
- (x) a driver's license; or
- (xi) a photo identification card.

(3) "Uniformed services" has the meaning stated in § 9–901 of the State Government Article.

(b) A person may not, with fraudulent intent:

- (1) possess a fictitious or fraudulently altered government identification document;
- (2) display, cause, or allow to be displayed a fictitious or fraudulently altered government identification document;
- (3) lend a government identification document to another or knowingly allow the use of the person's government identification document by another; or
- (4) display or represent as the person's own a government identification document not issued to the person.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 8-304

(a) A person who knows or reasonably suspects that the person is a victim of identity fraud, as prohibited under this subtitle, may contact a local law enforcement agency that has jurisdiction over:

- (1) any part of the county in which the person lives; or
- (2) any part of the county in which the crime occurred.

(b) After being contacted by a person in accordance with subsection (a) of this section, a local law enforcement agency shall promptly:

- (1) prepare and file a report of the alleged identity fraud; and
- (2) provide a copy of the report to the victim.

(c) The local law enforcement agency contacted by the victim may subsequently refer the matter to a law enforcement agency with proper jurisdiction.

(d) A report filed under this section is not required to be counted as an open case for purposes including compiling open case statistics.

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§ 8-305

(a) (1) In this section the following words have the meanings indicated.

(2) "Identity fraud" means a violation of § 8–301 of this subtitle.

- (3) "Identity theft passport" means a card or certificate issued by the Attorney General that verifies the identity of the person who is a victim of identity fraud.
- (b) A person who knows or reasonably suspects that the person is a victim of identity fraud and has filed a report under § 8-304 of this subtitle may apply for an identity theft passport through a law enforcement agency.
- (c) A law enforcement agency that receives an application for an identity theft passport shall submit the application and a copy of the report filed under § 8-304 of this subtitle to the Attorney General for processing and issuance of an identity theft passport.
- (d) (1) The Attorney General, in cooperation with a law enforcement agency, may issue an identity theft passport to a person who is a victim of identity fraud.
- (2) The Attorney General may not issue an identity theft passport to a person before completing a background check on the person.
- (e) A person who is issued an identity theft passport under subsection (d) of this section may present the identity theft passport to:
- (1) a law enforcement agency to help prevent the arrest or detention of the person for an offense committed by another using the person's personal identifying information; or
- (2) a creditor to aid in the investigation of:
- (i) a fraudulent account that is opened in the person's name; or
- (ii) a fraudulent charge that is made against an account of the person.
- (f) (1) A law enforcement agency or creditor that is presented with an identity theft passport under subsection (e) of this section has sole discretion to accept or reject the identity theft passport.
- (2) In determining whether to accept or reject the identity theft passport, the law enforcement agency or creditor may consider the surrounding circumstances and available information regarding the offense of identity fraud against the person.
- (g) An application for an identity theft passport submitted under this section, including any supporting documentation:
- (1) is not a public record; and
- (2) may not be released except to a law enforcement agency in this or another state.
- (h) The Attorney General shall adopt regulations to carry out the provisions of this section.

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§ 8-401

- (a) A partner may not with fraudulent intent:
- (1) convert or appropriate to the partner's own use partnership money or property;
- (2) make, or cause to be made, a false entry in partnership records of a partnership transaction; or
- (3) fail to make or cause to be made an entry in partnership records to show the true state of a transaction:
- (i) relating to partnership business; or
- (ii) involving the use of partnership money or property.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.
- (c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 8-402

- (a) With intent to defraud, an officer or agent of a corporation may not sign, or in any manner assent to, a statement to or a publication for the public or the shareholders that contains false representations of the corporation's assets, liabilities, or affairs, to:

(1) enhance or depress the market value of the corporation's shares or obligations; or

(2) commit fraud in another manner.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not less than 6 months and not exceeding 3 years or a fine not less than \$1,000 and not exceeding \$10,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 8-403

(a) A debtor who possesses personal property that is subject to a security interest may not secrete, hypothecate, destroy, or sell the property or remove the property from the county where it was located when the security interest attached:

(1) without the written consent of the secured party or the secured party's assignee; and

(2) with the intent to defraud the secured party.

(b) (1) A debtor who possesses personal property that is under levy pursuant to a writ of execution may not remove, secrete, hypothecate, destroy, or sell the property or remove the property from the county where it was located when the levy was made:

(i) without the prior written consent of the judgment creditor, the judgment creditor's lawfully authorized agent, or the judgment creditor's assignee; and

(ii) with intent to defraud the judgment creditor or the judgment creditor's assignee, and defeat the lien of the judgment creditor or the judgment creditor's assignee under the levy.

(2) This subsection does not relieve the sheriff or other officer making the levy from responsibility to the judgment creditor for safekeeping personal property taken into possession by the sheriff or other officer making the levy.

(c) A seller of personal property who possesses the personal property under a recorded bill of sale may not remove, secrete, hypothecate, destroy, or sell the property or remove the property from the county where it was located when sold:

(1) without prior written consent in the contract of the buyer or the buyer's assignee; and

(2) with intent to defraud the buyer.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 8-404

(a) (1) In this section the following words have the meanings indicated.

(2) "Compensation" includes payment based on a sale or distribution made to a person who:

(i) is a participant in a plan or operation; or

(ii) on making a payment, is entitled to become a participant.

(3) "Consideration" does not include:

(i) payment for purchase of goods or services furnished at cost for use in making sales to persons who are not participants in the scheme and who are not purchasing in order to participate in the scheme;

(ii) time or effort spent in pursuit of sales or recruiting activities; or

(iii) the right to receive a discount or rebate based on the purchase or acquisition of goods or services by a bona fide cooperative buying group or association.

(4) "Promote" means to induce one or more persons to become a participant.

(5) "Pyramid promotional scheme" means a plan or operation by which a participant gives consideration for the opportunity to receive compensation to be derived primarily from any person's introduction of others into participation in the plan or operation rather than from the sale of goods, services, or other intangible property by the participant or others

introduced into the plan or operation.

(b) A person may not establish, operate, advertise, or promote a pyramid promotional scheme.

(c) It is not a defense to a prosecution under this section that:

(1) the plan or operation limits the number of persons who may participate or limits the eligibility of participants; or

(2) on payment of anything of value by a participant, the participant obtains any other property in addition to the right to receive compensation.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$10,000 or both.

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§ 8-405

(a) This section applies only to a person employed in any capacity in the management or navigation of a vessel on a river, canal, bay, or other waters exclusively within the State whether or not the person is a co-owner of or has an interest in any of the cargo of the vessel.

(b) A person may not sell, give away, pledge, or in any manner dispose of the cargo of a vessel or an article or commodity on the vessel:

(1) without the consent of the owner; and

(2) with the intent to defraud the owner.

(c) A person who sells the cargo of a vessel or an article or commodity on the vessel with the consent of the owner may not neglect or refuse to pay to the owner the consideration received by the person with the intent to defraud the owner.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not less than 6 months and not exceeding 1 year or a fine not less than \$500 and not exceeding \$1,000 or both.

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§ 8-406

(a) A person, on the person's own behalf or on behalf of another, who receives, accepts, or takes in trust from another a warehouse or elevator receipt, bill of lading, or document giving, or purporting to give, title to, or the right to possession of, goods, wares, merchandise, or other personal property, subject to a written contract expressing the terms and conditions of the trust, may not fail to fulfill in good faith the terms and conditions of the trust.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not less than 1 year and not exceeding 10 years or a fine not less than \$500 and not exceeding \$5,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 8-407

(a) This section applies to a written contract or written lease for a leased or rented good or thing of value whether or not the contract or lease contains an option to purchase the good or thing of value if the lease:

(1) does not exceed a period of 6 months; and

(2) is for a good or thing with a value of \$1,500 or more.

(b) A person may not fraudulently convert to the person's own use a good or thing of value received under a written contract or written lease entered into for the purpose of renting or leasing things for valuable consideration.

(c) The failure to return the good or thing of value to the possession of, or account for the good or thing of value with, the person who delivered the good or thing of value at the time or in the manner described in the written contract or written lease is prima facie evidence of intent to fraudulently convert the good or thing of value.

(d) (1) A person may not be prosecuted under this section if within 10 days after a written demand for the return of the good or thing of value is mailed by certified United States mail, return receipt requested, to the person who received the

good or thing of value at the last address known to the person who delivered the good or thing of value, the person returns the good or thing of value to the possession of, or accounts for the good or thing of value with, the person who delivered the good or thing of value.

(2) A prosecution may not be started until 10 days after a written demand described in paragraph (1) of this subsection is mailed.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$1,000 or both.

(f) A person who violates this section shall restore the good or thing of value converted to the person's own use or pay the full value to the owner or the person who delivered the good or thing of value.

(g) (1) A prosecution under this section does not preclude prosecution for theft under § 7–104 of this article.

(2) If a person is convicted under § 7–104 of this article and this section for the same act or transaction, the conviction under this section shall merge for sentencing purposes into the conviction under § 7–104 of this article.

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§ 8-408

(a) (1) In this section the following words have the meanings indicated.

(2) "Direct loan agreement" means an agreement between a lender and a borrower under which the lender advances funds under a loan secured by the motor vehicle purchased by the borrower.

(3) (i) "Installment sale agreement" means a contract for the sale or lease of a motor vehicle, negotiated or entered into in the State, under which:

1. part or all of the price is payable in one or more payments after the contract is made; and
2. the seller takes collateral security or keeps a security interest in the motor vehicle sold.

(ii) "Installment sale agreement" includes:

1. a prospective installment sale agreement;
2. a purchase money security agreement;
3. a contract for the bailment or leasing of a motor vehicle under which the bailee or lessee contracts to pay as compensation a sum that is substantially equal to or is more than the value of the motor vehicle; and
4. a renewal, extension, or refund agreement.

(4) "Lease contract" means a contract for or in contemplation of a lease for the use of a motor vehicle, and the purchase of services incidental to the lease, for a term of more than 4 months.

(5) "Lessor" means a person who leases a motor vehicle to another under a lease contract.

(6) "Motor vehicle" means a vehicle for which an owner is required to obtain a certificate of title under Title 13 of the Transportation Article.

(7) "Motor vehicle agreement" means a lease contract, direct loan agreement, installment sale agreement, or security agreement.

(8) "Secured party" means a person who has a security interest in a vehicle.

(9) "Security agreement" means a written agreement that reserves or creates a security interest.

(10) (i) "Security interest" means an interest in a vehicle that is reserved or created by agreement and that secures payment or performance of an obligation.

(ii) "Security interest" includes the interest of a lessor under a lease intended as security.

(11) (i) "Seller" means a person who sells or leases or agrees to sell or lease a motor vehicle under an installment sale agreement.

(ii) "Seller" includes a present holder of an installment sale agreement.

(b) A person may not engage in an act of unlawful subleasing of a motor vehicle in which:

(1) the motor vehicle is subject to a motor vehicle agreement the terms of which prohibit the transfer or assignment of a right or interest in the motor vehicle or under the motor vehicle agreement without consent of the lessor or secured party;

(2) the person is not a party to the motor vehicle agreement;

(3) the person:

(i) transfers or assigns, or purports to transfer or assign, a right or interest in the motor vehicle or under a motor vehicle agreement to a person who is not a party to the motor vehicle agreement; or

(ii) assists, causes, negotiates, attempts to negotiate, or arranges an actual or purported transfer of a right or interest in the motor vehicle or under a motor vehicle agreement from a person, other than the lessor or secured party, who is a party to the motor vehicle agreement;

(4) neither the person nor the party to the motor vehicle agreement obtains written consent to the transfer or assignment from the lessor or secured party before conducting the acts described in item (3) of this subsection; and

(5) the person receives or intends to receive a commission, compensation, or other consideration for engaging in the acts described in item (3) of this subsection.

(c) (1) It is not an act of unlawful subleasing of a motor vehicle under this section if the acts under subsection (b)(3) of this section are engaged in by a person who is:

(i) a party to the motor vehicle agreement; or

(ii) a dealer or vehicle salesman licensed under Title 15 of the Transportation Article and engaged in vehicle sales who assists, causes, or arranges a transfer or assignment under the terms of an agreement for the purchase or lease of another motor vehicle.

(2) Paragraph (1) of this subsection does not affect the enforceability of a provision of a motor vehicle agreement by a party to the agreement.

(3) A party to a motor vehicle agreement may not be prosecuted under this section as an accessory to the act of unlawful subleasing of the motor vehicle that is subject to the motor vehicle agreement.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 8-501

In this part, "fraud" includes:

(1) the willful making of a false statement or a false representation;

(2) the willful failure to disclose a material change in household or financial condition; or

(3) the impersonation of another.

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§ 8-502

This part does not apply to a violation of Part II of this subtitle.

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§ 8-503

(a) This section applies to money, property, food stamps, or other assistance that is provided under a social or nutritional program based on need that is:

(1) financed wholly or partly by the State; and

(2) administered by the State or a political subdivision of the State.

(b) By fraud, a person may not obtain, attempt to obtain, or help another person to obtain or attempt to obtain, money, property, food stamps, or other assistance to which the person is not entitled.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(d) (1) A person who is convicted of a violation of this section shall make full restitution of the money or the value of the property, food stamps, or other assistance obtained by the person in violation of this section.

(2) Full restitution under paragraph (1) of this subsection shall be made after the person has received notice and has been given the opportunity to be heard as to the amount of payment and how it is to be made.

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§ 8-504

(a) An application for money, property, food stamps, or other assistance, under a nutritional program based on need or a social program financed in whole or in part by the State, and administered by the Department of Human Services, the Maryland Department of Health, or a local department of social services, whether under this or any other article of the Code, shall be in writing and signed by the applicant.

(b) A person may not make a false or fraudulent statement with the intent to obtain money, property, food stamps, or other assistance in making and signing the application required in subsection (a) of this section.

(c) A person who violates this section is guilty of the misdemeanor of perjury and on conviction is subject to the penalties provided for perjury in § 9–101 of this article.

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§ 8-505

(a) A person with intent to defraud may not make an unauthorized disposition of food donated under a program of the federal government.

(b) A person who is not authorized to receive food donated under any program of the federal government may not convert the food to the person's own use or benefit.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 8-508

(a) In this part the following words have the meanings indicated.

(b) "False representation" means the knowing and willful:

(1) concealing, falsifying, or omitting of a material fact;

(2) making of a materially false or fraudulent statement; or

(3) use of a document that contains a statement of material fact that the user knows to be false or fraudulent.

(c) (1) "Health care service" means health or medical care procedures, goods, or services that:

(i) provide testing, diagnosis, or treatment of human disease or dysfunction; or

(ii) dispense drugs, medical devices, medical appliances, or medical goods for the treatment of human disease or dysfunction.

(2) "Health care service" includes any procedure, goods, or service that is a required benefit of a State health plan.

(d) "Representation" includes an acknowledgment, certification, claim, ratification, report of demographic statistics, encounter data, enrollment claims, financial information, health care services available or rendered, and qualifications of a person rendering health care or ancillary services.

(e) "Serious injury" means an injury that:

(1) creates a substantial risk of death;

(2) causes serious permanent or serious protracted disfigurement;

(3) causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty;

(4) causes serious permanent or serious protracted impairment of the function of any bodily member or organ; or

(5) involves extreme physical pain.

(f) (1) "State health plan" includes:

(i) the State Medical Assistance Plan established in accordance with Title XIX of the federal Social Security Act of 1939;

(ii) a medical assistance plan established by the State; or

(iii) a private health insurance carrier, health maintenance organization, managed care organization as defined in § 15-101 of the Health - General Article, health care cooperative or alliance, or other person that provides or contracts to provide health care services that are wholly or partly reimbursed by or are a required benefit of a health plan established in accordance with Title XIX of the federal Social Security Act of 1939 or by the State.

(2) "State health plan" includes a person that provides or contracts or subcontracts to provide health care services for an entity described in paragraph (1) of this subsection.

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§ 8-509

A person may not:

(1) knowingly and willfully defraud or attempt to defraud a State health plan in connection with the delivery of or payment for a health care service;

(2) knowingly and willfully obtain or attempt to obtain by means of a false representation money, property, or any thing of value in connection with the delivery of or payment for a health care service that wholly or partly is reimbursed by or is a required benefit of a State health plan;

(3) knowingly and willfully defraud or attempt to defraud a State health plan of the right to honest services; or

(4) with the intent to defraud make a false representation relating to a health care service or a State health plan.

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§ 8-510

A person who has applied for or received a benefit or payment under a State health plan for the use of another individual may not knowingly and willfully convert all or any part of a State health plan benefit or payment to a use that is not for the authorized beneficiary.

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§ 8-511

A person may not:

(1) provide to another individual items or services for which payment wholly or partly is or may be made from federal or State funds under a State health plan; and

(2) solicit, offer, make, or receive a kickback or bribe in connection with providing those items or services or making or receiving a benefit or payment under a State health plan.

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§ 8-512

A person may not solicit, offer, make, or receive a rebate of a fee or charge for referring another individual to a third person to provide items or services for which payment wholly or partly is or may be made from federal or State funds under a State health plan.

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§ 8-513

A person may not knowingly and willfully make, cause to be made, induce, or attempt to induce the making of a false representation with respect to the conditions or operation of a facility, institution, or State health plan in order to help the facility, institution, or State health plan qualify to receive reimbursement under a State health plan.

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§ 8-514

A person may not knowingly and willfully obtain, attempt to obtain, or aid another individual in obtaining or attempting to obtain a drug product or medical care, the payment of all or a part of which is or may be made from federal or State funds under a State health plan, by:

- (1) fraud, deceit, false representation, or concealment;
- (2) counterfeiting or alteration of a medical assistance prescription or a pharmacy assistance prescription distributed under a State health plan;
- (3) concealment of a material fact; or
- (4) using a false name or a false address.

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§ 8-515

A person may not knowingly and willfully possess a medical assistance card or a pharmacy assistance card distributed under a State health plan or the Medical Assistance or Pharmacy Assistance Program established by Title 15 of the Health - General Article without the authorization of the person to whom the card is issued.

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§ 8-516

- (a) If a violation of this part results in the death of an individual, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding life or a fine not exceeding \$200,000 or both.
- (b) If a violation of this part results in serious injury to an individual, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$100,000 or both.
- (c) If the value of the money, health care services, or other goods or services involved is \$1,500 or more in the aggregate, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$100,000 or both.
- (d) A person who violates any other provision of this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$50,000 or both.
- (e) (1) In this subsection, "business entity" includes an association, firm, institution, partnership, and corporation.
- (2) A business entity that violates a provision of this part is subject to a fine not exceeding:
 - (i) \$250,000 for each felony; and
 - (ii) \$100,000 for each misdemeanor.

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§ 8-517

- (a) A health care provider who violates a provision of this part is liable to the State for a civil penalty not more than three times the amount of the overpayment.
- (b) The civil penalty provided in this section is in addition to any other penalty provided by law.
- (c) This section may not be construed to limit a victim's right to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

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§ 8-520

- (a) In this section, "public safety officer" means:
 - (1) a police officer;
 - (2) a paid or volunteer fire fighter;

(3) an emergency medical technician;

(4) a rescue squad member;

(5) the State Fire Marshal; or

(6) a sworn officer of the State Fire Marshal.

(b) This section does not prohibit, limit, or interfere with the right of an off-duty public safety officer who is not in uniform from participating in a charitable or other fundraising campaign.

(c) A person may not encourage, solicit, or receive contributions of money or any thing of value for, or offer any thing for sale in, a charitable or other fundraising campaign by representing to the public that the charitable or other fundraising campaign is approved by:

(1) a police or fire department in the State without the prior written consent of the chief administrative officer of the police or fire department or from the chief administrative officer's designee; or

(2) a public safety officer or member of the family of a public safety officer without the prior written consent of the public safety officer or a family member of the public safety officer.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$1,000 or both for each violation.

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§ 8-521

(a) A person may not obtain or attempt to obtain legal representation from the Office of the Public Defender by willfully and knowingly:

(1) making a false representation or false statement;

(2) failing to disclose the person's true financial condition; or

(3) using any other fraudulent means.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 8-522

(a) This section applies to a simulated document even if the document contains a statement that it is not legal process or a government document.

(b) (1) A person may not use, sell, or send or deliver to another, with the intent to induce the payment of a claim, a document that:

(i) simulates a summons, complaint, or other court process of any kind; or

(ii) implies that the person is a part of or associated with a unit of the federal government or a unit of the State or a county or municipal government.

(2) With intent to induce the payment of a claim, a person may not use a seal, insignia, envelope, or any other form that simulates the seal, insignia, envelope, or form of any governmental unit.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(1) \$100 for the first violation; and

(2) \$500 for each subsequent violation.

(d) This section does not prohibit the printing, publication, or distribution of genuine court or legal process forms in blank.

(e) Proof that the document was mailed or delivered to any person with the intent that it be forwarded to the intended recipient is sufficient proof of sending.

(f) A person who has been charged with a violation of this section may be prosecuted in the county in which the simulated document was used, sold, sent, or delivered.

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§ 8-523

(a) (1) In this section the following words have the meanings indicated.

(2) "Housing agency" means an agency established to administer a housing assistance program under the Housing and Community Development Article.

(3) "Housing assistance" means financial assistance, as defined in § 1-101 of the Housing and Community Development Article, offered for the purpose of obtaining housing based on need under a program administered by a housing agency and financed wholly or partially by federal, State, or local funds.

(b) A person may not knowingly make a false statement of a material fact for the purpose of influencing a housing agency regarding:

(1) an application for housing assistance; or

(2) an action affecting housing assistance already provided.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 8-601

(a) A person, with intent to defraud another, may not counterfeit, cause to be counterfeited, or willingly aid or assist in counterfeiting any:

(1) bond;

(2) check;

(3) deed;

(4) draft;

(5) endorsement or assignment of a bond, draft, check, or promissory note;

(6) entry in an account book or ledger;

(7) letter of credit;

(8) negotiable instrument;

(9) power of attorney;

(10) promissory note;

(11) release or discharge for money or property;

(12) title to a motor vehicle;

(13) waiver or release of mechanics' lien; or

(14) will or codicil.

(b) A person may not knowingly, willfully, and with fraudulent intent possess a counterfeit of any of the items listed in subsection (a) of this section.

(c) (1) A person who violates subsection (a) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$1,000 or both.

(2) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(d) Notwithstanding any other provision of law, the prosecution of an alleged violation of this section or for an alleged violation of a crime based on an act that establishes a violation of this section may be commenced in any county in which:

(1) an element of the crime occurred;

- (2) the deed or other alleged counterfeit instrument is recorded in the county land records, filed with the clerk of the circuit court, or filed with the register of wills;
- (3) the victim resides; or
- (4) if the victim is not an individual, the victim conducts business.

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§ 8-602

(a) A person, with intent to defraud another, may not issue or publish as true a counterfeit instrument or document listed in § 8-601 of this subtitle.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$1,000 or both.

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§ 8-603

(a) A person may not knowingly possess, with unlawful intent, a counterfeit title to a motor vehicle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

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§ 8-604

(a) A person may not, with intent to defraud:

- (1) manufacture United States currency;
- (2) counterfeit, cause to be counterfeited, or willingly aid or assist in counterfeiting United States currency; or
- (3) make, scan, record, reproduce, transmit, or have in the person's control, custody, or possession an analog, digital, or electronic image of United States currency.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

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§ 8-605

(a) (1) A person may not counterfeit, cause to be counterfeited, or willingly aid or assist in counterfeiting:

- (i) a commission, patent, pardon, order for release, or other court document; or
- (ii) a warrant, certificate, or other public security from which money may be drawn from the treasury of the State.

(2) A person may not write, sign, or possess a counterfeit:

- (i) commission, patent, pardon, order for release, or other court document; or
- (ii) warrant, certificate, or other public security from which money may be drawn from the treasury of the State.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

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§ 8-606

(a) (1) In this section the following words have the meanings indicated.

(2) "Access" means to instruct, communicate with, store data in, or retrieve data from, or otherwise use equipment including computers and other data processing equipment or resources connected with computers or other data processing equipment.

(3) "Public record" includes an official book, paper, or record, kept on a manual or automated basis, that is created, received, or used by a unit of:

(i) the State;

(ii) a political subdivision of the State; or

(iii) a multicounty agency.

(b) A person may not or may not attempt to:

(1) willfully make a false entry in a public record;

(2) except under proper authority, willfully alter, deface, destroy, remove, or conceal a public record; or

(3) except under proper authority, willfully and intentionally access a public record.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

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§ 8-607

(a) In this section, "public seal" means:

(1) the great seal of the State;

(2) the seal of any court of the State; or

(3) any other public seal of the State.

(b) A person may not:

(1) counterfeit and use a public seal;

(2) steal a public seal;

(3) unlawfully and falsely, or with evil intent, affix a public seal to a deed, warrant, or writing; or

(4) have and willfully conceal a counterfeit public seal, if the person knows that it was counterfeited.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

(d) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 8-608

(a) A person may not:

(1) counterfeit the stamp of the Comptroller;

(2) unlawfully use or steal the stamp of the Comptroller;

(3) unlawfully and falsely, or with evil intent, affix the stamp of the Comptroller to any written instrument; or

(4) have and willfully conceal a counterfeit stamp of the Comptroller, if the person knows that it was counterfeited.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 8-609

(a) In this section, "order for money or goods" means any writing, ordering, or requesting for the payment of money or the delivery of goods.

(b) A person may not:

(1) with intent to defraud another, cause or procure to be counterfeited, or willingly aid or assist in counterfeiting an order for money or goods;

(2) with intent to defraud another, issue, publish, or pass a counterfeit order for money or goods, if the person knows it was counterfeited; or

(3) knowingly and fraudulently obtain money or goods by means of a counterfeit order for money or goods.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

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§ 8-610

(a) In this section, "prescription" includes an order, paper, and recipe purported to have been made by an authorized provider, as defined in § 5-101 of this article, for a drug, medicine, or alcoholic beverage.

(b) A person may not:

(1) knowingly counterfeit, cause or procure to be counterfeited, or willingly aid or assist in counterfeiting a prescription;

(2) knowingly issue, pass, or possess a counterfeit prescription; or

(3) obtain or attempt to obtain a prescription drug by fraud, deceit, or misrepresentation.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years.

(d) Payment or an offer or promise to pay for a drug, medicine, or alcoholic beverage obtained in violation of this section is not a defense to a violation of this section.

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§ 8-611

(a) (1) In this section the following words have the meanings indicated.

(2) "Counterfeit mark" means:

(i) an unauthorized copy of intellectual property; or

(ii) intellectual property affixed to goods knowingly sold, offered for sale, manufactured, or distributed, to identify services offered or rendered, without the authority of the owner of the intellectual property.

(3) "Intellectual property" means a trademark, service mark, trade name, label, term, device, design, or word adopted or used by a person to identify the goods or services of the person.

(4) "Retail value" means:

(i) a trademark counterfeiter's selling price for the goods or services that bear or are identified by the counterfeit mark; or

(ii) a trademark counterfeiter's selling price of the finished product, if the goods that bear a counterfeit mark are components of the finished product.

(5) "Trademark counterfeiter" means a person who commits the crime of trademark counterfeiting prohibited by this section.

(b) A person may not willfully manufacture, produce, display, advertise, distribute, offer for sale, sell, or possess with the intent to sell or distribute goods or services that the person knows are bearing or are identified by a counterfeit mark.

(c) If the aggregate retail value of the goods or services is \$1,500 or more, a person who violates this section is guilty of the felony of trademark counterfeiting and on conviction:

(1) is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both; and

(2) shall transfer all of the goods to the owner of the intellectual property.

(d) If the aggregate retail value of the goods or services is less than \$1,500, a person who violates this section is guilty of the misdemeanor of trademark counterfeiting and on conviction:

(1) is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

(2) shall transfer all of the goods to the owner of the intellectual property.

(e) An action or prosecution for trademark counterfeiting in which the aggregate retail value of the goods or services is less than \$1,500 shall be commenced within 2 years after the commission of the crime.

(f) Any goods bearing a counterfeit mark are subject to seizure by a law enforcement officer to preserve the goods for transfer to the owner of the intellectual property either:

(1) under an agreement with the person alleged to have committed the crime; or

(2) after a conviction under this section.

(g) State or federal registration of intellectual property is prima facie evidence that the intellectual property is a trademark or trade name.

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§ 8-612

(a) In this section, "token" means a ticket, coupon, coin, disc, slug, or any other thing that:

(1) is evidence of the right of an individual to enter, leave, ride on, or pass through or over any thing or place for which a fee is charged, including a building, ground, public conveyance, vessel, or bridge; and

(2) is intended or designed to be inserted into a box or machine for the collection of fees or given to a collector.

(b) (1) A person may not counterfeit or issue, or cause to be counterfeited or issued, or aid or assist in counterfeiting or issuing a token without the permission of the person who lawfully issues, sells, or gives away the token.

(2) A person may not issue or pass a token if the person knows that it was:

(i) counterfeited; or

(ii) issued without the permission of the person who lawfully issues, sells, or gives away the token.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year.

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§ 8-613

(a) (1) In this section the following words have the meanings indicated.

(2) "Service" includes the use of telephone or telegraph facilities, gas, electricity, or a musical instrument, phonograph, or other property.

(3) "Vending machine" includes a slot machine, pay telephone, or other receptacle designed to receive United States currency in connection with the sale or use of property or of a service.

(b) A person may not:

(1) operate, cause to be operated, or attempt to operate or cause to be operated a vending machine by a means not lawfully authorized by the owner, lessee, or licensee of the vending machine, including by means of a slug or by counterfeit, mutilated, sweated, or foreign currency;

(2) take, obtain, or receive from or in connection with a vending machine any property or service, without depositing into the vending machine United States currency in the amount required by the owner, lessee, or licensee of the vending machine; or

(3) manufacture for sale, sell, or give away a slug or device that is intended to be deposited in a vending machine if the person:

(i) intends to defraud the owner, lessee, licensee, or other person entitled to the contents of the vending machine; or

(ii) knows that the slug or device is intended for unlawful use.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 months or a fine not exceeding \$500 or both.

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§ 8-701

(a) A person may not willfully or corruptly embezzle, steal, destroy, withdraw, impair, or alter a will, codicil, deed, land patent or assignment of a land patent, or a writ of administration, return, record, or part of any of those documents if as a result of that act the estate or right of any person may be defeated, injured, or altered.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 3 years and not exceeding 7 years.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 8-702

(a) Unless the maker of a will gives instruction to the person keeping the will for safe custody, a person who receives a will for safe custody may not:

(1) destroy the will; or

(2) after the person learns of the death of the maker, willfully hide the will for a period of 6 months.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 18 months and not exceeding 15 years.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 8-801

(a) (1) In this section the following words have the meanings indicated.

(2) "Deception" has the meaning stated in § 7–101 of this article.

(3) "Deprive" has the meaning stated in § 7–101 of this article.

(4) "Obtain" has the meaning stated in § 7–101 of this article.

(5) "Property" has the meaning stated in § 7–101 of this article.

(6) (i) "Undue influence" means domination and influence amounting to force and coercion exercised by another person to such an extent that a vulnerable adult or an individual at least 68 years old was prevented from exercising free judgment and choice.

(ii) "Undue influence" does not include the normal influence that one member of a family has over another member of the family.

(7) "Value" has the meaning stated in § 7–103 of this article.

(8) "Vulnerable adult" has the meaning stated in § 3–604 of this article.

(b) (1) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of the vulnerable adult's property.

(2) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual's property.

(c) (1) (i) A person convicted of a violation of this section when the value of the property is at least \$1,500 but less than \$25,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(ii) A person convicted of a violation of this section when the value of the property is at least \$25,000 but less than \$100,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 10 years or a fine not exceeding \$15,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(iii) A person convicted of a violation of this section when the value of the property is \$100,000 or more is guilty of a felony and:

1. is subject to imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(2) A person convicted of a violation of this section when the value of the property is less than \$1,500 is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both; and

(ii) shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation of this section.

(e) (1) If a defendant fails to restore fully the property taken or its value as ordered under subsection (c) of this section, the defendant is disqualified, to the extent of the defendant's failure to restore the property or its value, from inheriting, taking, enjoying, receiving, or otherwise benefiting from the estate, insurance proceeds, or property of the victim of the offense, whether by operation of law or pursuant to a legal document executed or entered into by the victim before the defendant shall have been convicted under this section.

(2) The defendant has the burden of proof with respect to establishing under paragraph (1) of this subsection that the defendant has fully restored the property taken or its value.

(f) This section may not be construed to impose criminal liability on a person who, at the request of the victim of the offense, the victim's family, or the court appointed guardian of the victim, has made a good faith effort to assist the victim in the management of or transfer of the victim's property.

(g) In addition to any penalties set forth in this section, a violation of this section:

(1) is an unfair, abusive, or deceptive trade practice within the meaning of Title 13 of the Commercial Law Article; and

(2) is subject to the enforcement and penalty provisions contained in Title 13 of the Commercial Law Article.

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§ 8-901

(a) A person may not fail to furnish to the purchaser of purebred livestock a paper or certificate showing that the livestock is purebred stock within 90 days after the sale and delivery of the livestock if:

(1) the paper or certificate is a condition of sale; and

(2) payment has been made for the livestock.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not less than \$5 and not exceeding \$50 for each violation.

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§ 8-902

(a) (1) In this section the following words have the meanings indicated.

(2) "Drug" means a drug, medicine, or a medicinal or chemical preparation for internal human consumption.

(3) "Prepare" means to make, mix, manufacture, or compound.

(b) A person who is engaged in the business of preparing or dispensing a drug for internal human consumption may not prepare, dispense, sell, or deliver the drug to a person directly or through an agent or employee if:

(1) ethyl alcohol is usually used to prepare the drug; and

(2) the preparer, or the preparer's agent or employee, in any manner uses or substitutes methyl alcohol for ethyl alcohol, or puts methyl alcohol into the drug.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 3 months and not exceeding 1 year or a fine of not less than \$100 and not exceeding \$500 or both.

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§ 8-903

(a) (1) A person may not intentionally issue, sell, or give to an unauthorized person a ticket or instrument for the transfer from a conveyance on one passenger line or route to a conveyance on another line or route of the same or a different carrier.

(2) Unless authorized to do so, a person may not intentionally receive a ticket or instrument for the transfer from a conveyance on one passenger line or route to a conveyance on another line or route of the same or a different carrier.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for the first violation, a fine not exceeding \$100; and

(2) for each subsequent violation, imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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§ 8-904

(a) A person knowingly may not enter or race a horse in a running or harness race under a name or designation other than that registered with the Jockey Club or the United States Trotting Association.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 8-905

(a) A person may not knowingly present for payoff, or give to another to present for payoff, a counterfeit or altered pari-mutuel betting ticket.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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Title 9 — Other Crimes

§ 9-101

(a) A person may not willfully and falsely make an oath or affirmation as to a material fact:

(1) if the false swearing is perjury at common law;

(2) in an affidavit required by any state, federal, or local law;

(3) in an affidavit made to induce a court or officer to pass an account or claim;

(4) in an affidavit required by any state, federal, or local government or governmental official with legal authority to require the issuance of an affidavit; or

(5) in an affidavit or affirmation made under the Maryland Rules.

(b) A person who violates this section is guilty of the misdemeanor of perjury and on conviction is subject to imprisonment not exceeding 10 years.

(c) (1) If a person makes an oath or affirmation to two contradictory statements, each of which, if false, is prohibited by subsection (a) of this section, it is sufficient to allege, and for conviction to prove, that one of the statements is willfully

false without specifying which one.

(2) If the two contradictory statements made in violation of paragraph (1) of this subsection are made in different counties, the violation may be prosecuted in either county.

(d) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 9-102

(a) A person may not procure another to commit perjury as prohibited by § 9-101 of this subtitle.

(b) A person who violates this section is guilty of the misdemeanor of subornation of perjury and on conviction is subject to imprisonment not exceeding 10 years.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 9-103

(a) An indictment, information, or other charging document for perjury in violation of § 9-101(a) of this subtitle is sufficient if it substantially states:

“(name of defendant) on (date) in (county), on examination as a witness, duly sworn to testify in (proceeding) by (court or other person administering oath) with authority to administer the oath, willfully, unlawfully, and falsely swore (facts), the matters so sworn were material, and the testimony of (name of defendant) was willfully and corruptly false, in violation of (section violated) against the peace, government, and dignity of the State.”.

(b) An indictment, information, or other charging document for perjury in violation of § 9-101(c) of this subtitle is sufficient if it substantially states:

“(name of defendant) in (county), on examination as a witness, duly sworn to testify in (proceeding) by (court or other person administering oath) with authority to administer the oath, on (date 1) willfully swore (facts 1) and on (date 1 or 2)(in county 1 or 2) willfully swore (facts 2), and that the matters so sworn are material, and at least one of the two contradictory statements was willfully false, in violation of (section violated) against the peace, government, and dignity of the State.”.

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§ 9-201

(a) (1) In this section the following words have the meanings indicated.

(2) “Political subdivision” includes a:

- (i) county;
- (ii) municipal corporation;
- (iii) bi-county or multicounty agency;
- (iv) county board of education;
- (v) public authority; or
- (vi) special taxing district that is not a homeowners association.

(3) (i) “Public employee” means an officer or employee of:

- 1. the State; or
- 2. a political subdivision of the State.

(ii) “Public employee” includes:

- 1. an executive officer of the State;
- 2. a judge of the State;
- 3. a judicial officer of the State;

4. a member or officer of the General Assembly;
 5. a member of the police force of Baltimore City or the Department of State Police; and
 6. a member, officer, or executive officer of a political subdivision.
- (b) A person may not bribe or attempt to bribe a public employee to influence the public employee in the performance of an official duty of the public employee.
- (c) A public employee may not demand or receive a bribe, fee, reward, or testimonial to:
- (1) influence the performance of the official duties of the public employee; or
 - (2) neglect or fail to perform the official duties of the public employee.
- (d) A person who violates this section is guilty of the misdemeanor of bribery and on conviction:
- (1) is subject to imprisonment for not less than 2 years and not exceeding 12 years or a fine not less than \$5,000 and not exceeding \$25,000 or both;
 - (2) may not vote; and
 - (3) may not hold an office of trust or profit in the State.
- (e) A person who violates this section is subject to § 5–106(b) of the Courts Article.
- (f) (1) A person who violates this section:
- (i) is a competent witness; and
 - (ii) subject to paragraph (2) of this subsection, may be compelled to testify against any person who may have violated this section.
- (2) A person compelled to testify for the State under paragraph (1) of this subsection is immune from prosecution for a crime about which the person was compelled to testify.

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§ 9-202

- (a) A person may not bribe or attempt to bribe a juror for rendering a verdict.
- (b) A juror may not accept a bribe for rendering a verdict.
- (c) A person who violates this section is guilty of a misdemeanor and on conviction:
 - (1) is subject to imprisonment for not less than 18 months and not exceeding 6 years; and
 - (2) may not serve on a jury in the future.
- (d) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 9-203

- (a) (1) A person, including a candidate for office, may not give or directly or indirectly promise a gift or reward to secure a vote or a ballot at an election under the Constitution and laws of the State.
- (2) A person may not keep or allow to be kept a house or other accommodation in the State on an election day where, before the close of the election, the person, at the person's expense, gratuitously provides alcoholic beverages to voters.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:
 - (1) imprisonment not exceeding 6 months or a fine not exceeding \$500 or both; and
 - (2) any other penalties applicable under the Constitution.

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§ 9-204

- (a) A person may not bribe or attempt to bribe another who is participating in or connected with an athletic contest held in the State.

(b) A person who violates this section is guilty of the misdemeanor of bribery and on conviction is subject to imprisonment for not less than 6 months and not exceeding 3 years or a fine not less than \$100 and not exceeding \$5,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

(d) (1) A person:

(i) may not refuse to testify concerning a conspiracy to violate this section; but

(ii) may be compelled to testify against any person who may have conspired to violate this section.

(2) A person compelled to testify under paragraph (1) of this subsection is a competent witness.

(3) A person compelled to testify for the State under this section is immune from prosecution for a crime about which the person was compelled to testify.

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§ 9-205

(a) A person participating in or connected with an athletic contest may not accept a bribe to alter the outcome of the athletic contest.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 9-301

(a) In this subtitle the following words have the meanings indicated.

(b) "Official proceeding" includes a criminal trial, a hearing related to a criminal trial or adjudicatory hearing, a grand jury proceeding, and any other proceeding that is part of a criminal action or juvenile delinquency case.

(c) "Victim" means a person against whom a crime or delinquent act has been committed or attempted.

(d) "Witness" means a person who:

(1) has knowledge of the existence of facts relating to a crime or delinquent act;

(2) makes a declaration under oath that is received as evidence for any purpose;

(3) has reported a crime or delinquent act to a law enforcement officer, prosecutor, intake officer, correctional officer, or judicial officer; or

(4) has been served with a subpoena issued under the authority of a court of this State, any other state, or the United States.

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§ 9-302

(a) A person may not harm another, threaten to harm another, or damage or destroy property with the intent to:

(1) influence a victim or witness to testify falsely or withhold testimony; or

(2) induce a victim or witness:

(i) to avoid the service of a subpoena or summons to testify;

(ii) to be absent from an official proceeding to which the victim or witness has been subpoenaed or summoned; or

(iii) not to report the existence of facts relating to a crime or delinquent act.

(b) A person may not solicit another person to harm another, threaten to harm another, or damage or destroy property with the intent to:

(1) influence a victim or witness to testify falsely or withhold testimony; or

(2) induce a victim or witness:

(i) to avoid the service of a subpoena or summons to testify;

(ii) to be absent from an official proceeding to which the victim or witness has been subpoenaed or summoned; or

(iii) not to report the existence of facts relating to a crime or delinquent act.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

(2) If the testimony, subpoena, official proceeding, or report involving the victim or witness relates to a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

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§ 9-303

(a) A person may not intentionally harm another, threaten to harm another, or damage or destroy property with the intent of retaliating against:

(1) a victim or witness for:

(i) giving testimony in an official proceeding; or

(ii) reporting a crime or delinquent act;

(2) a juror for any reason relating to the performance of the juror's official duties in a pending or completed case in a court of the State or the United States; or

(3) an officer of the court of the State or the United States for any reason relating to the performance of the officer's official duties in a pending or completed case.

(b) A person may not solicit another person to intentionally harm another, threaten to harm another, or damage or destroy property with the intent of retaliating against:

(1) a victim or witness for:

(i) giving testimony in an official proceeding; or

(ii) reporting a crime or delinquent act;

(2) a juror for any reason relating to the performance of the juror's official duties in a pending or completed case in a court of the State or the United States; or

(3) an officer of the court of the State or the United States for any reason relating to the performance of the officer's official duties in a pending or completed case.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

(2) If the official proceeding or report described in subsection (a) of this section relates to a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

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§ 9-304

(a) A finding of good cause under this section may be based on any relevant evidence including credible hearsay.

(b) (1) For good cause shown, a court with jurisdiction over a criminal matter or juvenile delinquency case may pass an order that is reasonably necessary to stop or prevent:

(i) the intimidation of a victim or witness; or

(ii) a violation of this subtitle.

(2) The order may:

(i) prohibit a person from violating this subtitle;

(ii) require an individual to maintain a certain physical distance from another person specified by the court;

(iii) prohibit a person from communicating with another individual specified by the court, except through an attorney or other individual specified by the court; and

(iv) impose other reasonable conditions to ensure the safety of a victim or witness.

(3) The court may hold a hearing to determine if an order should be issued under this subsection.

(c) (1) The court may use its contempt power to enforce an order issued under this section.

(2) The court may revoke the pretrial release of a defendant or child respondent to ensure the safety of a victim or witness or the integrity of the judicial process if the defendant or child respondent violates an order passed under this section.

(d) A District Court commissioner or an intake officer, as defined in § 3-8A-01 of the Courts Article, may impose for good cause shown a condition described in subsection (b)(2) of this section as a condition of the pretrial release of a defendant or child respondent.

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§ 9-305

(a) A person may not, by threat, force, or corrupt means, try to influence, intimidate, or impede a juror, a witness, or an officer of a court of the State or of the United States in the performance of the person's official duties.

(b) A person may not solicit another person to, by threat, force, or corrupt means, try to influence, intimidate, or impede a juror, a witness, or an officer of the court of the State or of the United States in the performance of the person's official duties.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

(2) If an act described in subsection (a) of this section is taken in connection with a proceeding involving a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

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§ 9-306

(a) A person may not, by threat, force, or corrupt means, obstruct, impede, or try to obstruct or impede the administration of justice in a court of the State.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

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§ 9-307

(a) A person may not destroy, alter, conceal, or remove physical evidence that the person believes may be used in a pending or future official proceeding with the intent to impair the verity or availability of the physical evidence in the official proceeding.

(b) A person may not fabricate physical evidence in order to impair the verity of the physical evidence with the intent to deceive and that the fabricated physical evidence be introduced in a pending or future official proceeding.

(c) A person may not introduce physical evidence in an official proceeding if the person knows that the evidence has been altered or fabricated with the intent to deceive in order to impair the verity of the physical evidence.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 9-401

(a) In this subtitle the following words have the meanings indicated.

(b) "Concealment" means hiding, secreting, or keeping out of sight.

(c) "Escape" retains its judicially determined meaning.

(d) "Fugitive" means an individual for whom a felony arrest warrant has been issued and is outstanding.

(e) (1) "Harbor" includes offering a fugitive or escaped incarcerated individual:

(i) concealment;

(ii) lodging;

(iii) care after concealment; or

(iv) obstruction of an effort of an authority to arrest the fugitive or escaped incarcerated individual.

(2) "Harbor" does not include failing to reveal the whereabouts of a fugitive or an escaped incarcerated individual by a person who did not participate in the effort of the fugitive or escaped incarcerated individual to elude arrest.

(f) "Hardware secure facility" means a facility that is securely locked or fenced to prevent escape.

(g) (1) "Place of confinement" means:

(i) a correctional facility;

(ii) a facility of the Maryland Department of Health; or

(iii) any other facility in which a person is confined under color of law.

(2) "Place of confinement" does not include:

(i) a detention center for juveniles;

(ii) a facility for juveniles listed in § 9–226(b) of the Human Services Article;

(iii) a place identified in a juvenile community detention order; or

(iv) a privately operated, hardware secure facility for juveniles committed to the Department of Juvenile Services.

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§ 9-402

(a) This section does not apply if the warrant is for a traffic offense.

(b) A person may not harbor a fugitive to prevent the fugitive's discovery or arrest after:

(1) being notified, or otherwise knowing, that a felony warrant was issued for the arrest of the fugitive; and

(2) being notified that harboring the fugitive is a crime.

(c) A person may not knowingly harbor a fugitive who is avoiding:

(1) prosecution;

(2) custody; or

(3) confinement after conviction of a felony.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 9-403

(a) A person may not willfully harbor an incarcerated individual, who was imprisoned for a felony and who escaped from the custody of the Division of Correction or other correctional unit to which the incarcerated individual has been committed, after:

- (1) being notified, or otherwise knowing, that the incarcerated individual escaped; and
- (2) being notified that harboring the incarcerated individual is a crime.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 9-404

(a) A person may not knowingly escape from a place of confinement.

(b) A person may not:

- (1) escape from:
 - (i) a detention center for juveniles;
 - (ii) a facility for juveniles listed in § 9–226(b) of the Human Services Article;
 - (iii) a place identified in a juvenile community detention order; or
 - (iv) a privately operated, hardware secure facility for juveniles committed to the Department of Juvenile Services; and
- (2) in the course of the escape commit an assault.

(c) A person who violates this section is guilty of the felony of escape in the first degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$20,000 or both.

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§ 9-405

(a) (1) A person who has been lawfully arrested may not knowingly depart from custody without the authorization of a law enforcement or judicial officer.

(2) A person may not knowingly fail to obey a court order to report to a place of confinement.

(3) A person may not escape from:

- (i) except as otherwise punishable under § 9–404(b) of this subtitle, a detention center for juveniles or a facility for juveniles listed in § 9–226(b) of the Human Services Article;
- (ii) a place identified in a home detention order or agreement;
- (iii) a place identified in a juvenile community detention order; or
- (iv) a privately operated, hardware secure facility for juveniles committed to the Department of Juvenile Services.

(b) (1) This subsection applies to a person who is:

- (i) temporarily released from a place of confinement;
- (ii) committed to a pretrial agency;
- (iii) committed to home detention by:
 1. the court; or
 2. the Division of Correction under Title 3, Subtitle 4 of the Correctional Services Article;
- (iv) committed to a home detention program administered by a county;
- (v) released to a private home detention monitoring agency as defined in § 20–101 of the Business Occupations and Professions Article; or

(vi) ordered by a court to serve a term of custodial confinement as defined in § 6–219 of the Criminal Procedure Article as a condition of a suspended sentence or probation before or after judgment.

(2) A person may not knowingly:

(i) violate any restriction on movement imposed under the terms of a temporary release, pretrial commitment, custodial confinement, or home detention order or agreement;

(ii) fail to return to a place of confinement under the terms of a temporary release, pretrial commitment, custodial confinement, or home detention order or agreement; or

(iii) remove, block, deactivate, or otherwise tamper with a monitoring device required to be worn or carried by the person to track the person's location, including an ankle or wrist bracelet, global position satellite offender tracking technology, or comparable equipment or system.

(c) A person who violates this section is guilty of the misdemeanor of escape in the second degree and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 9-406

Voluntary intoxication is not a defense to a charge of escape under this subtitle.

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§ 9-407

A sentence imposed for a violation of § 9-404 or § 9-405 of this subtitle:

(1) shall be consecutive to any term of confinement being served or to be served at the time of the escape;

(2) may not be suspended; and

(3) may include the entry of a judgment for all reasonable expenses incurred in returning the person to the place of confinement if the person has received timely notice of and an opportunity to contest the accuracy of the expenses allegedly owed.

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§ 9-408

(a) In this section, "police officer" means an individual who is authorized to make an arrest under Title 2 of the Criminal Procedure Article.

(b) A person may not intentionally:

(1) resist a lawful arrest; or

(2) interfere with an individual who the person has reason to know is a police officer who is making or attempting to make a lawful arrest or detention of another person.

(c) A person who violates this section is guilty of a misdemeanor and is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(d) The unit of prosecution for a violation of this section is based on the arrest or detention regardless of the number of police officers involved in the arrest or detention.

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§ 9-410

(a) In this part the following words have the meanings indicated.

(b) "Alcoholic beverage" means beer, wine, or distilled spirits.

(c) "Contraband" means any item, material, substance, or other thing that:

(1) is not authorized for incarcerated individual possession by the managing official; or

(2) is brought into the correctional facility in a manner prohibited by the managing official.

- (d) "Controlled dangerous substance" has the meaning stated in § 5–101 of this article.
- (e) "Managing official" means the administrator, director, warden, superintendent, sheriff, or other individual responsible for the management of a place of confinement.
- (f) (1) "Place of confinement" means:
- (i) a correctional facility;
 - (ii) a facility of the Maryland Department of Health;
 - (iii) a detention center for juveniles;
 - (iv) a facility for juveniles listed in § 9–226(b) of the Human Services Article;
 - (v) a place identified in a juvenile community detention order; or
 - (vi) any other facility in which a person is confined under color of law.
- (2) "Place of confinement" does not include a place identified in a home detention order or agreement.
- (g) (1) "Telecommunication device" means:
- (i) a device that is able to transmit telephonic, electronic, digital, cellular, or radio communications; or
 - (ii) a part of a device that is able to transmit telephonic, electronic, digital, cellular, or radio communications, regardless of whether the part itself is able to transmit.
- (2) "Telecommunication device" includes a cellular telephone, digital telephone, picture telephone, and modem equipped device.
- (h) "Weapon" means a gun, knife, club, explosive, or other article that can be used to kill or inflict bodily injury.

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§ 9-411

This part does not apply to a drug or substance that is legally possessed by an individual under a written prescription issued by a person authorized by law and designated by the managing official to prescribe incarcerated individual medication.

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§ 9-412

- (a) A person may not:
- (1) deliver any contraband to a person detained or confined in a place of confinement;
 - (2) possess any contraband with intent to deliver it to a person detained or confined in a place of confinement; or
 - (3) knowingly possess contraband in a place of confinement.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

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§ 9-413

- (a) (1) A person may not deliver contraband to a person detained or confined in a place of confinement with the intent to effect an escape.
- (2) A person may not possess contraband with the intent to deliver it to a person detained or confined in a place of confinement to effect an escape.
- (3) A person may not deposit or conceal any contraband in or about a place of confinement or on any land appurtenant to the place of confinement to effect an escape.
- (4) A person detained or confined in a place of confinement may not knowingly possess or receive contraband to effect an escape.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

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§ 9-414

(a) (1) A person may not deliver a weapon to a person detained or confined in a place of confinement.

(2) A person may not possess a weapon with the intent to deliver it to a person detained or confined in a place of confinement.

(3) A person may not deposit or conceal a weapon in or about a place of confinement or on any land appurtenant to the place of confinement to effect an escape.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive a weapon.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

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§ 9-415

(a) This section does not apply to an alcoholic beverage delivered or possessed in a manner authorized by the managing official.

(b) A person may not:

(1) deliver an alcoholic beverage to a person detained or confined in a place of confinement; or

(2) possess an alcoholic beverage with the intent to deliver it to a person detained or confined in a place of confinement.

(c) A person detained or confined in a place of confinement may not knowingly possess or receive an alcoholic beverage.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

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§ 9-416

(a) A person may not:

(1) deliver a controlled dangerous substance to a person detained or confined in a place of confinement; or

(2) possess a controlled dangerous substance with the intent to deliver it to a person detained or confined in a place of confinement.

(b) A person detained or confined in a place of confinement may not knowingly possess or receive a controlled dangerous substance.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

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§ 9-417

(a) This section does not apply to a work release or prerelease program in Montgomery County established under § 11–717 of the Correctional Services Article.

(b) (1) A person may not deliver or attempt to deliver a telecommunication device, telecommunication device charger, or subscriber identification module (SIM) card to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(2) A person may not possess a telecommunication device, telecommunication device charger, or SIM card with the intent to deliver it to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(3) A person may not deposit or conceal a telecommunication device, telecommunication device charger, or SIM card in or about a place of confinement with signs posted indicating that such conduct is prohibited or on any land appurtenant to the place of confinement with the intent that it be obtained by a person detained or confined in the place of confinement.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive a telecommunication device, telecommunication device charger, or SIM card.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$3,000 or both.

(d) A sentence imposed for a violation of subsection (b)(4) of this section shall be consecutive to any sentence that the person was serving at the time of the crime or that had been imposed but was not yet being served at the time of sentencing.

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§ 9-418

A sentence imposed under this part may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the crime under this part.

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§ 9-501

(a) A person may not make, or cause to be made, a statement, report, or complaint that the person knows to be false as a whole or in material part, to a law enforcement officer of the State, of a county, municipal corporation, or other political subdivision of the State, or of the Maryland-National Capital Park and Planning Police with intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 9-502

(a) A person who is arrested by a law enforcement officer of the State, of a county, municipal corporation, or other political subdivision of the State, or of the Maryland-National Capital Park and Planning Police may not knowingly, and with intent to deceive, make a false statement to a law enforcement officer concerning the person's identity, address, or date of birth.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 9-503

(a) A person may not make, or cause to be made, a statement or report that the person knows to be false as a whole or in material part to an official or unit of the State or of a county, municipal corporation, or other political subdivision of the State that a crime has been committed or that a condition imminently dangerous to public safety or health exists, with the intent that the official or unit investigate, consider, or take action in connection with that statement or report.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 9-504

(a) This section does not apply to a statement made or rumor circulated by an officer, employee, or agent of a bona fide civilian defense organization or unit, if made in the regular course of the person's duties.

(b) A person may not circulate or transmit to another, with intent that it be acted on, a statement or rumor that the person knows to be false about the location or possible detonation of a destructive device or the location or possible release of toxic material, as those terms are defined in § 4-501 of this article.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(d) A crime under this section committed using a telephone or other electronic means may be prosecuted in the county in which:

- (1) the communication originated;
- (2) the communication was received; or
- (3) the destructive device or toxic material was stated or was rumored to be located.

(e) (1) In addition to the penalty provided in subsection (c) of this section, a court may order a person convicted or found to have committed a delinquent act under this section to pay restitution to:

(i) the State, county, municipal corporation, bicounty unit, multicounty unit, county board of education, public authority, or special taxing district for actual costs reasonably incurred in responding to a location and searching for a destructive device as a result of a violation of this section; and

(ii) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property as a result of a violation of this section.

(2) This subsection may not be construed to limit the right of a person to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

(3) (i) If the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the minor, the minor's parent, or both to pay the restitution described in paragraph (1) of this subsection.

(ii) Except as otherwise provided in this section, the provisions of Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution under this paragraph.

(f) In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed:

- (1) for a first violation, 6 months; and
- (2) for each subsequent violation, 1 year or until the person is 21 years old, whichever is longer.

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§ 9-505

(a) A person may not manufacture, possess, transport, or place:

(1) a device or container that is labeled as containing or is intended to represent a toxic material, as defined in § 4-501 of this article, with the intent to terrorize, frighten, intimidate, threaten, or harass; or

(2) a device that is constructed to represent a destructive device, as defined in § 4-501 of this article, with the intent to terrorize, frighten, intimidate, threaten, or harass.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(c) (1) In addition to the penalty provided in subsection (b) of this section, a person convicted or found to have committed a delinquent act under this section may be ordered by the court to pay restitution to:

(i) the State, county, municipal corporation, bicounty unit, multicounty unit, county board of education, public authority, or special taxing district for actual costs reasonably incurred as a result of a violation of this section; and

(ii) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property as a result of a violation of this section.

(2) This subsection may not be construed to limit the right of a person to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

(3) (i) If the person convicted or found to have committed a delinquent act in violation of this section is a minor, the court may order the minor, the minor's parent, or both to pay the restitution described in paragraph (1) of this subsection.

(ii) Except as otherwise provided in this section, the provisions of Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution under this paragraph.

(d) In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed:

(1) for a first violation, 6 months; and

(2) for each subsequent violation, 1 year or until the person is 21 years old, whichever is longer.

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§ 9-506

(a) A person may not knowingly and willfully falsify or conceal a material fact in connection with an application for funds from the Maryland Higher Education Commission.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

(c) The Maryland Higher Education Commission shall notify each applicant for funds of the conduct that constitutes a violation of this section before a State scholarship award or grant is awarded.

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§ 9-507

The common-law crime of criminal defamation is repealed.

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§ 9-508

(a) In this section, "financing statement" has the meaning stated in § 9–102 of the Commercial Law Article.

(b) A person may not file a financing statement or an amendment to a financing statement that the person knows contains false information.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

(2) Each act of filing a financing statement or an amendment to a financing statement is a separate violation.

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§ 9-601

(a) In this section, "emergency" means a circumstance in which:

(1) an individual is or is reasonably believed by the person transmitting the communication to be in imminent danger of death or serious bodily harm; or

(2) property is in imminent danger of damage or destruction.

(b) A person may not:

(1) knowingly, intentionally, or recklessly interrupt, disrupt, impede, or otherwise interfere with the transmission of a two-way radio communication made:

(i) to inform or inquire about an emergency; and

(ii) on a frequency commonly used or monitored by an emergency services organization; or

(2) transmit false information about an emergency on a two-way radio frequency commonly used or monitored by an emergency services organization.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

(d) (1) A two-way radio and related equipment used in violation of this section is subject to seizure.

(2) On conviction of a violation of this section, any property seized under paragraph (1) of this subsection shall be forfeited to the State and no property right shall exist in the property.

(3) Any property that is forfeited under paragraph (2) of this subsection shall be turned over to the Secretary of General Services, who may:

- (i) order that the property be retained for official use of State units; or
- (ii) otherwise dispose of the property as the Secretary considers appropriate.

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§ 9-602

(a) (1) Except as provided in paragraph (2) of this subsection, a State official or employee may not directly or indirectly monitor or record in any manner a telephone conversation made to or from a State unit.

(2) If prior approval is granted by the Attorney General, a State official or employee may monitor or record a telephone conversation:

- (i) on telephone lines used exclusively for incoming police, fire, and rescue calls; or
- (ii) with recorder-connector equipment that automatically produces a distinctive recorder tone repeated at approximately 15-second intervals.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

(c) Conviction of a violation of this section is also grounds for immediate dismissal from State employment.

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§ 9-603

(a) Except as provided in subsection (b) of this section, a person may not use a device that dials by remote control a preprogrammed telephone number and transmits a prerecorded message communicating an existing emergency condition, including fire, illness, or crime, without written approval for the use of the device from the holder of the number dialed.

(b) This section does not apply to:

- (1) a State or local law enforcement agency that is conducting an official investigation or communicating an emergency condition;
- (2) a State or local emergency management agency that is communicating an emergency condition; or
- (3) a person that is specifically designated by an agency described in item (1) or (2) of this subsection to participate in an official investigation or communicate an emergency condition.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50 for each violation.

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§ 9-604

(a) A person may not knowingly make or cause to be made a false:

- (1) fire alarm; or
- (2) call for an ambulance or rescue squad.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

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§ 9-607

(a) In this part the following words have the meanings indicated.

- (b) "Alarm system" means a burglary alarm system, robbery alarm system, or automatic fire alarm system.
- (c) (1) "Alarm system contractor" means a person who installs, maintains, monitors, alters, or services alarm systems.
- (2) "Alarm system contractor" does not include a person who only manufactures or sells alarm systems.
- (d) "Alarm user" means:
- (1) a person in control of an alarm system within, on, or around any building, structure, facility, or site; or
- (2) the owner or lessee of an alarm system.
- (e) (1) "False alarm" means a request for immediate assistance from a law enforcement unit or fire department regardless of cause that is not in response to an actual emergency situation or threatened suggested criminal activity.
- (2) "False alarm" includes:
- (i) a negligently or accidentally activated signal;
- (ii) a signal that is activated as the result of faulty, malfunctioning, or improperly installed or maintained equipment; and
- (iii) a signal that is purposely activated in a nonemergency situation.
- (3) "False alarm" does not include:
- (i) a signal activated by unusually severe weather conditions or other causes beyond the control of the alarm user or alarm system contractor; or
- (ii) a signal activated within 60 days after a new installation of an alarm system.
- (f) "Law enforcement unit" means the Department of State Police, the police department of a county or municipal corporation, and a sheriff's department or other governmental law enforcement unit having employees authorized to make arrests.
- (g) "Signal" means the activation of an alarm system that requests a response by a law enforcement unit or a fire department.

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§ 9-608

- (a) A person may not intentionally activate a signal for a nonemergency situation.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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§ 9-609

- (a) This section does not apply:
- (1) to alarm systems activated by weather conditions or causes beyond the control of the alarm user;
- (2) in Frederick County if regulations are adopted under § 12–806 of the Local Government Article providing for the registration of alarm system contractors and alarm users, the issuance of civil citations, and penalties for a violation of a regulation;
- (3) in Calvert County if the Board of County Commissioners of Calvert County adopts regulations under § 12–806 of the Local Government Article providing for the registration of alarm system contractors and alarm users, the issuance of civil citations, and penalties for a violation of a regulation; or
- (4) in Washington County if the Board of County Commissioners of Washington County adopts regulations under § 12–806 of the Local Government Article providing for the registration of alarm system contractors and alarm users, the issuance of civil citations, and penalties for a violation of a regulation.
- (b) An alarm system that is activated more than once within a 12-hour period when a premises with an alarm system is unoccupied and that is not in response to an actual emergency situation or threatened suggested criminal activity constitutes one false alarm if:
- (1) access to the building is provided to the alarm system contractor; and

(2) an alarm system contractor or an employee of an alarm system contractor responds to the activated alarm system.

(c) (1) A law enforcement unit or fire department may issue a civil citation to an alarm user for the negligent or accidental activation of an alarm system as a result of faulty, malfunctioning, or improperly installed or maintained equipment or for a false alarm if the number of activations or false alarms to which the law enforcement unit or fire department responds exceeds:

(i) three responses within a 30-day period; or

(ii) eight responses within a 12-month period.

(2) A civil citation issued under this section shall assess a penalty of \$30 for each negligent or accidental activation or false alarm.

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§ 9-610

(a) In this section, “defective alarm system” means an alarm system that activates:

(1) more than three false alarms within a 30-day period; or

(2) eight or more false alarms within a 12-month period.

(b) (1) A law enforcement unit or fire department that responds to false alarms from a defective alarm system shall provide written notice of the defective condition to the alarm user.

(2) The alarm user, within 30 days after receiving the notice, shall:

(i) 1. if qualified, inspect the alarm system; or

2. have the alarm system inspected by an alarm system contractor; and

(ii) within 15 days after the inspection, file with the law enforcement unit or fire department that issued the notice a written report that contains the:

1. result of the inspection;

2. probable cause of the false alarms; and

3. recommendations or action taken to eliminate the false alarms.

(c) An alarm user may not use a defective alarm system after receiving a written notice under subsection (b) of this section.

(d) A person who violates subsection (c) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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§ 9-611

(a) In this section, “audible alarm system” means an alarm system that, when activated, emits an audible noise from an annunciator.

(b) An audible alarm system shall be equipped to:

(1) automatically silence the annunciator within 30 minutes after activation; and

(2) allow an accidental or negligent activation to be halted or reset.

(c) An alarm system contractor may not sell, lease, rent, or offer to sell, lease, or rent an audible alarm system that does not comply with the requirements of this section.

(d) A person who violates this section is subject to a civil penalty of \$100 for each violation.

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§ 9-701

(a) In this subtitle the following words have the meanings indicated.

(b) “Defense-related activity” means:

- (1) the preparation of the United States or a state for defense or war; or
- (2) the prosecution of war by the United States or a country with which the United States maintains friendly relations.
- (c) "Identification badge" means a badge that a person wears to show the person's identity or right to be in or on any premises described in § 9-704 of this subtitle.
- (d) "Identification card" means a card or pass issued for the purpose of establishing the identity and the right of the person to be in or on any premises described in § 9-704 of this subtitle.

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§ 9-702

- (a) A person may not destroy, impair, damage, or interfere or tamper with real or personal property with intent to hinder, delay, or interfere with a defense-related activity.
- (b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

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§ 9-703

- (a) A person may not intentionally:
 - (1) make or cause to be made or omit to note on inspection a defect in a product to be used in connection with a defense-related activity; and
 - (2) act, or fail to act, with intent to hinder, delay, or interfere with a defense-related activity.
- (b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

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§ 9-704

- (a) This section applies to a person possessing an identification badge or identification card required for employment or visitation that is issued by:
 - (1) a unit of the State or a county, municipal corporation, special taxing district, or public corporation of the State; or
 - (2) a person that owns or operates in the State:
 - (i) a factory or warehouse or a manufacturing, printing, publishing, mechanical, or mercantile establishment or a plant of any kind;
 - (ii) a mine or quarry;
 - (iii) a railway; or
 - (iv) a water, sewage, gas, electric, transmission, heating, refrigerating, telephone, or other publicly owned or public service company.
- (b) A person shall surrender each identification badge or identification card to its issuer when the person's employment or authorized visit ends.
- (c) A person may not knowingly possess an identification badge or identification card after the person's employment or authorized visit ends.
- (d) A person who willfully violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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§ 9-705

A person who finds or gains possession of an identification badge or identification card required under § 9-704 of this subtitle shall surrender immediately the identification badge or identification card to the nearest police station.

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§ 9-706

(a) To enter a place or establishment in which a person is required to have an identification badge or identification card under § 9-704 of this subtitle, a person may not willfully:

- (1) make unauthorized use of an identification badge or identification card; or
- (2) assist another in the unauthorized use of an identification badge or identification card.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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§ 9-707

This subtitle does not impair, curtail, or destroy the rights of employees and their representatives to:

- (1) self-organization;
- (2) form, join, or assist labor organizations;
- (3) bargain collectively through representatives of their own choosing; and
- (4) strike, picket, or engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

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§ 9-708

If conduct prohibited by this subtitle is also unlawful under another law, a person may be convicted for the violation of this subtitle and the other law.

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§ 9-801

(a) In this subtitle the following words have the meanings indicated.

(b) "Coerce" means to compel or attempt to compel another by threat of harm or other adverse consequences.

(c) "Criminal organization" means an enterprise whose members:

- (1) individually or collectively engage in a pattern of organized crime activity;
- (2) have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and
- (3) have in common an overt or covert organizational or command structure.

(d) "Enterprise" includes:

- (1) a sole proprietorship, partnership, corporation, business trust, or other legal entity; or
- (2) any group of individuals associated in fact although not a legal entity.

(e) "Pattern of organized crime activity" means the commission of, attempted commission of, conspiracy to commit, or solicitation of two or more underlying crimes or acts by a juvenile that would be an underlying crime if committed by an adult, provided the crimes or acts were not part of the same incident.

(f) "Solicit" has the meaning stated in § 11-301 of this article.

(g) "Underlying crime" means:

- (1) a crime of violence as defined under § 14-101 of this article;
- (2) a violation of § 3-203 (second degree assault), § 3-1102 (sex trafficking), § 3-1103 (forced marriage), § 4-203 (wearing, carrying, or transporting a handgun), § 4-204 (use of a firearm in the commission of a crime), § 7-113 (embezzlement by fiduciary), or § 7-315 (theft – telecommunications–related) of this article, § 9-102 (subornation of perjury), § 9-202(a) (bribery of juror), § 9-302 (inducing false testimony or avoidance of subpoena), § 9-303 (retaliation

for testimony), § 9–305 (intimidating or corrupting juror), § 9–306 (obstruction of justice), § 9–307 (destruction of evidence), § 9–412 (contraband – in general), § 9–413 (contraband – for escape), § 9–416 (contraband – controlled dangerous substance), or § 9–417 (contraband – telecommunications–related) of this title, or § 11–304 (receiving earnings of prostitute), § 11–307 (house of prostitution), or § 12–104 (gaming offenses) of this article;

(3) a felony violation of § 3–701 (extortion), § 4–503 (manufacture or possession of destructive device), § 5–602 (distribution of CDS), § 5–603 (manufacturing CDS or equipment), § 5–604(b) (creating or possessing a counterfeit substance), § 5–606 (false prescription), § 6–103 (second degree arson), § 6–202 (first degree burglary), § 6–203 (second degree burglary), § 6–204 (third degree burglary), § 7–104 (theft), or § 7–105 (unauthorized use of a motor vehicle) of this article;

(4) a felony violation of § 5–133 of the Public Safety Article;

(5) a felony violation of Title 8 of this article (fraud and related crimes);

(6) bribery under Subtitle 2 of this title;

(7) false statements under Subtitle 5 of this title;

(8) impersonating a police officer under § 3–502 of the Public Safety Article;

(9) threat of mass violence under Title 3, Subtitle 10 of this article;

(10) a violation of § 11–207 or § 11–208 of this article (child pornography);

(11) a felony violation of Title 27, Subtitle 4 of the Insurance Article (insurance fraud);

(12) removal or falsification of vehicle identification number under § 14–107 of the Transportation Article;

(13) abuse or neglect of a vulnerable adult under § 3–604 or § 3–605 of this article;

(14) a crime under the laws of another state or of the United States that would be a crime listed in items (1) through (13) of this subsection if committed in this State; or

(15) the attempted commission of, conspiracy to commit, or solicitation of a crime or act listed in items (1) through (14) of this subsection.

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§ 9-802

(a) A person may not threaten an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal organization.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 9-803

(a) A person may not threaten an individual, or a friend or family member of an individual, with or use physical violence to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal organization:

(1) in a school vehicle, as defined under § 11–154 of the Transportation Article; or

(2) in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board of education and used for elementary or secondary education.

(b) Subsection (a) of this section applies whether or not:

(1) school was in session at the time of the crime; or

(2) the real property was being used for purposes other than school purposes at the time of the crime.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding \$20,000 or both.

(d) Notwithstanding any other law, a conviction under this section may not merge with a conviction under § 9–802 of this subtitle.

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§ 9-804

(a) A person may not:

(1) participate in a criminal organization knowing that the members of the criminal organization engage in a pattern of organized crime activity; and

(2) knowingly and willfully direct or participate in an underlying crime, or act by a juvenile that would be an underlying crime if committed by an adult, committed for the benefit of, at the direction of, or in association with a criminal organization.

(b) A criminal organization or an individual belonging to a criminal organization may not:

(1) receive proceeds known to have been derived directly or indirectly from an underlying crime; and

(2) use or invest, directly or indirectly, an aggregate of \$10,000 or more of the proceeds from an underlying crime in:

(i) the acquisition of a title to, right to, interest in, or equity in real property; or

(ii) the establishment or operation of any enterprise.

(c) A criminal organization may not acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property through an underlying crime.

(d) A person may not conspire to violate subsection (a), (b), or (c) of this section.

(e) A person may not violate subsection (a) of this section that results in the death of a victim.

(f) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding \$1,000,000 or both.

(ii) A person who violates subsection (e) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$5,000,000 or both.

(2) (i) A sentence imposed under paragraph (1)(i) of this subsection for a first offense may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing a violation of this section.

(ii) A sentence imposed under paragraph (1)(i) of this subsection for a second or subsequent offense, or paragraph (1)(ii) of this subsection shall be separate from and consecutive to a sentence for any crime based on the act establishing a violation of this section.

(iii) A consecutive sentence for a second or subsequent offense shall not be mandatory unless the State notifies the person in writing of the State's intention to proceed against the person as a second or subsequent offender at least 30 days before trial.

(3) In addition to the other penalties provided in this subsection, on conviction the court may:

(i) order a person or criminal organization to be divested of any interest in an enterprise or real property;

(ii) order the dissolution or reorganization of an enterprise; and

(iii) order the suspension or revocation of any license, permit, or prior approval granted to the enterprise or person by a unit of the State or a political subdivision of the State.

(g) (1) This subsection applies to a violation of § 5–602, § 5–603, § 5–604(b), § 5–606, § 5–612, § 5–613, § 5–614, or § 5–617 of this article.

(2) Assets divested under this section and derived from the commission of, attempted commission of, conspiracy to commit, or solicitation of a crime described in paragraph (1) of this subsection, either in whole or in part:

(i) if the State investigated and prosecuted a violation described in paragraph (1) of this subsection, shall be deposited in the Addiction Treatment Divestiture Fund established under § 8–6D–01 of the Health – General Article;

(ii) if a local jurisdiction investigated and prosecuted a violation described in paragraph (1) of this subsection, shall be used by the local jurisdiction:

1. to support alternatives to incarceration, reentry programs, and addiction treatment services for persons with substance-related disorders;

2. to combat criminal organizations through education, training, and resources; or

3. to provide assistance to victims of criminal organization-related crimes; or

(iii) if more than one jurisdiction participated in an investigation or a prosecution of a violation described in paragraph (1) of this subsection, shall be divided in the manner agreed on by the jurisdictions and used as provided in item (i) or (ii) of this paragraph.

(h) A person may be charged with a violation of this section only by indictment, criminal information, or petition alleging a delinquent act.

(i) (1) The Attorney General, at the request of the Governor or the State's Attorney for a county in which a violation or an act establishing a violation of this section occurs, may:

(i) aid in the investigation of the violation or act; and

(ii) prosecute the violation or act.

(2) In exercising authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State's Attorney, including the use of the grand jury in the county, to prosecute the violation.

(3) Notwithstanding any other provision of law, in circumstances in which violations of this section are alleged to have been committed in more than one county, the respective State's Attorney of each county, or the Attorney General, may join the causes of action in a single complaint with the consent of each State's Attorney having jurisdiction over an offense sought to be joined.

(j) Notwithstanding any other provision of law and provided at least one criminal organization activity of a criminal organization allegedly occurred in the county in which a grand jury is sitting, the grand jury may issue subpoenas, summon witnesses, and otherwise conduct an investigation of the alleged criminal organization's activities and offenses in other counties.

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§ 9-805

(a) A person may not organize, supervise, promote, sponsor, finance, or manage a criminal organization.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$1,000,000 or both.

(c) A sentence imposed under this section shall be separate from and consecutive to a sentence for any crime based on the act establishing a violation of this section.

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§ 9-806

Nothing in this subtitle may be construed inconsistently with the provisions relating to jurisdiction over juvenile causes contained in Title 3, Subtitle 8A of the Courts Article.

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§ 9-807

For purposes of venue, any violation of this subtitle is considered to have been committed in any county:

(1) in which any act was performed in furtherance of a violation of this subtitle;

(2) that is the principal place of the operations of the criminal organization in the State;

(3) in which a defendant had control or possession of proceeds of a violation of this subtitle or of records or other material or objects that were used in furtherance of a violation; or

(4) in which a defendant resides.

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Title 10 — Penalties

§ 10-101

(a) In this part the following words have the meanings indicated.

(b) "Distribute" means to:

(1) give, sell, deliver, dispense, issue, or offer to give, sell, deliver, dispense, or issue; or

(2) cause or hire a person to give, sell, deliver, dispense, issue or offer to give, sell, deliver, dispense, or issue.

(c) (1) "Tobacco paraphernalia" means any object used, intended for use, or designed for use in inhaling or otherwise introducing tobacco products into the human body.

(2) "Tobacco paraphernalia" includes:

(i) a cigarette rolling paper;

(ii) a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without screen, permanent screen, or punctured metal bowl;

(iii) a water pipe;

(iv) a carburetion tube or device;

(v) a smoking or carburetion mask;

(vi) an object known as a roach clip used to hold burning material, such as a cigarette that has become too small or too short to be held in the hand;

(vii) a chamber pipe;

(viii) a carburetor pipe;

(ix) an electric pipe;

(x) an air-driven pipe;

(xi) a chillum;

(xii) a bong; and

(xiii) an ice pipe or chiller.

(d) (1) "Tobacco product" means a product that is:

(i) intended for human inhalation, absorption, ingestion, smoking, heating, chewing, dissolving, or any other manner of consumption that is made of, derived from, or contains:

1. tobacco; or

2. nicotine; or

(ii) an accessory or a component used in any manner of consumption of a product described in item (i) of this paragraph.

(2) "Tobacco product" includes:

(i) cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, and snus;

(ii) electronic smoking devices; and

(iii) filters, rolling papers, pipes, and liquids used in electronic smoking devices regardless of nicotine content.

(3) "Tobacco product" does not include a drug, device, or combination product authorized for sale by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act.

(e) "Venereal disease" includes gonorrhea, syphilis, chancroid, and any diseased condition of the human genitalia caused by, related to, or resulting from a venereal disease.

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§ 10-102

(a) This section does not apply to:

- (1) a government unit;
- (2) a health or medical agency approved by the Secretary of Health;
- (3) a medical, pharmaceutical, or other professional publication not publicly distributed; or
- (4) a news item or article published in a newspaper, magazine, or book.

(b) A person may not advertise, allow to be advertised, or call to public attention:

- (1) a drug, medicine, preparation, or substance for the treatment, alleviation, or cure of venereal disease; or
- (2) a person from whom or a place where a drug, medicine, preparation, or substance for the treatment, alleviation, or cure of venereal disease may be obtained.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 for each violation.

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§ 10-103

(a) This section does not apply to:

- (1) a physician licensed to practice medicine;
- (2) a government unit; or
- (3) the otherwise lawful conduct of business between commercial, medical, pharmaceutical, scientific, or government units.

(b) Except in accordance with a prescription written by a physician licensed to practice medicine, a person may not sell, dispense, or give to another a drug, medicine, preparation, substance, or a preparation containing a sulfonamide drug to alleviate, treat, or cure venereal disease.

(c) (1) A prescription under subsection (b) of this section shall include:

- (i) the physician's signature and address; and
- (ii) the date the prescription was written.

(2) The person filling the prescription required under subsection (b) of this section:

- (i) shall write on the prescription the date it was filled;
- (ii) shall keep the prescription on file for at least 2 years after it was filled;
- (iii) shall allow the prescription to be inspected by State and local health authorities; and
- (iv) may not refill the prescription except on the order of the physician who wrote the prescription.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

- (1) \$50 for the first violation; and
- (2) \$250 for each subsequent violation.

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§ 10-105

(a) A person may not sell or offer for sale a contraceptive or a contraceptive device, whether or not advertised as a prophylactic, by means of a vending machine or other automatic device at a kindergarten, nursery school, or elementary or secondary school.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for each violation.

(2) Each vending machine or other automatic device in a school is a separate violation.

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§ 10-106

(a) A person may not sell or offer for sale a clove cigarette.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of \$500.

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§ 10-107

(a) This section does not apply to the distribution of a coupon that is redeemable for a tobacco product, if the coupon is:

(1) contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication; or

(2) sent through the mail.

(b) (1) This subsection does not apply to the distribution of a tobacco product or tobacco paraphernalia to an individual under the age of 21 years who is acting solely as the agent of the individual's employer if the employer distributes tobacco products or tobacco paraphernalia for commercial purposes.

(2) A person who distributes tobacco products for commercial purposes, including a person licensed under Title 16, Title 16.5, Title 16.7, or Title 16.9 of the Business Regulation Article, personally or through an employee, may not distribute to an individual under the age of 21 years:

(i) a tobacco product;

(ii) tobacco paraphernalia; or

(iii) a coupon redeemable for a tobacco product.

(c) A person not described in subsection (b)(2) of this section may not:

(1) purchase for or sell a tobacco product to an individual under the age of 21 years; or

(2) distribute tobacco paraphernalia to an individual under the age of 21 years.

(d) In a prosecution for a violation of this section, it is a defense that the defendant examined, in a direct, face-to-face exchange, the purchaser's or recipient's driver's license or other valid identification issued by a government unit that positively identified the purchaser or recipient as at least 21 years of age.

(e) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(i) \$500 for a first violation;

(ii) \$1,000 for a second violation occurring within 2 years after the first violation; and

(iii) \$3,000 for each subsequent violation occurring within 2 years after the preceding violation.

(2) In addition to the penalties under paragraph (1) of this subsection, if a person holds a license under Title 16, Title 16.5, Title 16.7, or Title 16.9 of the Business Regulation Article, the court shall order the Executive Director of the Alcohol, Tobacco, and Cannabis Commission to:

(i) suspend the license for:

1. a second violation, not more than 90 days; and

2. each subsequent violation, not more than 180 days; and

(ii) for each subsequent violation, revoke the license.

(3) For a determination made by a court under paragraph (2) of this subsection, the clerk of the court shall send a copy of the final order issued by the court to the Executive Director of the Alcohol, Tobacco, and Cannabis Commission.

(4) Issuance of a civil citation for the sale of a tobacco product to an individual under the age of 21 years precludes a prosecution for a violation of § 24–307 of the Health – General Article arising out of the same violation.

(f) For purposes of this section, each separate incident at a different time and occasion is a violation.

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§ 10-108

(a) A person who distributes products containing delta-8- or delta-10-tetrahydrocannabinol, including a person licensed under Title 16, Title 16.5, Title 16.7, Title 16.9, or Title 17 of the Business Regulation Article, may not distribute, purchase for sale, or sell a product containing delta-8- or delta-10-tetrahydrocannabinol to an individual under the age of 21 years.

(b) In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license, or other valid identification issued by a governmental unit, that positively identified the purchaser or recipient as being at least 21 years old.

(c) Any website owned, managed, or operated by a person who distributes or sells a product containing delta-8- or delta-10-tetrahydrocannabinol shall employ a neutral age-screening mechanism that verifies that the user is at least 21 years old, including by using an age-gate, age-screen, or age-verification mechanism.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

- (1) \$300 for a first violation;
- (2) \$1,000 for a second violation occurring within 2 years after the first violation; and
- (3) \$3,000 for each subsequent violation occurring within 2 years after the preceding violation.

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§ 10-109

(a) A person may not place or allow to be placed outside of a building or dwelling an abandoned or discarded refrigerator, icebox, or freezer cabinet that:

- (1) is in a place accessible to children;
- (2) is uncrated; and
- (3) has a door or a lock that cannot be released for opening from the inside.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

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§ 10-111

(a) (1) In this section the following words have the meanings indicated.

(2) "Bodily fluid" means blood, urine, saliva, or other bodily fluid.

(3) (i) "Bodily fluid adulterant" means any substance or chemical that is intended, for the purpose of altering the results of a drug or alcohol screening test, to be:

1. consumed by a person;
2. introduced into the body of a person; or
3. added to or substituted for a sample of bodily fluid.

(ii) "Bodily fluid adulterant" includes synthetic urine.

(4) "Controlled dangerous substance" has the meaning stated in § 5-101 of this article.

(5) "Drug" has the meaning stated in § 5-101 of this article.

(6) "Drug or alcohol screening test" means an analysis of a sample of bodily fluid collected from a person for the purpose of detecting the presence of alcohol, drugs, or a controlled dangerous substance in the bodily fluid of the person.

(b) A person may not, with intent to defraud or alter the outcome of a drug or alcohol screening test:

- (1) alter a bodily fluid sample;
- (2) substitute a bodily fluid sample, in whole or in part, with:
 - (i) a bodily fluid sample of another person or animal; or
 - (ii) any other substance;

- (3) possess or use a bodily fluid adulterant;
- (4) sell, distribute, or offer to sell or distribute:
 - (i) any bodily fluid from a human or any animal; or
 - (ii) any bodily fluid adulterant; or
- (5) transport into the State:
 - (i) any bodily fluid from a human or any animal; or
 - (ii) any bodily fluid adulterant.
- (c) A person who violates this section is guilty of:
 - (1) for a first violation, a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and
 - (2) for each subsequent violation, a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 10-112

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Department" means the Baltimore City Department of Housing and Community Development, or another department designated by the Mayor of Baltimore City.
- (3) "Dumping site" means a location in Baltimore City that is:
 - (i) owned by the city or the State; and
 - (ii) identified by the Department as property that has been repeatedly used for the disposal of litter in violation of State law or a local law or ordinance.
- (4) (i) "Owner" means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.
- (ii) "Owner" does not include:
 - 1. a motor vehicle rental or leasing company; or
 - 2. a holder of a special registration plate issued under Title 13, Subtitle 9, Part III of the Transportation Article.
- (5) "Surveillance image" means an image recorded by a surveillance system:
 - (i) on:
 - 1. a photograph;
 - 2. a micrograph;
 - 3. an electronic image;
 - 4. videotape; or
 - 5. any other medium;
 - (ii) showing the front or rear of a motor vehicle, and, on at least one image or portion of the tape, clearly identifying the registration plate number of the motor vehicle; and
 - (iii) showing an individual committing a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter.
- (6) "Surveillance system" means a collection of one or more cameras located at a dumping site that produces a surveillance image.
- (b) This section applies to a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter that occurs at a dumping site monitored by a surveillance system.
- (c) The Department may:

(1) place surveillance systems at dumping sites; and

(2) use surveillance images to enforce the provisions of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter.

(d) (1) Unless the individual committing a violation received a citation from a police officer at the time of the violation, the owner of the vehicle used to commit the violation, or in accordance with subsection (g)(4) of this section, the individual committing the violation, is subject to a civil penalty if the violation and the motor vehicle used to commit the violation are recorded on a surveillance image by a surveillance system while the individual is committing a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter.

(2) A civil penalty under this subsection may not exceed \$1,000.

(3) For purposes of this section, the District Court, in consultation with the Department, shall prescribe:

(i) a uniform citation form consistent with subsection (e)(1) of this section and § 7-302 of the Courts Article; and

(ii) a civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(e) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, the Department shall mail to the owner liable under subsection (d) of this section a citation that shall include:

(i) the name and address of the registered owner of the vehicle;

(ii) the registration number of the motor vehicle involved in the violation;

(iii) the violation charged;

(iv) the location where the violation occurred;

(v) the date and time of the violation;

(vi) a copy of the surveillance image;

(vii) the amount of the civil penalty imposed and the date by which the civil penalty must be paid;

(viii) a signed statement by a duly authorized agent of the Department that, based on inspection of surveillance images, the motor vehicle was being used by an individual who was committing a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter;

(ix) a statement that surveillance images are evidence of a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter;

(x) information advising the person alleged to be liable under this section of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

(xi) information advising the person alleged to be liable under this section that failure to pay the civil penalty or to contest liability in a timely manner:

1. is an admission of liability;

2. may result in the refusal by the Motor Vehicle Administration to register the motor vehicle; and

3. may result in the suspension of the motor vehicle registration.

(2) The Department may mail a warning notice instead of a citation to the owner liable under subsection (d) of this section.

(3) Except as provided in subsection (g)(4) of this section, the Department may not mail a citation to a person who is not an owner.

(4) Except as provided in subsection (g)(4) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation.

(5) A person who receives a citation under paragraph (1) of this subsection may:

(i) pay the civil penalty, in accordance with the instructions on the citation, directly to Baltimore City; or

(ii) elect to stand trial in the District Court for the alleged violation.

(f) (1) A certificate alleging that a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter occurred, sworn to or affirmed by a duly authorized agent of the Department, based on inspection of surveillance images produced by a surveillance system, shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this section.

(2) Adjudication of liability shall be based on a preponderance of the evidence.

(g) (1) The District Court may consider in defense of a violation:

(i) subject to paragraph (2) of this subsection, that:

1. the motor vehicle was stolen before the violation occurred and was not under the control or possession of the owner at the time of the violation; or

2. the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;

(ii) subject to paragraph (3) of this subsection, evidence that the person named in the citation was not the person in the surveillance image committing the violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter; and

(iii) any other issues and evidence that the District Court deems pertinent.

(2) In order to assert a defense under paragraph (1)(i) of this subsection, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(3) In order to satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court evidence to the satisfaction of the court of the identity of the person in the surveillance image who was actually committing the violation, including, at a minimum, the person's name and current address.

(4) (i) If the District Court finds that the person named in the citation did not commit the violation or receives evidence under paragraph (3) of this subsection identifying the person who committed the violation, the clerk of the court shall provide the Department with a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, the Department may issue a citation as provided in subsection (e) of this section to the person that the evidence indicates committed the violation.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after the receipt of the evidence from the District Court.

(h) If the person named in the citation does not pay the civil penalty and does not contest the violation, the Motor Vehicle Administration may:

(1) refuse to register the motor vehicle cited in the violation; or

(2) suspend the registration of the motor vehicle cited in the violation.

(i) A violation for which a civil penalty is imposed under this section:

(1) may not be recorded by the Motor Vehicle Administration on the driving record of the owner or the driver of the motor vehicle; and

(2) may be treated as a parking violation for purposes of § 26–305 of the Transportation Article.

(j) In consultation with the Department, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.

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§ 10-113

An individual may not knowingly and willfully make a misrepresentation or false statement as to the age of that individual or another to any person licensed to sell alcoholic beverages or engaged in the sale of alcoholic beverages, for the purpose of unlawfully obtaining, procuring, or having unlawfully furnished an alcoholic beverage to an individual.

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§ 10-114

(a) Except as provided in subsection (b)(1) of this section, and subject to subsection (b)(2) of this section, an individual under the age of 21 years may not:

(1) possess or have under the individual's charge or control an alcoholic beverage unless the individual is a bona fide employee of the license holder as defined in § 1–101 of the Alcoholic Beverages and Cannabis Article and the alcoholic beverage is in the possession or under the charge or control of the individual in the course of the individual's employment and during regular working hours; or

(2) consume an alcoholic beverage.

(b) (1) The prohibitions set forth in subsection (a)(1) and (2) of this section do not apply if:

(i) 1. an adult furnishes the alcoholic beverage to the individual or allows the individual to possess or consume the alcoholic beverage;

2. the individual possessing or consuming the alcoholic beverage and the adult who furnished the alcoholic beverage to the individual or allowed the individual to possess or consume the alcoholic beverage are members of the same immediate family; and

3. the alcoholic beverage is furnished and consumed in a private residence of the adult or within the curtilage of the residence;

(ii) the individual consumes the alcoholic beverage as a participant in a religious ceremony; or

(iii) the individual tastes the alcoholic beverage as a student enrolled in a course or program in enology, fermenting, brewing, or hospitality and tourism at an institution of higher education in accordance with § 1–411 of the Alcoholic Beverages and Cannabis Article.

(2) An individual may not be stopped on suspicion of a violation of subsection (a)(2) of this section or charged with a violation of subsection (a)(2) of this section unless the individual is observed in possession of an alcoholic beverage.

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§ 10-115

An individual under the age of 21 years may not possess a card or document that falsely identifies the age of the individual under circumstances that reasonably indicate an intention to violate the provisions of this part.

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§ 10-116

Except as provided in § 1–411 of the Alcoholic Beverages and Cannabis Article, an individual may not obtain, or attempt to obtain by purchase or otherwise, an alcoholic beverage from any person licensed to sell alcoholic beverages for consumption by another who the individual obtaining or attempting to obtain the beverage knows is under the age of 21 years.

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§ 10-117

(a) Except as provided in subsection (c) of this section, a person may not furnish an alcoholic beverage to an individual if:

(1) the person furnishing the alcoholic beverage knows that the individual is under the age of 21 years; and

(2) the alcoholic beverage is furnished for the purpose of consumption by the individual under the age of 21 years.

(b) Except as provided in subsection (c) of this section, an adult may not knowingly and willfully allow an individual under the age of 21 years actually to possess or consume an alcoholic beverage at a residence, or within the curtilage of a residence that the adult owns or leases and in which the adult resides.

(c) (1) The prohibition set forth in subsection (a) of this section:

(i) does not apply if the person furnishing the alcoholic beverage and the individual to whom the alcoholic beverage is furnished:

1. are members of the same immediate family, and the alcoholic beverage is furnished and consumed in a private residence or within the curtilage of the residence; or

2. are participants in a religious ceremony; or

(ii) does not apply to:

1. an instructor while conducting in-class activities when teaching a course or program in enology, fermenting, brewing, or hospitality and tourism at an institution of higher education in accordance with § 1–411 of the Alcoholic Beverages and Cannabis Article; or

2. an institution of higher education, with respect to the in-class activities of the course or program.

(2) The prohibition set forth in subsection (b) of this section does not apply if the adult allowing the possession or consumption of the alcoholic beverage and the individual under the age of 21 years who possesses or consumes the alcoholic beverage:

(i) are members of the same immediate family, and the alcoholic beverage is possessed and consumed in a private residence, or within the curtilage of the residence, of the adult; or

(ii) are participants in a religious ceremony.

(d) A person may not violate subsection (a) or (b) of this section if the violation involves an individual under the age of 21 years who:

(1) the person knew or reasonably should have known would operate a motor vehicle after consuming the alcoholic beverage; and

(2) as a result of operating a motor vehicle while under the influence of alcohol or while impaired by alcohol, causes serious physical injury or death to the individual or another.

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§ 10-118

(a) Except for a person licensed as an alcoholic beverages licensee under the Alcoholic Beverages and Cannabis Article who possesses a keg in the course of that person's business, a person may not knowingly:

(1) possess a keg that has not been registered under or does not have a registration form affixed to it as required by § 5–303 of the Alcoholic Beverages and Cannabis Article; or

(2) remove, alter, or obliterate, or allow to be removed, altered, or obliterated, a registration form that is affixed to a keg.

(b) A person may not allow an individual under the age of 21 years to consume any of the contents of a keg purchased by that person.

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§ 10-119

(a) (1) A person shall be issued a citation under this section if the person violates:

(i) §§ 10–113 through 10–115 or § 10–118 of this part; or

(ii) § 6–321 or § 6–322 of the Alcoholic Beverages and Cannabis Article.

(2) A minor who violates § 10–116 or § 10–117(a) of this part shall be issued a citation under this section.

(b) (1) A citation for a violation of §§ 10–113 through 10–115 or a violation of § 10–118 of this part or § 6–321 or § 6–322 of the Alcoholic Beverages and Cannabis Article may be issued by:

(i) a police officer authorized to make arrests;

(ii) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5–206(a) or (b) of the Natural Resources Article; and

(iii) subject to paragraphs (2) and (3) of this subsection, in Anne Arundel County, Frederick County, Harford County, Howard County, Kent County, Montgomery County, Prince George's County, and Talbot County, and only in the inspector's jurisdiction, an alcoholic beverages inspector who investigates license violations under the Alcoholic Beverages and Cannabis Article.

(2) In Anne Arundel County, Frederick County, Harford County, Howard County, Kent County, Montgomery County, Prince George's County, and Talbot County, the inspector shall successfully complete an appropriate program of training in the proper use of arrest authority and pertinent police procedures as required by the board of license commissioners.

(3) In Anne Arundel County, Harford County, Howard County, Kent County, Montgomery County, Prince George's County, and Talbot County, the inspector may not carry a firearm in the performance of the inspector's duties.

(c) A person authorized under this section to issue a citation shall issue it if the person has probable cause to believe that the person charged is committing or has committed a Code violation.

(d) (1) Subject to paragraph (2) of this subsection, the form of citation issued to an adult shall be as prescribed by the District Court and shall be uniform throughout the State.

(2) The citation issued to an adult shall contain:

(i) the name and address of the person charged;

(ii) the statute allegedly violated;

(iii) the location, date, and time that the violation occurred;

(iv) the fine that may be imposed;

(v) a notice stating that prepayment of the fine is not allowed;

(vi) a notice that the District Court shall promptly send the person charged a summons to appear for trial;

(vii) the signature of the person issuing the citation; and

(viii) a space for the person charged to sign the citation.

(3) The form of citation issued to a minor shall:

(i) be prescribed by the State Court Administrator;

(ii) be uniform throughout the State; and

(iii) contain the information listed in § 3–8A–33(b) of the Courts Article.

(e) (1) Except for a citation subject to the jurisdiction of a circuit court, the issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.

(2) (i) The District Court shall promptly schedule the case for trial and summon the defendant to appear.

(ii) Willful failure of the defendant to respond to the summons is contempt of court.

(f) (1) For purposes of this section, a violation of §§ 10–113 through 10–115 or a violation of § 10–118 of this part or § 6–321 or § 6–322 of the Alcoholic Beverages and Cannabis Article is a Code violation and is a civil offense.

(2) A person charged who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(3) A person charged who is at least 18 years old shall be subject to the provisions of this section.

(4) Adjudication of a Code violation is not a criminal conviction for any purpose, and it does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(g) In any proceeding for a Code violation:

(1) the State has the burden to prove the guilt of the defendant to the same extent as is required by law in the trial of criminal causes, and in any such proceeding, the court shall apply the evidentiary standards as prescribed by law or rule for the trial of criminal causes;

(2) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(3) the defendant is entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, or to testify on the defendant's own behalf, if the defendant chooses to do so;

(4) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant;

(5) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

(i) guilty of a Code violation; or

(ii) not guilty of a Code violation; and

(6) before rendering judgment, the court may place the defendant on probation in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(h) (1) This subsection does not apply to a person who commits a Code violation under § 6–321 or § 6–322 of the Alcoholic Beverages and Cannabis Article.

(2) Except as provided in paragraph (3) of this subsection, if the District Court finds that a person has committed a Code violation, the court shall require the person to pay:

(i) a fine not exceeding \$500; or

(ii) if the violation is a subsequent violation, a fine not exceeding \$1,000.

(3) If the District Court finds that a person has committed a Code violation under § 10–117 of this subtitle, the court shall require the person to pay:

(i) a fine not exceeding \$2,500; or

(ii) if the violation is a subsequent violation, a fine not exceeding \$5,000.

(4) The Chief Judge of the District Court may not establish a schedule for the prepayment of fines for a Code violation under this part.

(i) When a defendant has been found guilty of a Code violation and a fine has been imposed by the court:

(1) the court may direct that the payment of the fine be suspended or deferred under conditions that the court may establish; and

(2) if the defendant willfully fails to pay the fine imposed by the court, that willful failure may be treated as a criminal contempt of court, for which the defendant may be punished by the court as provided by law.

(j) (1) The defendant is liable for the costs of the proceedings in the District Court and for payment to the Criminal Injuries Compensation Fund.

(2) The court costs in a Code violation case in which costs are imposed are \$5.

(k) (1) In this subsection, “driver’s license” means a license or permit to drive a motor vehicle that is issued under the laws of this State or any other jurisdiction.

(2) This subsection applies only to:

(i) a person who is at least 18 but under 21 years of age; or

(ii) a minor if the minor is subject to the jurisdiction of the court.

(3) If a person is found guilty of a Code violation under § 10–113 of this part that involved the use of a driver’s license or a document purporting to be a driver’s license, the court shall notify the Motor Vehicle Administration of the violation.

(4) The Chief Judge of the District Court, in conjunction with the Motor Vehicle Administrator, shall establish uniform procedures for reporting Code violations described in this subsection.

(l) (1) A defendant who has been found guilty of a Code violation has the right to appeal or to file a motion for a new trial or a motion for a revision of a judgment provided by law in the trial of a criminal case.

(2) A motion shall be made in the same manner as provided in the trial of criminal cases, and the court, in ruling on the motion has the same authority provided in the trial of criminal cases.

(m) (1) The State’s Attorney for any county may prosecute a Code violation in the same manner as prosecution of a violation of the criminal laws of this State.

(2) In a Code violation case the State’s Attorney may:

(i) enter a nolle prosequi in or place the case on the stet docket; and

(ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of this State.

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§ 10-120

(a) A person being issued a citation under §§ 10-113 through 10-119 of this part or § 26-103 of the Education Article may not fail or refuse to furnish proof of identification and age on request of the person issuing the citation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

(c) (1) The juvenile court has jurisdiction over a minor who is within the age of juvenile court jurisdiction.

(2) If there is a waiver of juvenile jurisdiction with respect to a minor who is otherwise subject to juvenile court jurisdiction, the District Court has jurisdiction over the matter, notwithstanding any contrary provision of § 4-301 of the Courts Article.

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§ 10-121

(a) This section does not apply to a person who:

(1) was acting in the capacity of a licensee, or an employee of a licensee, under the Alcoholic Beverages and Cannabis Article; and

(2) has committed a violation of and is subject to the penalties under § 6-304, § 6-307, § 6-308, or § 6-309 of the Alcoholic Beverages and Cannabis Article.

(b) Except as provided in subsection (c) of this section, an adult who violates § 10-116 or § 10-117 of this subtitle is guilty of a misdemeanor and on conviction is subject to:

(1) a fine not exceeding \$2,500 for a first offense; or

(2) a fine not exceeding \$5,000 for a second or subsequent offense.

(c) An adult who violates § 10-117(d) of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

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§ 10-123

(a) In this part the following words have the meanings indicated.

(b) "Alcoholic beverage" has the meaning stated in § 21-903 of the Transportation Article.

(c) "Bus" has the meaning stated in § 11-105 of the Transportation Article.

(d) "Cannabis" has the meaning stated in § 5-101 of this article.

(e) "Highway" has the meaning stated in § 11-127 of the Transportation Article.

(f) "Limousine" has the meaning stated in § 11-129.1 of the Transportation Article.

(g) "Motor home" has the meaning stated in § 11-134.3 of the Transportation Article.

(h) (1) "Motor vehicle" means a vehicle that:

(i) is self-propelled or propelled by electric power obtained from overhead electrical wires; and

(ii) is not operated on rails.

(2) "Motor vehicle" includes:

(i) a low speed vehicle, as defined in § 11-130.1 of the Transportation Article;

(ii) a moped, as defined in § 11-134.1 of the Transportation Article; and

(iii) a motor scooter, as defined in § 11-134.5 of the Transportation Article.

(i) "Moving violation" has the meaning stated in § 11-136.1 of the Transportation Article.

(j) "Open container" means a bottle, can, or other receptacle:

(1) that is open;

(2) that has a broken seal; or

(3) from which the contents are partially removed.

(k) "Passenger area" has the meaning stated in § 21–903 of the Transportation Article.

(l) "Taxicab" has the meaning stated in § 11–165 of the Transportation Article.

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§ 10-124

(a) This part applies to a motor vehicle that is driven, stopped, standing, or otherwise located on a highway.

(b) This part does not affect the provisions of § 21-903 of the Transportation Article.

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§ 10-125

(a) (1) Except as otherwise provided in subsection (c) of this section, an occupant of a motor vehicle may not possess an open container that contains any amount of an alcoholic beverage in a passenger area of a motor vehicle on a highway.

(2) A driver of a motor vehicle may not be subject to prosecution for a violation of this subsection based solely on possession of an open container that contains any amount of an alcoholic beverage by another occupant of the motor vehicle.

(b) (1) This subsection does not apply to the driver of a motor vehicle.

(2) Except as otherwise provided in subsection (c) of this section, an occupant of a motor vehicle may not consume an alcoholic beverage in a passenger area of a motor vehicle on a highway.

(3) An occupant of a motor vehicle may not smoke cannabis in a passenger area of a motor vehicle on a highway.

(c) Subsections (a)(1) and (b)(2) of this section do not apply to an occupant, who is not the driver, in:

(1) a motor vehicle designed, maintained, and used primarily for the transportation of a person for compensation, including:

(i) a bus;

(ii) a taxicab; or

(iii) a limousine; or

(2) the living quarters of a motor home, motor coach, or recreational vehicle.

(d) Notwithstanding § 6–320, § 6–321, or § 6–322 of the Alcoholic Beverages and Cannabis Article, or any other provision of law, the prohibitions contained in this section apply throughout the State.

(e) A violation of this section is not:

(1) a moving violation for the purposes of § 16–402 of the Transportation Article; or

(2) a traffic violation for the purposes of the Maryland Vehicle Law.

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§ 10-126

(a) A police officer may issue a citation to a person who the police officer has probable cause to believe has committed a violation under this part.

(b) (1) A violation under this part is a civil offense.

(2) Adjudication of a violation under this part:

(i) is not a criminal conviction for any purpose; and

(ii) does not impose any of the civil disabilities that may result from a criminal conviction.

(c) A citation issued under this part shall be signed by the police officer who issues the citation and shall contain:

(1) the name and address of the person charged;

(2) the statute allegedly violated;

(3) the date, location, and time that the violation occurred;

- (4) the fine that may be imposed;
- (5) a notice stating that prepayment of the fine is allowed; and
- (6) a notice that states that the District Court shall promptly send the person a summons to appear for trial.
- (d) The form of the citation shall be uniform throughout the State and shall be prescribed by the District Court.
- (e) The Chief Judge of the District Court shall establish a schedule for the prepayment of a fine.
- (f) (1) The law enforcement agency of the police officer who issued the citation shall forward to the District Court having venue a copy of the citation and a request for trial.
- (2) The District Court shall promptly schedule the case for trial and summon the defendant to appear.
- (g) If a person is found to have committed a violation under this part, the person is subject to a fine not exceeding \$25.
- (h) The court costs for a violation under this part are \$5.

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§ 10-127

- (a) In a proceeding for a violation under this part:
 - (1) the State has the burden to prove the guilt of the defendant to the same extent as is required by law in the trial of a criminal case;
 - (2) the court shall apply the evidentiary standards as prescribed by law for the trial of a criminal case;
 - (3) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;
 - (4) the defendant is entitled to:
 - (i) cross-examine each witness who appears against the defendant;
 - (ii) produce evidence and witnesses on the defendant's own behalf;
 - (iii) testify on the defendant's own behalf if the defendant chooses to do so; and
 - (iv) be represented by counsel of the defendant's own selection and expense;
 - (5) the defendant may enter a plea of guilty or not guilty;
 - (6) the verdict shall be:
 - (i) guilty of a civil violation; or
 - (ii) not guilty of a civil violation; and
 - (7) before entering a judgment, a court may place the defendant on probation in the same manner and to the same extent as is permitted by law in a criminal case.
- (b) If a defendant is found guilty of a violation under this part and a fine is imposed, a court may direct that the payment of the fine be suspended or deferred under conditions determined by the court.
- (c) A defendant's willful failure to pay a fine imposed under this part may be treated as a criminal contempt punishable as provided by law.
- (d) A defendant who is found guilty of a violation under this part, as provided by law for a criminal case, may file:
 - (1) an appeal;
 - (2) a motion for a new trial; or
 - (3) a motion for a revision of a judgment.
- (e) The State's Attorney for each county may:
 - (1) prosecute a violation under this part in the same manner as a prosecution of a criminal case, including entering a nolle prosequi or placing the case on violation on a stet docket; and
 - (2) exercise authority in the same manner prescribed by law for a violation of the criminal laws of the State.

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§ 10-130

- (a) In this part, "Salvia divinorum" includes Salvinorin A and any material, compound, mixture, preparation, or product that contains Salvia divinorum or Salvinorin A.
- (b) Nothing in this part shall prohibit an accredited academic or medical institution or research facility from conducting research on Salvia divinorum or Salvinorin A or a derivative of Salvia divinorum or Salvinorin A.
- (c) This part does not preempt any local or municipal law regulating the use, possession, or distribution of Salvia divinorum or Salvinorin A.

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§ 10-131

- (a) A person may not distribute Salvia divinorum to an individual under the age of 21 years.
- (b) In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license or other valid identification issued by an employer, a government unit, or an institution of higher education that positively identified the purchaser or recipient as at least 21 years of age.
- (c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:
- (1) \$1,000 for a first violation;
 - (2) \$2,000 for a second violation occurring within 2 years after the first violation; and
 - (3) \$6,000 for each subsequent violation occurring within 2 years after the preceding violation.
- (d) For purposes of this section, each separate incident at a different time and occasion is a separate violation.

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§ 10-132

An individual under the age of 21 years may not possess Salvia divinorum.

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§ 10-133

- (a) A person who violates § 10–132 of this part shall be issued a citation under this section.
- (b) A citation for a violation of § 10–132 of this part may be issued by:
- (1) a police officer authorized to make arrests; and
 - (2) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5–206(a) of the Natural Resources Article.
- (c) A person authorized under this section to issue a citation shall issue the citation if the person has probable cause to believe that the person charged is committing or has committed a violation of § 10–132 of this part.
- (d) (1) Subject to paragraph (2) of this subsection, the form of citation issued to an adult for a violation of § 10–132 of this part shall be as prescribed by the District Court and shall be uniform throughout the State.
- (2) The citation issued to an adult shall contain:
- (i) the name and address of the person charged;
 - (ii) the statute allegedly violated;
 - (iii) the location, date, and time that the violation occurred;
 - (iv) the fine that may be imposed;
 - (v) a notice stating that prepayment of the fine is not allowed;
 - (vi) a notice that the District Court shall promptly send to the person charged a summons to appear for trial;
 - (vii) the signature of the person issuing the citation; and

(viii) a space for the person charged to sign the citation.

(3) The form of citation issued to a minor shall:

(i) be prescribed by the State Court Administrator;

(ii) be uniform throughout the State; and

(iii) contain the information listed in § 3–8A–33(b) of the Courts Article.

(e) (1) The issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.

(2) The District Court shall promptly schedule the case for trial and summon the defendant to appear.

(3) Willful failure of the defendant to respond to a summons described in paragraph (2) of this subsection is contempt of court.

(f) (1) For purposes of this section, a violation of § 10–132 of this part is a Code violation and is a civil offense.

(2) A person charged who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(3) A person charged who is at least 18 years old shall be subject to the provisions of this section.

(4) Adjudication of a Code violation under § 10–132 of this part is not a criminal conviction for any purpose and does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(g) In any proceeding for a Code violation under § 10–132 of this part:

(1) the State has the burden to prove the guilt of the defendant to the same extent as is required by law in the trial of criminal causes;

(2) the court shall apply the evidentiary standards as prescribed by law or rule for the trial of criminal causes;

(3) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(4) the defendant is entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, or to testify on the defendant's own behalf, if the defendant chooses to do so;

(5) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant; and

(6) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

(i) guilty of a Code violation;

(ii) not guilty of a Code violation; or

(iii) probation before judgment, imposed by the court in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(h) (1) If the District Court finds that a person has committed a Code violation, the court shall require the person to pay:

(i) for a first violation, a fine not exceeding \$500; or

(ii) for a second or subsequent violation, a fine not exceeding \$1,000.

(2) The Chief Judge of the District Court may not establish a schedule for the prepayment of fines for a violation under § 10–132 of this part.

(i) When a defendant has been found guilty of a Code violation and a fine has been imposed by the court:

(1) the court may direct that the payment of the fine be suspended or deferred under conditions that the court may establish; and

(2) if the defendant willfully fails to pay the fine imposed by the court, that willful failure may be treated as a criminal contempt of court, for which the defendant may be punished by the court as provided by law.

(j) (1) The defendant is liable for the costs of the proceedings in the District Court and for payment to the Criminal Injuries Compensation Fund.

- (2) The court costs in a Code violation case under § 10–132 of this part in which costs are imposed are \$5.
- (k) (1) A defendant who has been found guilty of a Code violation under § 10–132 of this part has the right to appeal or to file a motion for a new trial or a motion for a revision of a judgment provided by law in the trial of a criminal case.
- (2) A motion shall be made in the same manner as provided in the trial of criminal cases, and the court, in ruling on the motion, has the same authority provided in the trial of criminal cases.
- (l) (1) The State's Attorney for any county may prosecute a Code violation under § 10–132 of this part in the same manner as prosecution of a violation of the criminal laws of the State.
- (2) In a Code violation case under § 10–132 of this part, the State's Attorney may:
- (i) enter a nolle prosequi in or place the case on the stet docket; and
 - (ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of the State.

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§ 10-136

- (a) (1) In this part the following words have the meanings indicated.
- (2) "Table games" has the meaning stated in § 9–1A–01 of the State Government Article.
- (3) "Video lottery employee" has the meaning stated in § 9–1A–01 of the State Government Article.
- (4) "Video lottery facility" has the meaning stated in § 9–1A–01 of the State Government Article.
- (5) "Video lottery terminal" has the meaning stated in § 9–1A–01 of the State Government Article.
- (b) (1) Except as provided in paragraph (2) of this subsection, an individual under the age of 21 years may not:
- (i) play a table game or video lottery terminal in a video lottery facility; or
 - (ii) enter or remain in an area within a video lottery facility that is designated for table game or video lottery terminal activities.
- (2) A video lottery employee who is an adult may enter or remain in an area within a video lottery facility that is designated for table game or video lottery terminal activities if the video lottery employee is working.

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§ 10-137

- (a) A person who violates § 10–136 of this part shall be issued a citation under this section.
- (b) A citation for a violation of § 10–136 of this part may be issued by:
- (1) a police officer authorized to make arrests; and
 - (2) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5–206(a) of the Natural Resources Article.
- (c) A person authorized under this section to issue a citation shall issue the citation if the person has probable cause to believe that the person charged is committing or has committed a violation of § 10–136 of this part.
- (d) (1) Subject to paragraph (2) of this subsection, the form of citation issued to an adult for a violation of § 10–136 of this part shall be as prescribed by the District Court and shall be uniform throughout the State.
- (2) The citation issued to an adult shall contain:
- (i) the name and address of the person charged;
 - (ii) the statute allegedly violated;
 - (iii) the location, date, and time that the alleged violation occurred;
 - (iv) the fine that may be imposed;
 - (v) a notice that the District Court promptly shall send to the person charged a summons to appear for trial;
 - (vi) the signature of the person issuing the citation; and

- (vii) a space for the person charged to sign the citation.
- (3) The form of citation issued to a minor shall:
 - (i) be prescribed by the State Court Administrator;
 - (ii) be uniform throughout the State; and
 - (iii) contain the information listed in § 3–8A–33(b) of the Courts Article.
- (e) (1) The issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.
- (2) The District Court promptly shall schedule the case for trial and summon the defendant to appear.
- (3) Willful failure of the defendant to respond to a summons described in paragraph (2) of this subsection is contempt of court.
- (f) (1) For purposes of this section, a violation of § 10–136 of this part is a Code violation and is a civil offense.
- (2) A person charged who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.
- (3) A person charged who is at least 18 years old shall be subject to the provisions of this section.
- (4) Adjudication of a Code violation under § 10–136 of this part is not a criminal conviction for any purpose and does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.
- (g) In any proceeding for a Code violation under § 10–136 of this part:
 - (1) the State has the burden to prove the guilt of the defendant to the same extent as is required by law in the trial of criminal cases;
 - (2) the court shall apply the evidentiary standards as prescribed by law or rule for the trial of criminal cases;
 - (3) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;
 - (4) the defendant is entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, and to testify on the defendant's own behalf, if the defendant chooses to do so;
 - (5) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant; and
 - (6) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:
 - (i) guilty of a Code violation;
 - (ii) not guilty of a Code violation; or
 - (iii) probation before judgment, imposed by the court in the same manner and to the same extent as is allowed by law in the trial of a criminal case.
- (h) (1) If the District Court finds that a person has committed a Code violation, the court shall require the person:
 - (i) for a first violation, to pay a fine not exceeding \$100;
 - (ii) for a second violation, to pay a fine not exceeding \$500; or
 - (iii) for a third or subsequent violation, to pay a fine not exceeding \$1,000 and to participate in gambling addiction treatment.
- (2) The Chief Judge of the District Court may establish a schedule for the prepayment of fines for a violation under § 10–136 of this part.
 - (i) When a defendant has been found guilty of a Code violation and a fine has been imposed by the court:
 - (1) the court may direct that the payment of the fine be suspended or deferred under conditions that the court may establish; and
 - (2) if the defendant willfully fails to pay the fine imposed by the court, that willful failure may be treated as a criminal contempt of court, for which the defendant may be punished by the court as provided by law.

(j) (1) The defendant is liable for the costs of the proceedings in the District Court and for payment to the Criminal Injuries Compensation Fund.

(2) The court costs in a Code violation case under § 10–136 of this part in which costs are imposed are \$5.

(k) (1) A defendant who has been found guilty of a Code violation under § 10–136 of this part has the right to appeal or to file a motion for a new trial or a motion for a revision of a judgment provided by law in the trial of a criminal case.

(2) A motion shall be made in the same manner as provided in the trial of criminal cases, and the court, in ruling on the motion, has the same authority provided in the trial of criminal cases.

(l) (1) The State's Attorney for any county may prosecute a Code violation under § 10–136 of this part in the same manner as prosecution of a violation of the criminal laws of the State.

(2) In a Code violation case under § 10–136 of this part, the State's Attorney may:

(i) enter a nolle prosequi or place the case on the stet docket; and

(ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of the State.

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§ 10-201

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Public conveyance" means a conveyance to which the public or a portion of the public has access to and a right to use for transportation.

(ii) "Public conveyance" includes an airplane, vessel, bus, railway car, school vehicle, and subway car.

(3) (i) "Public place" means a place to which the public or a portion of the public has access and a right to resort for business, dwelling, entertainment, or other lawful purpose.

(ii) "Public place" includes:

1. a restaurant, shop, shopping center, store, tavern, or other place of business;
 2. a public building;
 3. a public parking lot;
 4. a public street, sidewalk, or right-of-way;
 5. a public park or other public grounds;
 6. the common areas of a building containing four or more separate dwelling units, including a corridor, elevator, lobby, and stairwell;
 7. a hotel or motel;
 8. a place used for public resort or amusement, including an amusement park, golf course, race track, sports arena, swimming pool, and theater;
 9. an institution of elementary, secondary, or higher education;
 10. a place of public worship;
 11. a place or building used for entering or exiting a public conveyance, including an airport terminal, bus station, dock, railway station, subway station, and wharf; and
 12. the parking areas, sidewalks, and other grounds and structures that are part of a public place.
- (b) For purposes of a prosecution under this section, a public conveyance or a public place need not be devoted solely to public use.
- (c) (1) A person may not willfully and without lawful purpose obstruct or hinder the free passage of another in a public place or on a public conveyance.
- (2) A person may not willfully act in a disorderly manner that disturbs the public peace.

(3) A person may not willfully fail to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace.

(4) A person who enters the land or premises of another, whether an owner or lessee, or a beach adjacent to residential riparian property, may not willfully:

(i) disturb the peace of persons on the land, premises, or beach by making an unreasonably loud noise; or

(ii) act in a disorderly manner.

(5) A person from any location may not, by making an unreasonably loud noise, willfully disturb the peace of another:

(i) on the other's land or premises;

(ii) in a public place; or

(iii) on a public conveyance.

(6) In Worcester County, a person may not build a bonfire or allow a bonfire to burn on a beach or other property between 1 a.m. and 5 a.m.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$500 or both.

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§ 10-202

A person who keeps a disorderly house is guilty of a misdemeanor and on conviction is subject to imprisonment not less than 10 days and not exceeding 6 months or a fine not less than \$50 and not exceeding \$300 or both.

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§ 10-203

(a) (1) In this section the following words have the meanings indicated.

(2) "Commercial athletic contest" means an athletic or sporting event held in a public arena, field, hall, or stadium for admission to which the general public must pay an admission charge.

(3) "Object" means an item that may cause injury to a participant in or observer of the commercial athletic contest.

(b) A person may not disrupt or interfere with a commercial athletic contest by throwing or projecting an object on the playing field or seating area.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 months or a fine not exceeding \$250 or both.

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§ 10-204

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Medical facility" means:

1. a facility as defined in § 10–101 of the Health – General Article; or

2. a health care facility as defined in § 19–114 of the Health – General Article.

(ii) "Medical facility" includes an agency, clinic, or office operated under the direction of the local health officer or under the regulatory authority of the Maryland Department of Health.

(b) (1) This section does not apply to:

(i) the chief executive officer of the medical facility;

(ii) a designee of the chief executive officer of the medical facility;

(iii) an agent of the medical facility; or

(iv) a law enforcement officer.

(2) This section does not prohibit:

(i) speech; or

(ii) picketing in connection with a labor dispute as defined in § 4–301 of the Labor and Employment Article.

(c) A person may not intentionally act, alone or with others, to prevent another from entering or exiting a medical facility by physically:

(1) detaining the other; or

(2) obstructing, impeding, or hindering the other's passage.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both.

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§ 10-205

(a) (1) This subsection does not apply to a person who conducts a funeral, burial, memorial service, or funeral procession.

(2) A person may not knowingly obstruct, hinder, impede, or block another person's entry to or exit from a funeral, burial, memorial service, or funeral procession.

(b) A person may not address speech to a person attending a funeral, burial, memorial service, or funeral procession that is likely to incite or produce an imminent breach of the peace.

(c) A person may not engage in picketing activity within 500 feet of a funeral, burial, memorial service, or funeral procession that is targeted at one or more persons attending the funeral, burial, memorial service, or funeral procession.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both.

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§ 10-301

(a) In this subtitle the following words have the meanings indicated.

(b) "Gender identity" has the meaning stated in § 20–101 of the State Government Article.

(c) "Homeless" means:

(1) lacking a fixed, regular, and adequate nighttime residence; or

(2) having a primary nighttime residence that is:

(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or

(ii) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

(d) "Sexual orientation" means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

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§ 10-302

A person may not deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy, personal or real property that is owned, leased, or used by a religious entity or for any religious purpose including:

(1) a place of worship;

(2) a cemetery;

(3) a religious school, educational facility, or community center; and

(4) the grounds adjacent to them.

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§ 10-303

A person may not, by force or threat of force, obstruct or attempt to obstruct another in the free exercise of that person's religious beliefs.

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§ 10-304

Motivated either in whole or in substantial part by another person's or group's race, color, religious beliefs, sexual orientation, sex, gender identity, disability, or national origin, or because another person or group is homeless, a person may not:

- (1) (i) commit a crime or attempt or threaten to commit a crime against that person or group;
 - (ii) deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy the real or personal property of that person or group;
 - (iii) burn or attempt or threaten to burn an object on the real or personal property of that person or group; or
 - (iv) make or cause to be made a false statement, report, or complaint that the person knows to be false as a whole or in material part, to a law enforcement officer of the State, of a county, municipal corporation, or other political subdivision of the State, or of the Maryland–National Capital Park and Planning Police, about that person or group, with the intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint, in violation of § 9–501 of this article; or
- (2) commit a violation of item (1) of this section that:
- (i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or
 - (ii) results in the death of a victim.

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§ 10-305

A person may not deface, damage, or destroy, attempt or threaten to deface, damage, or destroy, burn or attempt or threaten to burn an object on, or damage the real or personal property connected to a building that is publicly or privately owned, leased, or used, including a cemetery, library, meeting hall, recreation center, or school:

- (1) because a person or group of a particular race, color, religious belief, sexual orientation, sex, gender identity, disability, or national origin, or because a person or group that is homeless, has contacts or is associated with the building; or
- (2) if there is evidence that exhibits animosity against a person or group, because of the race, color, religious beliefs, sexual orientation, sex, gender identity, disability, or national origin of that person or group or because that person or group is homeless.

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§ 10-306

- (a) Except as provided in subsection (b) of this section, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.
- (b) (1) A person who violates § 10–304(2)(i) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.
- (2) A person who violates § 10–304(2)(ii) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both.
- (c) In addition to any other penalties imposed by this section, the court may require a person who violates this subtitle to complete an antibias education program.

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§ 10-307

- (a) Except as provided in subsection (b) of this section, a sentence imposed under this subtitle may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this subtitle.

(b) If a person is convicted of a violation of § 10–304(1)(i) of this subtitle based on a violation of § 9–501.1 of this article, a sentence imposed under this subtitle shall be concurrent with a sentence imposed under § 9–501.1 of this article.

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§ 10-308

Nothing in this subtitle may be construed to infringe on the speech of a religious leader or other individual during peaceable activity intended to express the leader's or individual's religious beliefs or convictions.

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§ 10-309

(a) A person who is the victim of an act that would constitute a violation of this subtitle may bring a civil action against the person or persons who committed the act in a court of competent jurisdiction.

(b) The court may:

(1) issue an injunction to prevent or restrain an act that would constitute a violation of this subtitle; and

(2) award damages in accordance with subsection (c) of this section.

(c) (1) Damages awarded by a court under this section may include:

(i) economic damages and any other pecuniary loss sustained by the plaintiff that was proximately caused by the violation of this subtitle; and

(ii) noneconomic damages, including:

1. pain and suffering;

2. subject to paragraph (3) of this subsection, emotional distress;

3. subject to paragraph (3) of this subsection, mental anguish;

4. loss of enjoyment;

5. loss of companionship, services, and consortium; and

6. other nonpecuniary loss sustained by the plaintiff that was proximately caused by the act that would constitute a violation of this subtitle.

(2) The court may also award reasonable attorney's fees and court costs to a prevailing plaintiff.

(3) Noneconomic damages under paragraph (1)(ii) 2 and 3 of this subsection may not include emotional distress or mental anguish caused solely by the need to replace or repair personal or real property.

(d) Damages awarded by a court under subsection (c)(1) of this section may be equal to three times the amount of actual damages.

(e) This section does not affect any legal or equitable right or remedy otherwise provided by law.

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§ 10-401

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Associated funerary object" means an item of human manufacture or use that is intentionally placed:

(i) with human remains at the time of interment in a burial site; or

(ii) after interment, as a part of a death ceremony of a culture, religion, or group.

(2) "Associated funerary object" includes a gravestone, monument, tomb, or other structure in or directly associated with a burial site.

(c) (1) "Burial site" means a natural or prepared physical location, whether originally located below, on, or above the surface of the earth, into which human remains or associated funerary objects are deposited as a part of a death ceremony of a culture, religion, or group.

(2) "Burial site" includes the human remains and associated funerary objects that result from a shipwreck or accident and are left intentionally to remain at the site.

(d) "Permanent cemetery" means a cemetery that is owned by:

(1) a cemetery company regulated under Title 5 of the Business Regulation Article;

(2) a nonprofit organization; or

(3) the State.

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§ 10-402

(a) Except as provided in subsections (b) and (f) of this section, a person may not remove or attempt to remove human remains from a burial site.

(b) Subject to subsection (c) of this section, the State's Attorney for a county may authorize in writing the removal of human remains from a burial site in the State's Attorney's jurisdiction:

(1) to ascertain the cause of death of the person whose remains are to be removed;

(2) to determine whether the human remains were interred erroneously;

(3) for the purpose of reburial; or

(4) for medical or scientific examination or study allowed by law.

(c) (1) Except as provided in paragraph (4) of this subsection, the State's Attorney for a county shall require a person who requests authorization to relocate permanently human remains from a burial site to publish a notice of the proposed relocation in a newspaper of general circulation in the county where the burial site is located.

(2) The notice shall be published in the newspaper one time.

(3) The notice shall contain:

(i) a statement that authorization from the State's Attorney is being requested to remove human remains from a burial site;

(ii) the purpose for which the authorization is being requested;

(iii) the location of the burial site, including the tax map and parcel number or liber and folio number; and

(iv) all known pertinent information concerning the burial site, including the names of the persons whose human remains are interred in the burial site, if known.

(4) (i) The State's Attorney may authorize the temporary relocation of human remains from a burial site for good cause, notwithstanding the notice requirements of this subsection.

(ii) If the person requesting the authorization subsequently intends to relocate the remains permanently, the person promptly shall publish notice as required under this subsection.

(5) The person requesting the authorization from the State's Attorney shall pay the cost of publishing the notice.

(6) The State's Attorney may authorize the removal of the human remains from the burial site after:

(i) receiving proof of the publication required under paragraph (1) of this subsection; and

(ii) 15 days after the date of publication.

(7) This subsection may not be construed to delay, prohibit, or otherwise limit the State's Attorney's authorization for the removal of human remains from a burial site.

(8) For a known, but not necessarily documented, unmarked burial site, the person requesting authorization for the removal of human remains from the burial site has the burden of proving by archaeological excavation or another acceptable method the precise location and boundaries of the burial site.

(d) (1) Any human remains that are removed from a burial site under this section shall be reinterred in:

(i) 1. a permanent cemetery that provides perpetual care; or

2. a place other than a permanent cemetery with the agreement of a person in interest as defined under § 14–121(a)(4) of the Real Property Article; and

(ii) in the presence of:

1. a mortician, professional cemeterian, or other individual qualified in the interment of human remains;
2. a minister, priest, or other religious leader; or
3. a trained anthropologist or archaeologist.

(2) The location of the final disposition and treatment of human remains that are removed from a burial site under this section shall be entered into the local burial sites inventory or, if no local burial sites inventory exists, into a record or inventory deemed appropriate by the State's Attorney or the Maryland Historical Trust.

(e) This section may not be construed to:

(1) preempt the need for a permit required by the Maryland Department of Health under § 4–215 of the Health – General Article to remove human remains from a burial site; or

(2) interfere with the normal operation and maintenance of a cemetery, as long as the operation and maintenance of the cemetery are performed in accordance with State law.

(f) (1) Subject to paragraphs (2) and (3) of this subsection, human remains or the remains of a decedent after cremation, as defined in § 5–508 of the Health – General Article, may be removed from a burial site within a permanent cemetery and reinterred in:

(i) the same burial site; or

(ii) another burial site within the boundary of the same permanent cemetery.

(2) The following persons, in the order of priority stated, may arrange for a reinterment of remains under paragraph (1) of this section:

(i) the surviving spouse or domestic partner of the decedent;

(ii) an adult child of the decedent;

(iii) a parent of the decedent;

(iv) an adult brother or sister of the decedent;

(v) a person acting as a representative of the decedent under a signed authorization of the decedent; or

(vi) the guardian of the person of the decedent at the time of the decedent's death, if one has been appointed.

(3) (i) The reinterment under paragraph (1) of this subsection may be done without the need for obtaining the authorization of the State's Attorney under subsection (b) of this section or providing the notice required under subsection (c) of this section.

(ii) 1. A person who arranges for the reinterment of remains within a permanent cemetery under paragraph (1)(ii) of this subsection, within 30 days after the reinterment, shall publish a notice of the reinterment in a newspaper of general circulation in the county where the permanent cemetery is located.

2. The notice shall be published in the newspaper one time.

3. The notice shall contain:

A. a statement that the reinterment took place;

B. the reason for the reinterment;

C. the location of the burial site from which remains have been removed, including the tax map and parcel number or liber and folio number;

D. the location of the burial site in which the remains have been reinterred, including the tax map and parcel number or liber and folio number; and

E. all known pertinent information concerning the burial sites, including the names of the persons whose cremated remains or human remains are interred in the burial sites, if known.

(iii) Within 45 days after the reinterment, a person who arranges for a reinterment of remains under paragraph (1)(ii) of this subsection shall provide a copy of the notice required under this paragraph to the Office of Cemetery Oversight.

(4) The location of a reinterment of remains under paragraph (1) of this subsection shall be entered into the inventory of the local burial sites or, if no inventory exists, into a record or inventory deemed appropriate by the Maryland Historical Trust.

(g) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(h) A person who violates this section is subject to § 5–106(b) of the Courts Article.

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§ 10-403

(a) This section does not apply to:

(1) a person acting in the course of medical, archaeological, educational, or scientific study;

(2) a licensed mortician or other professional who transports human remains in the course of carrying out professional duties; or

(3) a person acting under the authority of:

(i) § 10-402 of this subtitle; or

(ii) § 4-215 or § 5-408 of the Health - General Article.

(b) A person may not knowingly sell, buy, or transport for sale or profit, or offer to buy, sell, or transport for sale or profit:

(1) unlawfully removed human remains; or

(2) an associated funerary object obtained in violation of § 10-404 of this subtitle.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

(d) The Maryland Historical Trust may appropriate all human remains and associated funerary objects obtained in violation of this subtitle for management, care, and administration until a determination of final disposition as provided by law.

(e) This section may not be construed to interfere with the normal operation and maintenance of a cemetery including:

(1) correction of improper burial siting; and

(2) moving the human remains within a cemetery with the consent of a person who qualifies as an heir as defined in § 1-101 of the Estates and Trusts Article.

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§ 10-404

(a) (1) Subject to the provisions of paragraph (2) of this subsection, a person may not willfully destroy, damage, deface, or remove:

(i) an associated funerary object or another structure placed in a cemetery;

(ii) a building, wall, fence, railing, or other work, for the use, protection, or ornamentation of a cemetery; or

(iii) any other part of the grounds of a cemetery.

(2) The provisions of paragraph (1) of this subsection do not prohibit the removal of a funerary object or a building, wall, fence, railing, or other object installed for the use, protection, or ornamentation of a cemetery or burial site or other part of the grounds of the cemetery for the purpose of repair or replacement, either at the request of or with the permission of heirs or descendants of the deceased or the owner or manager of the cemetery or burial site.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, a person may not willfully destroy, damage, or remove a tree, plant, or shrub in a cemetery.

(2) The provisions of paragraph (1) of this subsection do not prohibit normal maintenance of a cemetery or burial site, including trimming of trees and shrubs, removal of weeds or noxious growths, grass cutting, or other routine care and maintenance.

(c) A person may not engage in indecent or disorderly conduct in a cemetery.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a violation of subsection (a) of this section, imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both; and

(2) for a violation of subsection (b) or (c) of this section, imprisonment not exceeding 2 years or a fine not exceeding \$500 or both.

(e) A person who violates this section shall pay for the restoration of any damaged or defaced real or personal property in a cemetery to the owner of the property or the owner of the cemetery.

(f) This section does not prohibit the removal of human remains or a funerary object from an abandoned cemetery if:

(1) the removal is authorized in writing by the State's Attorney of the county in which the cemetery containing the human remains or funerary object is located; and

(2) the human remains or funerary object are placed in an accessible place in a permanent cemetery.

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§ 10-405

(a) A person may not, with the intent to conceal a crime, knowingly and willfully dismember, destroy, remove, bury, dispose of, or obliterate by any means any portion of human remains.

(b) A person may not aid or abet another in violating subsection (a) of this section.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years.

(d) A sentence imposed under this section may be consecutive to or concurrent with any other sentence imposed for any other crime based on the act establishing the violation of this section.

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§ 10-501

(a) A person may not commit adultery.

(b) A person who violates this section is guilty of a misdemeanor and on conviction shall be fined \$10.

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§ 10-502

(a) This section does not apply to a person if:

(1) the person's previous lawful spouse has been absent from the person for a continuous period of 7 years; and

(2) the person does not know whether the person's previous lawful spouse is living at the time of the subsequent marriage ceremony.

(b) While lawfully married to a living person, a person may not enter into a marriage ceremony with another.

(c) A person who violates this section is guilty of the felony of bigamy and on conviction is subject to imprisonment not exceeding 9 years.

(d) An indictment or warrant for bigamy is sufficient if it substantially states:

"(name of defendant) on (date), in (county), having a living spouse, feloniously entered into a marriage ceremony with (name of subsequent spouse), in violation of § 10-502 of the Criminal Law Article, against the peace, government, and dignity of the State."

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§ 10-601

(a) In this subtitle the following words have the meanings indicated.

(b) "Animal" means a living creature except a human being.

(c) (1) "Cruelty" means the unnecessary or unjustifiable physical pain or suffering caused or allowed by an act, omission, or neglect.

(2) "Cruelty" includes torture and torment.

(d) "Humane society" means a society or association incorporated in Maryland for the prevention of cruelty to animals.

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§ 10-602

It is the intent of the General Assembly that each animal in the State be protected from intentional cruelty, including animals that are:

(1) privately owned;

(2) strays;

(3) domesticated;

(4) feral;

(5) farm animals;

(6) corporately or institutionally owned; or

(7) used in privately, locally, State, or federally funded scientific or medical activities.

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§ 10-603

Sections 10–601 through 10–608 and 10–626 of this subtitle do not apply to:

(1) customary and normal veterinary and agricultural husbandry practices including dehorning, castration, tail docking, and limit feeding;

(2) research conducted in accordance with protocols approved by an animal care and use committee, as required under the federal Animal Welfare Act or the federal Health Research Extension Act;

(3) an activity that may cause unavoidable physical pain to an animal if the person performing the activity uses the most humane method reasonably available, including:

(i) food processing;

(ii) pest elimination;

(iii) animal training; and

(iv) any hunting or fishing activity completed in accordance with Title 4 or Title 10 of the Natural Resources Article or any regulations adopted under those titles; or

(4) normal human activities in which the infliction of pain to an animal is purely incidental and unavoidable.

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§ 10-604

(a) A person may not:

(1) overdrive or overload an animal;

(2) deprive an animal of necessary sustenance;

(3) inflict unnecessary suffering or pain on an animal;

(4) cause, procure, or authorize an act prohibited under item (1), (2), or (3) of this subsection; or

(5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with:

- (i) nutritious food in sufficient quantity;
 - (ii) necessary veterinary care;
 - (iii) proper drink;
 - (iv) proper air;
 - (v) proper space;
 - (vi) proper shelter; or
 - (vii) proper protection from the weather.
- (b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both.
- (2) As a condition of sentencing, the court may order a defendant convicted of violating this section to:
- (i) participate in and pay for psychological counseling; and
 - (ii) pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant.
- (3) As a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal.

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§ 10-605

- (a) A person may not knowingly attend a deliberately conducted dogfight as a spectator.
- (b) A person may not knowingly attend as a spectator a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.
- (c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both.
- (2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.

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§ 10-606

- (a) (1) In this section, "sexual contact with an animal" means any act:
- (i) involving:
 - 1. a person touching the sex organ or anus of an animal;
 - 2. contact between:
 - A. the sex organ or anus of a person and the mouth, sex organ, or anus of an animal; or
 - B. the sex organ or anus of an animal, and the mouth, sex organ, or anus of a person; or
 - 3. insertion of:
 - A. any part of the body of a person into the opening of the vagina or anus of an animal;
 - B. any part of an animal's body into the opening of the vagina or anus of a person; or
 - C. any object into the opening of the vagina or anus of an animal; and
 - (ii) committed for the purpose of sexual arousal, sexual gratification, abuse, or financial gain.
- (2) "Sexual contact with an animal" does not include:
- (i) an accepted veterinary practice;
 - (ii) artificial insemination of an animal for reproductive purposes;
 - (iii) accepted animal husbandry practices, including:
 - 1. grooming;

2. raising;
 3. breeding;
 4. assisting with the birthing process; or
 5. any other activity that provides care for an animal; or
- (iv) generally accepted practices relating to the judging of breed confirmation.
- (b) A person may not:
- (1) intentionally:
 - (i) mutilate an animal;
 - (ii) torture an animal;
 - (iii) cruelly beat an animal;
 - (iv) cruelly kill an animal; or
 - (v) engage in sexual contact with an animal;
 - (2) cause, procure, or authorize an act prohibited under item (1) of this subsection; or
 - (3) except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.
- (c) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.
- (2) As a condition of sentencing, the court may:
- (i) order a defendant convicted of violating this section to:
 1. participate in and pay for psychological counseling; and
 2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and
 - (ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

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§ 10-607

- (a) In this section, "baiting" means using a dog to train a fighting dog or to test the fighting or killing instinct of another dog.
- (b) A person may not:
- (1) use or allow a dog to be used in a dogfight or for baiting;
 - (2) arrange or conduct a dogfight;
 - (3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight or for baiting; or
 - (4) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a dogfight or for baiting.
- (c) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.
- (2) As a condition of sentencing, the court may:
- (i) order a defendant convicted of violating this section to:
 1. participate in and pay for psychological counseling; and
 2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and
 - (ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

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§ 10-608

(a) (1) In this section, "implement of cockfighting" means any implement or device intended or designed:

- (i) to enhance the fighting ability of a fowl, cock, or other bird; or
- (ii) for use in a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

(2) "Implement of cockfighting" includes:

- (i) a gaff;
- (ii) a slasher;
- (iii) a postiza;
- (iv) a sparring muff; and
- (v) any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.

(b) A person may not:

- (1) use or allow the use of a fowl, cock, or other bird to fight with another animal;
- (2) possess, with the intent to unlawfully use, an implement of cockfighting;
- (3) arrange or conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird;
- (4) possess, own, sell, transport, or train a fowl, cock, or other bird with the intent to use the fowl, cock, or other bird in a cockfight; or
- (5) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird.

(c) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to:

- 1. participate in and pay for psychological counseling; and
- 2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

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§ 10-609

(a) Except as provided in subsections (b) and (c) of this section, if an officer of a humane society sees a person committing a misdemeanor that involves cruelty to an animal, the officer shall arrest and bring before the District Court the person committing the misdemeanor.

(b) In Calvert County, if an officer of a humane society or an animal control officer appointed by the County Commissioners or the County Commissioners' designee sees a person committing a misdemeanor that involves cruelty to an animal, the officer shall arrest and bring before the District Court the person committing the misdemeanor.

(c) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control shall enforce this section.

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§ 10-610

(a) This section does not apply to a person giving away an animal:

- (1) as an agricultural project;
- (2) for conservation purposes; or
- (3) that is intended for slaughter.

(b) Without the approval of the Secretary of Agriculture, a person may not give away a live animal as:

- (1) a prize for, or inducement to enter, a contest, game, or other competition;
- (2) an inducement to enter a place of amusement; or
- (3) an incentive to make a business agreement if the offer is to attract trade.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

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§ 10-611

(a) A person may not kill or allow a dog or cat to be killed by use of:

- (1) a decompression chamber;
- (2) carbon monoxide gas; or
- (3) curariform drugs.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

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§ 10-612

(a) A person who owns, possesses, or has custody of a domestic animal may not drop or leave the animal on a road, in a public place, or on private property with the intent to abandon the animal.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

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§ 10-613

(a) This section does not apply to:

- (1) a biomedical facility that is licensed by the United States Department of Agriculture; or
- (2) an animal that is accompanied by a signed statement from a licensed veterinarian stating that the animal's dam is incapacitated for humane or medical reasons and cannot care for the animal.

(b) (1) Except as provided in paragraph (2) of this subsection, a person may not sell or distribute in the State or bring into the State for the purpose of sale or distribution a domestic dog or cat less than 8 weeks of age unless accompanied by its dam.

(2) A person may give an unaccompanied dog or cat to:

- (i) an animal shelter or pound that is operated or supported by a government; or
- (ii) a humane society.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

(2) For purposes of humane disposal, a court may seize an animal brought into this State in violation of this section.

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§ 10-614

(a) In this section, "chick" means a chicken, duckling, or other fowl under the age of 3 weeks.

(b) This section does not prohibit the sale or display of a chick in proper facilities by a breeder or store engaged in the business of selling chicks for commercial breeding and raising.

(c) A person may not:

- (1) sell, offer for sale, barter, or give away a chick as a pet, toy, premium, or novelty; or
- (2) color, dye, stain, or otherwise change the natural color of a chick.
- (d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$25.

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§ 10-615

- (a) If an owner or custodian of an animal is convicted of an act of animal cruelty, the court may order the seizure of the animal or any other animal at the time of conviction for the protection of the animal.
- (b) (1) An officer or authorized agent of a humane society, or a police officer or other public official required to protect animals may seize an animal if necessary to protect the animal from cruelty.
- (2) (i) An animal that a medical and scientific research facility possesses may be seized under this subsection only after review by and a recommendation from the Maryland Department of Health, Center for Veterinary Public Health.
- (ii) The Maryland Department of Health shall:
 - 1. conduct an investigation within 24 hours after receiving a complaint; and
 - 2. within 24 hours after completing the investigation, report to the State's Attorney for the county in which the facility is situated.
- (c) (1) If an animal is impounded, yarded, or confined without necessary food, water, or proper attention, is subject to cruelty, or is neglected, an officer or authorized agent of a humane society, a police officer, another public official required to protect animals, or any invited and accompanying veterinarian licensed in the State, may:
 - (i) enter the place where the animal is located and supply the animal with necessary food, water, and attention; or
 - (ii) seize the animal if seizure is necessary for the health of the animal.
- (2) A person who enters a place under paragraph (1) of this subsection is not liable because of the entry.
- (d) (1) A person who seizes an animal under subsection (c) of this section shall notify the animal's owner or custodian by personal service or certified mail within 24 hours of:
 - (i) the seizure;
 - (ii) any administrative remedies that may be available to the owner or custodian; and
 - (iii) if an administrative remedy is not available, the right to petition the court for the return of the animal under paragraph (2) of this subsection, including instructions describing how to petition the court for the return of the animal.
- (2) If an administrative remedy is not available, the owner or custodian may file a petition for the return of the animal in the District Court of the county in which the seizure occurred within 10 days after the seizure.
- (e) An animal is considered a stray and will be forfeited to a person who is authorized to seize the animal if:
 - (1) an owner or custodian of the animal was notified under subsection (d) of this section and failed to file a petition within 10 days after seizure; or
 - (2) the owner or custodian of the animal is unknown and cannot be ascertained by reasonable effort for 72 hours to determine the owner or custodian.
- (f) This section does not allow:
 - (1) entry into a private dwelling; or
 - (2) without the prior recommendation of a veterinarian licensed in the State, seizure of:
 - (i) livestock, as defined by § 1–101 of the Agriculture Article;
 - (ii) poultry, as defined by § 1–101 of the Agriculture Article; or
 - (iii) a dog that is actively engaged in livestock herding or guarding.
- (g) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control or an organization that the Baltimore County government approves shall enforce this section.

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§ 10-616

(a) This section does not apply to premises:

- (1) where dogs are kept or bred solely for medical or related research or laboratory tests;
- (2) operated by a licensed and regularly practicing veterinarian; or
- (3) where hunting dogs are housed, if the buying, selling, trading, or breeding is incidental to the main purposes of housing, keeping, and using dogs.

(b) (1) To determine if dogs are being treated inhumanely in violation of this subtitle or other law, an authorized director of a humane society, accompanied by a sheriff or a deputy sheriff, may inspect a premises:

- (i) where a person is engaged in the business of buying, selling, trading, or breeding dogs; or
- (ii) of a kennel where 25 or more dogs are kept.

(2) A person who inspects premises under paragraph (1) of this subsection shall give prior written notice of the time and date of the inspection to the owner or occupant of the premises.

(c) (1) In Baltimore City, the Baltimore City Health Department shall enforce this section.

(2) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control or an organization that the Baltimore County government approves shall enforce this section.

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§ 10-617

(a) In this section, "animal control unit" means the local organization or governmental unit that the appropriate local governmental body designates to house, care for, and control domestic animals of unknown ownership.

(b) An animal control unit shall dispose of an unclaimed dog or cat only by:

- (1) placing the animal in a suitable home;
- (2) retaining the animal in the animal control unit; or
- (3) humanely destroying the animal.

(c) A domestic animal that is impounded by an animal control unit may not be sold, placed, or destroyed until the animal has been carefully inspected for a tag, tattoo, microchip, or other identification to ascertain the owner and:

- (1) 72 hours have elapsed after notice has been given to the owner;
- (2) if the owner cannot be notified, 72 hours have elapsed after the animal is impounded;
- (3) the animal is seriously diseased or severely injured; or
- (4) the animal is under 3 months of age.

(d) (1) An animal control unit shall make a reasonable effort to notify the owner of the location of and the procedure for retrieving an impounded animal.

(2) An owner who retrieves an animal from an animal control unit shall pay all fees, costs, and expenses incurred by the animal control unit.

(3) The necessary expenses for food and attention given to an animal under this section may be collected from the owner, and the animal is not exempt from levy and sale on execution of a judgment for the expenses.

(4) A new owner with whom an animal is placed under subsection (b)(1) of this section may be charged an adoption fee.

(e) A person who violates this section:

- (1) for a first offense, is subject to a civil fine not exceeding \$500; and
- (2) for a second or subsequent offense, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

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§ 10-618

(a) A person may not willfully and maliciously give poison or ground glass to a dog, or expose poison or ground glass, with the intent that a dog ingest it.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each violation.

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§ 10-619

(a) (1) In this section the following words have the meanings indicated.

(2) "Dangerous dog" means a dog that:

(i) without provocation has killed or inflicted severe injury on a person; or

(ii) is determined by the appropriate unit of a county or municipal corporation under subsection (c) of this section to be a potentially dangerous dog and, after the determination is made:

1. bites a person;

2. when not on its owner's real property, kills or inflicts severe injury on a domestic animal; or

3. attacks without provocation.

(3) (i) "Owner's real property" means real property owned or leased by the owner of a dog.

(ii) "Owner's real property" does not include a public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

(4) "Severe injury" means a physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(b) This section does not apply to a dog owned by and working for a governmental or law enforcement unit.

(c) An appropriate unit of a county or municipal corporation may determine that a dog is potentially dangerous if the unit:

(1) finds that the dog:

(i) has inflicted a bite on a person while on public or private real property;

(ii) when not on its owner's real property, has killed or inflicted severe injury on a domestic animal; or

(iii) has attacked without provocation; and

(2) notifies the dog owner in writing of the reasons for this determination.

(d) A dog owner may not:

(1) leave a dangerous dog unattended on the owner's real property unless the dog is:

(i) confined indoors;

(ii) in a securely enclosed and locked pen; or

(iii) in another structure designed to restrain the dog; or

(2) allow a dangerous dog to leave the owner's real property unless the dog is leashed and muzzled, or is otherwise securely restrained and muzzled.

(e) An owner of a dangerous dog or potentially dangerous dog who sells or gives the dog to another shall notify in writing:

(1) the authority that made the determination under subsection (c) of this section, of the name and address of the new owner of the dog; and

(2) the person taking possession of the dog, of the dangerous behavior or potentially dangerous behavior of the dog.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500.

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§ 10-620

(a) In this section, "equine" includes horses, donkeys, mules, and ponies.

(b) This section does not apply to the owner of the equine or a person acting on behalf of or at the direction of the owner of the equine.

(c) A person may not:

(1) willfully and maliciously interfere with, injure, destroy, or tamper with an equine used for:

(i) racing or breeding;

(ii) a competitive exhibition of skill, breed, or stamina; or

(iii) any other lawful activity;

(2) willfully start, instigate, engage in, or further an act that interferes with, injures, destroys, or tampers with an equine used for:

(i) racing or breeding;

(ii) a competitive exhibition of skill, breed, or stamina; or

(iii) any other lawful activity; or

(3) commit an act that tends to interfere with, injure, destroy, or tamper with an equine used for:

(i) racing or breeding;

(ii) a competitive exhibition of skill, breed, or stamina; or

(iii) any other lawful activity.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

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§ 10-621

(a) (1) Except as provided in subsection (b)(2) of this section, this section does not apply to:

(i) a research facility or federal research facility licensed under the federal Animal Welfare Act;

(ii) the holder of a Class C Exhibitor's License under the Animal Welfare Act, 7 U.S.C. § 2131 et seq., that displays the animals specified in subsection (b) of this section in a public setting as the exhibitor's primary function;

(iii) a person who possesses a valid license or permit issued by the Department of Natural Resources to import, sell, trade, barter, possess, breed, or exchange an animal specified in subsection (b) of this section;

(iv) an animal sanctuary that:

1. is a nonprofit organization qualified under § 501(c)(3) of the Internal Revenue Code;

2. operates a place of refuge for abused, neglected, impounded, abandoned, orphaned, or displaced wildlife;

3. does not conduct commercial activity with respect to any animal of which the organization is an owner; and

4. does not buy, sell, trade, lease, or breed any animal except as an integral part of the species survival plan of the American Zoo and Aquarium Association;

(v) an animal control officer under the jurisdiction of the State or a local governing authority, a law enforcement officer acting under the authority of this subtitle, or a private contractor of a county or municipal corporation that is responsible for animal control operations;

(vi) a person who holds a valid license to practice veterinary medicine in the State and treats the animal specified in subsection (b) of this section in accordance with customary and normal veterinary practices;

(vii) a person who is not a resident of the State and is in the State for 10 days or less for the purpose of traveling between locations outside of the State; and

(viii) a circus holding a Class C Exhibitor's License under the Animal Welfare Act, 7 U.S.C. § 2131 et seq., that:

1. is in the State for less than 90 days per calendar year;
 2. regularly conducts performances featuring live animals and multiple human entertainers, including acrobats and clowns; and
 3. does not allow members of the public to be in proximity to an animal specified under subsection (b) of this section, including opportunities to be photographed with the animal, without sufficient distance and protective barriers.
- (2) (i) This section does not prohibit a person who had lawful possession of an animal specified in subsection (b) of this section on or before May 31, 2006, from continuing to possess that animal if the person provides written notification to the local animal control authority on or before August 1, 2006.
- (ii) The notification shall include:
1. the person's name, address, and telephone number;
 2. the number and type of animals being kept; and
 3. a photograph of the animal or a description of a tattoo or microchip identification of the animal.
- (3) This section does not prohibit a person who has a disability that severely limits mobility from possessing an animal specified in subsection (b) of this section if that animal is:
- (i) trained to perform tasks for the owner by an organization described in Section 501(c) of the Internal Revenue Code; and
- (ii) dedicated to improving the quality of life of a person who has a disability that severely limits mobility.
- (b) (1) A person may not import into the State, offer for sale, trade, barter, possess, breed, or exchange a live:
- (i) fox, skunk, raccoon, or bear;
- (ii) caiman, alligator, or crocodile;
- (iii) member of the cat family other than the domestic cat;
- (iv) hybrid of a member of the cat family and a domestic cat if the hybrid weighs over 30 pounds;
- (v) member of the dog family other than the domestic dog;
- (vi) hybrid of a member of the dog family and a domestic dog;
- (vii) nonhuman primate, including a lemur, monkey, chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or
- (viii) poisonous snake in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae.
- (2) (i) This paragraph does not apply to an entity described in subsection (a)(1)(i), (iii), (iv), (v), (vi), (vii), or (viii) of this section.
- (ii) Except as provided in subparagraph (iii) of this paragraph, the holder of a Class C Exhibitor's License under the Animal Welfare Act, 7 U.S.C. § 2131 et seq., may not possess a nonhuman primate, bear, lion, tiger, leopard, clouded leopard, snow leopard, jaguar, cheetah, or cougar or a hybrid of one of these animals that was not owned by the holder of the license on June 30, 2014.
- (iii) The holder of a Class C Exhibitor's License under the Animal Welfare Act, 7 U.S.C. § 2131 et seq., may acquire or breed a nonhuman primate, bear, lion, tiger, leopard, clouded leopard, snow leopard, jaguar, cheetah, or cougar or a hybrid of one of these animals if the holder:
1. maintains a liability insurance policy of at least \$1,000,000;
 2. has a paid full-time director;
 3. has at least one paid full-time staff member trained in the care of each species that the holder keeps;
 4. has an animal disposition policy that provides for the placement of animals in appropriate facilities if the holder's facility closes; and
 5. maintains and implements a training plan regarding zoonotic disease risk and prevention.
- (c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:
- (i) if an individual, a fine not exceeding \$1,000; or

(ii) if not an individual, a fine not exceeding \$10,000.

(2) The provisions of this section may be enforced by:

(i) any State or local law enforcement officer; or

(ii) the local animal control authority for the jurisdiction where the violation occurs.

(d) (1) An animal specified in subsection (b) of this section may be immediately seized if:

(i) there is probable cause to believe that the possession of the animal is in violation of this section; or

(ii) the animal poses a risk to public health or public safety.

(2) An animal specified in subsection (b) of this section that is seized may be returned to the person who had possession of the animal at the time the animal was seized only if it is established that:

(i) possession of the animal by the person is not a violation of this section; and

(ii) the return of the animal does not pose a risk to public health or public safety.

(3) (i) Notice that the animal was seized shall be served on the person who had possession of the animal at the time the animal was seized by:

1. posting a copy of the notice at the place where the animal was seized;

2. regular and certified mail, return receipt requested; or

3. delivering the notice to a person residing on the property from which the animal was seized.

(ii) The notice shall include:

1. a description of the animal seized;

2. the authority for and the purpose of the seizure;

3. the time, place, and circumstances of the seizure;

4. a contact person and telephone number;

5. a statement that the person from whom the animal was seized may:

A. post security to prevent disposition of the animal; and

B. request a hearing concerning the seizure;

6. a statement that failure to post security or request a hearing within 10 days of the date of the notice will result in the disposition of the animal; and

7. a statement that, unless a court finds that the seizure of the animal was not justified, the actual costs of the care, keeping, and disposal of the animal are the responsibility of the person from whom the animal was seized.

(4) (i) Before a seizure under paragraph (1) of this subsection occurs, the person in possession of the animal to be seized may request that the animal remain in the person's physical custody for 30 days after the date the animal was to be seized.

(ii) During the 30 days provided in subparagraph (i) of this paragraph, the person shall take all necessary actions to comply with this section.

(iii) At any reasonable time during the 30-day period, the local animal control authority may inspect the premises where the animal is being kept.

(5) (i) If a person who retains possession of an animal under paragraph (4) of this subsection is not in compliance with this section after the 30-day period has expired, the local animal control authority shall seize the animal and place it in a holding facility that is appropriate for the species.

(ii) The authority seizing an animal under this paragraph shall provide notice of the seizure in the same manner as provided in paragraph (3) of this subsection.

(6) (i) A person from whom an animal was seized may request a hearing in the District Court within 10 days of the seizure.

(ii) A hearing shall be held as soon as practicable to determine the validity of the seizure and the disposition of the animal.

- (7) (i) Unless the court finds that the seizure of the animal was not justified by law, a person from whom the animal specified in subsection (b) of this section is seized is liable for all actual costs of care, keeping, and disposal of the animal.
- (ii) The costs required under this paragraph shall be paid in full unless a mutually satisfactory agreement is made between the local animal control authority and the person claiming an interest in the animal.
- (8) (i) If there is no request for a hearing within 10 days of the notice or if the court orders a permanent and final disposition of the animal, the local animal control authority shall take steps to find long-term placement of the animal with another appropriate facility that is equipped for the continued care of the particular species of the animal.
- (ii) If there is no entity that is suitable for the care of the animal, the animal may be euthanized.
- (e) This section does not limit a county or municipality from enacting laws or adopting regulations that are more restrictive pertaining to any potentially dangerous animals, including those specified in subsection (b) of this section.
- (f) If the owner of an animal specified in subsection (b) of this section dies without making arrangements for the transfer of custody of the animal to another person, the animal may be turned over to one of the organizations specified in subsection (a)(1) of this section or euthanized if no suitable location can be found in a reasonable amount of time.

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§ 10-622

- (a) A person may not shoot, kill, or maim a carrier pigeon.
- (b) A person may not entrap, catch, or detain a carrier pigeon that has:
- (1) the owner's name stamped on the carrier pigeon's wing or tail; or
 - (2) a leg band that includes the owner's initials, name, or number.
- (c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10 for each violation.

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§ 10-623

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Collar" means a device constructed of nylon, leather, or similar material specifically designed to be used around the neck of a dog.
- (3) "Extreme weather conditions" means temperatures below 32 degrees Fahrenheit or conditions during an active winter or cold weather warning or advisory issued by the National Weather Service.
- (4) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.
- (5) "Sporting" means any athletic competition, skill competition, obedience competition, or other competition intended for the participation of dogs.
- (6) "Suitable shade" means an area completely protected from the direct sun that is accessible and fully covers a dog.
- (7) "Suitable shelter" means a structure that:
- (i) is properly ventilated;
 - (ii) has a solid floor that allows the dog to remain reasonably dry;
 - (iii) has a weatherproof roof;
 - (iv) is enclosed with an entrance on one side;
 - (v) allows a dog to maintain its normal body temperature; and
 - (vi) is suitable for the species, age, condition, size, and type of dog.
- (b) A person may not leave a dog outside and unattended by use of a restraint:
- (1) that unreasonably limits the movement of the dog;

(2) that uses a collar that:

(i) is made primarily of metal; or

(ii) is not at least as large as the circumference of the dog's neck plus 1 inch;

(3) that restricts the access of the dog to suitable and sufficient clean water or appropriate shelter;

(4) in unsafe or unsanitary conditions; or

(5) that causes injury to the dog.

(c) Except as provided in subsection (d) of this section, a person may not leave a dog outside and unattended for longer than 30 minutes without access to continuous:

(1) suitable shelter during extreme weather conditions; and

(2) suitable shelter or suitable shade when temperatures are above 90 degrees Fahrenheit.

(d) The prohibition in subsection (c) of this section does not apply if the dog is lawfully and actively engaged in:

(1) hunting;

(2) livestock herding or guarding;

(3) sledding;

(4) sporting; or

(5) training.

(e) (1) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both.

(2) A violation of subsection (c) of this section is a civil offense punishable by:

(i) for a first violation, a warning;

(ii) for a second violation, a civil penalty of up to \$500; and

(iii) for a third or subsequent violation, a civil penalty of up to \$1,000.

(f) This section may not be construed to prohibit a local government from adopting a requirement for the health and safety of dogs that is more stringent than the requirements of this section.

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§ 10-624

(a) Except as provided in subsection (b) of this section, a person may not:

(1) crop or cut off the ear of a dog;

(2) dock or cut off the tail of a dog;

(3) cut off the dewclaw of a dog; or

(4) surgically birth a dog.

(b) A procedure described in subsection (a) of this section may be performed by a licensed veterinarian using anesthesia when appropriate on the animal.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both; and

(2) for a second or subsequent offense, imprisonment not exceeding 180 days or a fine not exceeding \$5,000 or both.

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§ 10-625

(a) (1) "Devocalize" means to perform a surgical procedure involving cutting, notching, punching, abrading, lasering, suturing, or otherwise physically altering the vocal apparatus of a dog or cat with the intent of altering, reducing, or eliminating vocal sounds produced by the animal.

(2) "Devocalize" includes debarking, devoicing, silencing, ventriculocordectomy, vocal cordectomy, bark reduction, and bark softening.

(b) Except as provided in subsection (c) of this section, a person may not surgically devocalize a dog or cat.

(c) A licensed veterinarian may surgically devocalize a dog or cat only if:

(1) anesthesia is administered to the animal during the procedure; and

(2) the veterinarian provides the owner or keeper of the animal a written certification that:

(i) states that the procedure on the animal was medically necessary to treat or relieve a physical illness, a disease, or an injury, or to correct a congenital abnormality that is causing or will cause the animal medical harm or pain; and

(ii) contains:

1. the date and description of the veterinarian's examination and evaluation;

2. supporting diagnoses and findings;

3. the name and current address and telephone number of the animal's owner or keeper; and

4. the name and current address and telephone number, State license number, and signature of the veterinarian.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both; and

(2) for a second or subsequent offense, imprisonment not exceeding 1 year or a fine not exceeding \$2,000 or both.

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§ 10-626

(a) In this section, "service animal" has the meaning stated in § 7-701 of the Human Services Article.

(b) A person may not willfully and maliciously:

(1) kill a service animal or allow an animal that the person owns or over which the person has immediate control to kill a service animal;

(2) injure a service animal or allow an animal that the person owns or over which the person has immediate control to injure a service animal; or

(3) interfere with the use of a service animal or allow an animal that the person owns or over which the person has immediate control to interfere with the use of a service animal.

(c) (1) A person who violates subsection (b)(1) or (2) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$2,500 or both.

(2) A person who violates subsection (b)(3) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(3) As a condition of sentencing, the court may order a defendant convicted of violating this section to pay, in addition to fines and costs, full restitution for all damages arising out of the offense, including:

(i) the value of the service animal;

(ii) replacement and training or retraining expenses for the service animal and handler;

(iii) veterinary and other medical and boarding expenses for the service animal;

(iv) medical expenses for the handler; and

(v) lost wages or income incurred by the handler during any period that the handler is without the services of the service animal.

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§ 10-627

(a) For the purposes of this subtitle, each animal harmed in a violation of this subtitle is a separate offense and shall be deemed an individual victim for purposes of the sentencing guidelines stacking rule.

(b) Notwithstanding any other law, a conviction under this subtitle may not merge with a conviction for any other crime based on the act establishing the violation of this subtitle.

(c) A sentence imposed under this subtitle may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this subtitle.

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§ 10-701

In this subtitle, “flag” includes any size flag, standard, color, ensign, or shield made of any substance or represented or produced on any substance, that purports to be a flag, standard, color, ensign, or shield of the United States or of this State.

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§ 10-702

This subtitle does not apply to:

(1) an act allowed by the statutes of the United States or of this State, or by the regulations of the armed forces of the United States; or

(2) a document or product, stationery, ornament, picture, apparel, or jewelry that depicts a flag without a design or words on the flag and that is not connected with an advertisement.

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§ 10-704

(a) A person may not intentionally mutilate, deface, destroy, burn, trample, or use a flag:

(1) in a manner intended to incite or produce an imminent breach of the peace; and

(2) under circumstances likely to incite or produce an imminent breach of the peace.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 10-705

This subtitle shall be construed to carry out its general purpose and to make uniform the laws of the states that enact it.

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§ 10-706

This subtitle may be cited as the Maryland Uniform Flag Law.

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Title 11 — Title 11

§ 11-101

(a) In this subtitle the following words have the meanings indicated.

(b) “Advertising purposes” means the purpose of propagandizing in connection with the commercial:

(1) sale of a product;

(2) offering of a service; or

(3) exhibition of entertainment.

(c) “Sadomasochistic abuse” means:

(1) flagellation or torture committed by or inflicted on an individual who is:

- (i) nude;
- (ii) wearing only undergarments; or
- (iii) wearing a revealing or bizarre costume; or
- (2) binding, fettering, or otherwise physically restraining an individual who is:
 - (i) nude;
 - (ii) wearing only undergarments; or
 - (iii) wearing a revealing or bizarre costume.
- (d) "Sexual conduct" means:
 - (1) human masturbation;
 - (2) sexual intercourse;
 - (3) whether alone or with another individual or animal, any touching of or contact with:
 - (i) the genitals, buttocks, or pubic areas of an individual; or
 - (ii) breasts of a female individual; or
 - (4) lascivious exhibition of the genitals or pubic area of any person.
- (e) "Sexual excitement" means:
 - (1) the condition of the human genitals when in a state of sexual stimulation;
 - (2) the condition of the human female breasts when in a state of sexual stimulation; or
 - (3) the sensual experiences of individuals engaging in or witnessing sexual conduct or nudity.

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§ 11-102

- (a) A person may not knowingly sell or offer to sell to a minor:
 - (1) a picture, photograph, drawing, sculpture, motion picture, film, or other visual representation or image of an individual or portion of the human body that depicts sadomasochistic abuse, sexual conduct, or sexual excitement;
 - (2) a book, magazine, paperback, pamphlet, or other written or printed matter however reproduced, that contains:
 - (i) any matter enumerated in item (1) of this section;
 - (ii) obscene material; or
 - (iii) explicit verbal descriptions or narrative accounts of sadomasochistic abuse, sexual conduct, or sexual excitement; or
 - (3) a sound recording that contains:
 - (i) obscene material; or
 - (ii) explicit verbal descriptions or narrative accounts of sadomasochistic abuse, sexual conduct, or sexual excitement.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

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§ 11-103

- (a) This section applies to a motion picture show or other presentation, whether animated or live, that wholly or partly:
 - (1) depicts or reveals:
 - (i) sadomasochistic abuse;
 - (ii) sexual conduct; or
 - (iii) sexual excitement; or
 - (2) includes obscene material or explicit verbal descriptions or narrative accounts of sexual conduct.

(b) For monetary consideration or other valuable commodity or service, a person may not knowingly:

(1) exhibit to a minor without the presence of the minor's parent or guardian a motion picture show or other presentation described in subsection (a) of this section;

(2) sell to a minor an admission ticket or other means to gain entrance to a motion picture show or other presentation described in subsection (a) of this section; or

(3) admit a minor without the presence of the minor's parent or guardian to premises where a motion picture show or other presentation described in subsection (a) of this section is exhibited.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

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§ 11-104

(a) A person who operates or is employed in a sales, cashier, or managerial capacity in a retail establishment may not knowingly allow a minor without the presence of the minor's parent or guardian to enter or remain on any premises where an item or activity detailed in § 11-102(a) of this subtitle is shown, displayed, or depicted.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

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§ 11-105

(a) A person may not knowingly display for advertising purposes a picture, photograph, drawing, sculpture, or other visual representation or image of an individual or portion of a human body that:

(1) depicts sadomasochistic abuse;

(2) depicts sexual conduct as defined by § 11-101(d)(1), (2), or (3) of this subtitle;

(3) depicts sexual excitement; or

(4) contains a verbal description or narrative account of sadomasochistic abuse, sexual conduct, or sexual excitement.

(b) A person may not knowingly allow a display described in subsection (a) of this section on premises that the person owns, rents, or manages.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

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§ 11-106

For purposes of §§ 11-101 through 11-105 of this subtitle, an employee of a person who operates premises where a public display violates this subtitle is presumed to have been the operator of the premises when the violation occurred if the employee was on the premises at the time of the violation.

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§ 11-107

(a) In this section, "indecent exposure" includes engaging in an act of masturbation in public, whether or not the person's genitalia are exposed.

(b) A person may not commit the common law crime of indecent exposure.

(c) A person may not with prurient intent commit the common law crime of indecent exposure when the person knows or reasonably should know that a minor is present and the minor is:

(1) at least 2 years old; and

(2) more than 4 years younger than the person.

(d) (1) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(2) A person who violates subsection (c) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

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§ 11-201

(a) In this subtitle the following words have the meanings indicated.

(b) "Distribute" means to transfer possession.

(c) "Knowingly" means having knowledge of the character and content of the matter.

(d) "Matter" means:

(1) a book, magazine, newspaper, or other printed or written material;

(2) a picture, drawing, photograph, motion picture, or other pictorial representation;

(3) a statue or other figure;

(4) a recording, transcription, or mechanical, chemical, or electrical reproduction; or

(5) any other article, equipment, machine, or material.

(e) "Sodomasochistic abuse" has the meaning stated in § 11-101 of this title.

(f) "Sexual conduct" has the meaning stated in § 11-101 of this title.

(g) "Sexual excitement" has the meaning stated in § 11-101 of this title.

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§ 11-202

(a) A person may not:

(1) knowingly send or cause to be sent any obscene matter into the State for sale or distribution;

(2) knowingly bring or cause to be brought any obscene matter into the State for sale or distribution;

(3) in the State prepare, publish, print, exhibit, distribute, or offer to distribute any obscene matter; or

(4) possess any obscene matter in the State with the intent to distribute, offer to distribute, or exhibit.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(c) (1) The State's Attorney may maintain an action for an injunction in the circuit court against a person to prevent the sale, further sale, distribution, further distribution, acquisition, publication, or possession within the State of any book, magazine, pamphlet, newspaper, story paper, writing paper, picture, card, drawing, photograph, motion picture film or showing, or any article, item, or instrument the use of which is obscene.

(2) The circuit court may enjoin the sale or distribution of a book, magazine, motion picture film or showing, or other publication or item that is prohibited under this section from sale or distribution.

(3) After being served a summons and complaint in an action by the State's Attorney under this section, a person who sells, distributes, or acquires the enjoined material is chargeable with knowledge of the contents of the materials described in this section.

(4) The defendant is entitled to a trial of the issues within 1 day after joinder of issue.

(5) The court shall render a decision within 2 days after the conclusion of the trial.

(6) If an order or judgment is entered in favor of the State's Attorney, the final order or judgment shall contain provisions:

(i) directing the person to surrender the obscene matter to the peace officer designated by the court or the county sheriff; and

(ii) directing the peace officer or county sheriff to seize and destroy the obscene matter.

(7) In an action brought under this section, the State's Attorney is not:

(i) required to file a bond before an injunction order is issued;

(ii) liable for costs; or

(iii) liable for damages sustained because of the injunction order if judgment is rendered in favor of the defendant.

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§ 11-203

(a) (1) In this section the following words have the meanings indicated.

(2) "Distribute" includes to rent.

(3) "Illicit sex" means:

(i) human genitals in a state of sexual stimulation or arousal;

(ii) acts of human masturbation, sexual intercourse, or sodomy; or

(iii) fondling or other erotic touching of human genitals.

(4) "Item" means a:

(i) still picture or photograph;

(ii) book, pocket book, pamphlet, or magazine;

(iii) videodisc, videotape, video game, film, or computer disc; or

(iv) recorded telephone message.

(5) "Obscene" means:

(i) that the average adult applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;

(ii) that the work depicts sexual conduct specified in subsection (b) of this section in a way that is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material; and

(iii) that the work, taken as a whole, lacks serious artistic, educational, literary, political, or scientific value.

(6) "Partially nude figure" means a figure with:

(i) less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or

(ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(b) (1) A person may not willfully or knowingly display or exhibit to a minor an item:

(i) the cover or content of which is principally made up of an obscene description or depiction of illicit sex; or

(ii) that consists of an obscene picture of a nude or partially nude figure.

(2) A person may not willfully or knowingly engage in the business of displaying, exhibiting, selling, showing, advertising for sale, or distributing to a minor an item:

(i) the cover or content of which is principally made up of an obscene description or depiction of illicit sex; or

(ii) that consists of an obscene picture of a nude or partially nude figure.

(3) If a newsstand or other place of business is frequented by minors, the owner, operator, franchisee, manager, or an employee with managerial responsibility may not openly and knowingly display at the place of business an item whose sale, display, exhibition, showing, or advertising is prohibited by paragraph (2) of this subsection.

(c) The provision of services or facilities by a telephone company under a tariff approved by the Public Service Commission is not a violation of subsection (b) of this section relating to recorded telephone messages.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

- (1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and
- (2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 11-204

- (a) This section applies only in Allegany, Anne Arundel, Charles, Howard, Somerset, Wicomico, and Worcester counties.
- (b) (1) A person may not prepare, give, direct, present, perform or participate in an obscene performance, exhibition, drama, play, show, dancing exhibition, tableau, or other entertainment in which individuals perform or participate live in an obscene manner in the presence of individuals who have paid any kind of consideration to observe the exhibition or performance.
- (2) An owner, lessee, or manager of a building, garden, place, room, structure, or theater may not knowingly allow or assent to the use of the premises for the types of exhibitions prohibited by paragraph (1) of this subsection.
- (c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:
- (1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and
 - (2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 11-205

- (a) A person may not knowingly:
- (1) write or create advertising or otherwise promote the sale or distribution of matter the person represents or holds out to be obscene; or
 - (2) solicit the publication of advertising that promotes the sale or distribution of matter the person represents or holds out to be obscene.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:
- (1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and
 - (2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 11-206

- (a) (1) A person may not knowingly require a purchaser or consignee to receive obscene matter as a condition to a sale, allocation, consignment, or delivery for resale of a paper, magazine, book, periodical, publication, or other merchandise.
- (2) In response to a person's return of or failure to accept obscene matter, a person may not knowingly:
- (i) deny or revoke a franchise;
 - (ii) threaten to deny or revoke a franchise; or
 - (iii) impose a financial or other penalty.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:
- (1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and
 - (2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 11-207

- (a) A person may not:
- (1) cause, induce, solicit, or knowingly allow a minor to engage as a subject in the production of obscene matter or a visual representation or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct;

- (2) photograph or film a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct;
- (3) use a computer to depict or describe a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct;
- (4) knowingly promote, advertise, solicit, distribute, or possess with the intent to distribute any matter, visual representation, or performance:
 - (i) that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct; or
 - (ii) in a manner that reflects the belief, or that is intended to cause another to believe, that the matter, visual representation, or performance depicts a minor engaged as a subject of sadomasochistic abuse or sexual conduct; or
- (5) use a computer to knowingly compile, enter, transmit, make, print, publish, reproduce, cause, allow, buy, sell, receive, exchange, or disseminate any notice, statement, advertisement, or minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for the purpose of engaging in, facilitating, encouraging, offering, or soliciting unlawful sadomasochistic abuse or sexual conduct of or with a minor.
- (b) A person who violates this section is guilty of a felony and on conviction is subject to:
 - (1) for a first violation, imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both; and
 - (2) for each subsequent violation, imprisonment not exceeding 20 years or a fine not exceeding \$50,000 or both.
- (c) (1) (i) This paragraph applies only if the minor's identity is unknown or the minor is outside the jurisdiction of the State.
- (ii) In an action brought under this section, the State is not required to identify or produce testimony from the minor who is depicted in the obscene matter or in any visual representation or performance that depicts the minor engaged as a subject in sadomasochistic abuse or sexual conduct.
- (2) The trier of fact may determine whether an individual who is depicted in an obscene matter, or any visual representation or performance as the subject in sadomasochistic abuse or sexual conduct, was a minor by:
 - (i) observation of the matter depicting the individual;
 - (ii) oral testimony by a witness to the production of the matter, representation, or performance;
 - (iii) expert medical testimony; or
 - (iv) any other method authorized by an applicable provision of law or rule of evidence.

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§ 11-208

- (a) (1) In this section, "indistinguishable from an actual and identifiable child" means an ordinary person would conclude that the image is of an actual and identifiable minor.
- (2) "Indistinguishable from an actual and identifiable child" includes a computer-generated image that has been created, adapted, or modified to appear as an actual and identifiable child.
- (3) "Indistinguishable from an actual and identifiable child" does not include images or items depicting minors that are:
 - (i) drawings;
 - (ii) cartoons;
 - (iii) sculptures; or
 - (iv) paintings.
- (b) (1) A person may not knowingly possess and intentionally retain a film, videotape, photograph, or other visual representation showing an actual child or a computer-generated image that is indistinguishable from an actual and identifiable child under the age of 16 years:
 - (i) engaged as a subject of sadomasochistic abuse;
 - (ii) engaged in sexual conduct; or
 - (iii) in a state of sexual excitement.
- (2) A person may not knowingly or intentionally access and intentionally view a film, videotape, photograph, or other visual representation showing an actual child or a computer-generated image that is indistinguishable from an actual and

identifiable child under the age of 16 years:

- (i) engaged as a subject of sadomasochistic abuse;
- (ii) engaged in sexual conduct; or
- (iii) in a state of sexual excitement.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$2,500 or both.

(2) A person who violates this section, having previously been convicted under this section, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(d) Nothing in this section may be construed to prohibit a parent from possessing visual representations of the parent's own child in the nude unless the visual representations show the child engaged:

- (1) as a subject of sadomasochistic abuse; or
- (2) in sexual conduct and in a state of sexual excitement.

(e) It is an affirmative defense to a charge of violating this section that the person promptly and in good faith:

- (1) took reasonable steps to destroy each visual representation; or
- (2) reported the matter to a law enforcement agency.

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§ 11-209

(a) A person may not hire, employ, or use an individual, if the person knows, or possesses facts under which the person should reasonably know, that the individual is a minor, to do or assist in doing an act described in § 11-203 of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

- (1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and
- (2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 11-210

(a) (1) A person having a bona fide scientific, educational, governmental, artistic, news, or other similar justification for possessing or distributing prohibited matter is not subject to the prohibitions and penalties imposed by this subtitle.

(2) A distribution made in accordance with a bona fide scientific, educational, governmental, artistic, news, or other similar justification is not subject to the prohibitions and penalties imposed by this subtitle.

(b) A justification is not bona fide under this section if a reasonable person would find that a dominant purpose of the depiction of an individual under the age of 16 years engaging in sexual conduct is to arouse or gratify sexual desire in either the violator, the individual under the age of 16 years, or the viewer.

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§ 11-211

When the conviction of a person for a violation of this subtitle becomes final, the court may order the destruction of any matter or advertisement that was the basis of the person's conviction and that remains in the possession or under the control of the court, the State, or a law enforcement unit.

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§ 11-301

(a) In this subtitle the following words have the meanings indicated.

(b) "Assignment" means the making of an appointment or engagement for prostitution or any act in furtherance of the appointment or engagement.

(c) "Prostitution" means the performance of a sexual act, sexual contact, or vaginal intercourse for hire.

(d) "Sexual act" has the meaning stated in § 3–301 of this article.

(e) "Sexual contact" has the meaning stated in § 3–301 of this article.

(f) "Sexually explicit performance" means a public or private, live, photographed, recorded, or videotaped act or show in which the performer is wholly or partially nude, and which is intended to sexually arouse or appeal to the prurient interest of patrons or viewers.

(g) "Solicit" means urging, advising, inducing, encouraging, requesting, or commanding another.

(h) "Vaginal intercourse" has the meaning stated in § 3–301 of this article.

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§ 11-302

A person charged with a crime under this subtitle may also be prosecuted and sentenced for violating any other applicable law.

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§ 11-303

(a) A person may not knowingly:

(1) engage in prostitution or assignation by any means; or

(2) occupy a building, structure, or conveyance for prostitution or assignation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

(c) (1) Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another in violation of Title 3, Subtitle 11 of this article or the prohibition against human trafficking under federal law.

(2) A defendant may not assert the affirmative defense provided in paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the defendant's intention to assert the defense at least 10 days prior to trial.

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§ 11-304

(a) A person may not receive or acquire money or proceeds from the earnings of a person engaged in prostitution with the intent to:

(1) promote a crime under this subtitle;

(2) profit from a crime under this subtitle; or

(3) conceal or disguise the nature, location, source, ownership, or control of money or proceeds of a crime under this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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§ 11-305

(a) For the purpose of committing a crime under Title 3, Subtitle 3 of this article, a person may not:

(1) persuade or entice or aid in the persuasion or enticement of an individual under the age of 16 years from the individual's home or from the custody of the individual's parent or guardian; and

(2) knowingly secrete or harbor or aid in the secreting or harboring of the individual who has been persuaded or enticed in the manner described in item (1) of this subsection.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$5,000 or both.

(c) It is not a defense to prosecution under this section that the person did not know the age of the victim.

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§ 11-306

(a) A person may not knowingly procure or solicit or offer to procure or solicit prostitution or assignation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

(c) (1) Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another in violation of Title 3, Subtitle 11 of this article or the prohibition against human trafficking under federal law.

(2) A defendant may not assert the affirmative defense provided in paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the defendant's intention to assert the defense at least 10 days prior to trial.

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§ 11-307

(a) A person may not knowingly:

(1) allow a building, structure, or conveyance owned or under the person's control to be used for prostitution or assignation;

(2) allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignation; or

(3) keep, set up, maintain, or operate a building, structure, or conveyance for prostitution or assignation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

(c) (1) Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another in violation of Title 3, Subtitle 11 of this article or the prohibition against human trafficking under federal law.

(2) A defendant may not assert the affirmative defense provided in paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the defendant's intention to assert the defense at least 10 days prior to trial.

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Title 12 — Title 12

§ 12-101

(a) In this subtitle the following words have the meanings indicated.

(b) "Candidate" has the meaning stated in § 1-101 of the Election Law Article.

(c) (1) "Credit" means payment by a credit card or promissory note.

(2) "Credit" includes selling or pledging personal property in exchange for cash or tokens.

(d) (1) "Gaming device" means:

(i) a gaming table, except a billiard table, at which a game of chance is played for money or any other thing or consideration of value; or

(ii) a game or device at which money or any other thing or consideration of value is bet, wagered, or gambled.

(2) "Gaming device" includes a paddle wheel, wheel of fortune, chance book, and bingo.

(e) "Gaming event" means:

- (1) a bingo game;
- (2) a carnival;
- (3) a bazaar;
- (4) a raffle;
- (5) a benefit performance; or
- (6) any other event at which a gaming device is operated.
- (f) "Organization" includes:
 - (1) a fraternal, religious, civic, patriotic, educational, or charitable organization;
 - (2) a volunteer fire company, rescue squad, or auxiliary unit;
 - (3) a veterans' organization or club;
 - (4) a bona fide nonprofit organization that is raising money for an exclusively charitable, athletic, or educational purpose; or
 - (5) any organization that is authorized to conduct a gaming event under Subtitle 1 or 2 of this title or Title 13 of this article.
- (g) "Political committee" has the meaning stated in § 1-101 of the Election Law Article.
- (h) "Token" means a poker chip, bingo chip, or other device commonly used instead of money in the playing of a gaming device.

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§ 12-102

- (a) A person may not:
 - (1) make or sell a book or pool on the result of a race, contest, or contingency;
 - (2) establish, keep, rent, use, or occupy, or knowingly allow to be established, kept, rented, used, or occupied, all or a part of a building, vessel, or place, on land or water, within the State, for the purpose of:
 - (i) betting, wagering, or gambling; or
 - (ii) making, selling, or buying books or pools on the result of a race, contest, or contingency; or
 - (3) receive, become the depository of, record, register, or forward, or propose, agree, or pretend to forward, money or any other thing or consideration of value, to be bet, wagered, or gambled on the result of a race, contest, or contingency.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$5,000 or both.
- (c) (1) The provisions of this subsection apply only in Baltimore City.
- (2) A person who violates this section may be charged by a citation.
- (3) A citation for a violation of this section may be issued to a person by a police officer authorized to make arrests in Baltimore City if there is probable cause to believe that the person is committing or has committed a violation of this section.
- (4) A citation issued under this subsection shall contain:
 - (i) the name and address of the person charged;
 - (ii) the statute allegedly violated;
 - (iii) the location, date, and time that the violation occurred;
 - (iv) the fine or term of imprisonment that may be imposed;
 - (v) a notice stating that prepayment of a fine is not allowed;
 - (vi) a notice that the court shall promptly send the person charged a summons to appear for trial; and
 - (vii) the signature of the police officer issuing the citation.

- (5) (i) The police officer who issued the citation shall forward to the appropriate court a copy of the citation.
- (ii) The court shall promptly schedule the case for trial and summon the defendant to appear.
- (iii) Willful failure of the defendant to respond to the summons is contempt of court.

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§ 12-103

- (a) For money or any other thing or consideration of value, a person may not:
 - (1) bet, wager, or gamble; or
 - (2) play any other gaming device or fraudulent trick.
- (b) (1) A violation of this section is a civil offense punishable by a fine not exceeding:
 - (i) \$500, if the violation involves money or any other thing or consideration of value not exceeding \$100; or
 - (ii) \$1,000, if the violation involves money or any other thing or consideration of value that exceeds \$100.
- (2) Adjudication of a violation under this section:
 - (i) is not a criminal conviction for any purpose; and
 - (ii) does not impose any of the civil disabilities that may result from a criminal conviction.
- (c) (1) A citation for a violation of this section may be issued to a person by a police officer authorized to make arrests if there is probable cause to believe that the person is committing or has committed a violation of this section.
- (2) A citation issued under this subsection shall contain:
 - (i) the name, address, and date of birth of the person charged;
 - (ii) the statute allegedly violated;
 - (iii) the date and time that the violation occurred;
 - (iv) the location at which the violation occurred;
 - (v) the fine that may be imposed;
 - (vi) a notice stating that prepayment of the fine is allowed;
 - (vii) a notice in boldface type that states that the person shall:
 - 1. pay the full amount of the preset fine; or
 - 2. request a trial date at the date, time, and place established by the District Court by writ or trial notice; and
 - (viii) the signature of the police officer issuing the citation.
- (3) The form of the citation shall be uniform throughout the State and shall be prescribed by the District Court.
- (4) (i) The Chief Judge of the District Court shall establish a schedule for the prepayment of a fine.
- (ii) Prepayment of a fine shall be considered a plea of guilty to a Code violation.
- (5) The issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.
- (6) A person may request a trial by sending a request for trial to the District Court in the jurisdiction where the citation was issued within 30 days after the issuance of the citation.
- (7) If a person does not request a trial or prepay the fine within 30 days after the issuance of the citation, the District Court may impose the maximum fine and costs against the person and find the person guilty of a Code violation for the purposes of this section.
- (8) (i) The defendant is liable for the costs of the proceedings in the District Court.
- (ii) The court costs in a Code violation case under this section in which costs are imposed are \$5.
- (d) In any proceeding for a Code violation under this section:
 - (1) the State has the burden to prove the guilt of the defendant by a preponderance of the evidence;

- (2) the court shall apply the evidentiary standards as prescribed by law or rule for the trial of a criminal case;
- (3) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;
- (4) the defendant is entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, and to testify on the defendant's own behalf, if the defendant chooses to do so;
- (5) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant; and
- (6) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:
 - (i) guilty of a Code violation;
 - (ii) not guilty of a Code violation; or
 - (iii) probation before judgment, imposed by the court in the same manner and to the same extent as is allowed by law in the trial of a criminal case.
- (e) (1) The State's Attorney for any county may prosecute a Code violation under this section in the same manner as prosecution of a violation of the criminal laws of the State.
- (2) In a Code violation case under this section, the State's Attorney may:
 - (i) enter a nolle prosequi or move to place the case on the stet docket; and
 - (ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of the State.
- (f) A person issued a citation for a violation of this section who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

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§ 12-104

- (a) A person may not:
 - (1) keep a gaming device, or all or a part of a building, vessel, or place, on land or water within the State for the purpose of gambling;
 - (2) own, rent, or occupy all or a part of a building, vessel, or place and knowingly allow a gaming device to be kept in the building, vessel, or place;
 - (3) lease or rent all or a part of a building, vessel, or place to be used for the purpose of gambling;
 - (4) deal at a gaming device or in a building, vessel, or place for gambling;
 - (5) manage a gaming device or a building, vessel, or place for gambling; or
 - (6) have an interest in a gaming device or the profits of a gaming device.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 6 months and not exceeding 1 year or a fine not exceeding \$500 or both.

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§ 12-105

- (a) This section:
 - (1) applies notwithstanding the issuance of a license or permit through or by a county, municipal corporation, or other political subdivision of the State; and
 - (2) does not authorize an act that is otherwise prohibited by law.
- (b) A person may not bet, wager, or gamble or keep, conduct, maintain, or operate a gaming device on:
 - (1) a vessel or a part of a vessel on water within the State, except as provided in § 6-209 of the Transportation Article; or
 - (2) all or a part of a building or other structure that is built on or over water within the State, if the building or other structure cannot be entered from the shore of the State by a person on foot.

(c) To conduct, maintain, or operate a gaming device, a person may not establish, keep, rent, use, or occupy, or knowingly allow to be established, kept, rented, used, or occupied:

(1) a vessel on water within the State; or

(2) a building or other structure that is built on or over water within the State, if the building or other structure cannot be entered from the shore of the State by a person on foot.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine of not less than \$200 and not exceeding \$1,000 or both for each violation.

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§ 12-106

(a) (1) Notwithstanding any other provision of this subtitle, Subtitle 2 of this title, or Title 13 of this article and except as otherwise provided in this subsection, a bona fide charitable organization in this State may conduct a raffle for the exclusive benefit of the charitable organization if the prize awarded is real property:

(i) to which the charitable organization holds title; or

(ii) for which the charitable organization has the ability to convey title.

(2) A charitable organization may not conduct more than two raffles of real property in a calendar year.

(3) The Secretary of State may adopt regulations governing a raffle of real property by a charitable organization under this subsection.

(b) (1) Notwithstanding any other provision of this article and except as otherwise provided in this subsection, a political committee or candidate for public office may conduct a raffle if the prizes awarded are money or merchandise.

(2) (i) The cost of a raffle ticket under this subsection may not exceed \$5.

(ii) An individual may not purchase more than \$50 worth of tickets.

(3) This subsection does not relieve a political committee or candidate from the reporting and record keeping requirements under the Election Law Article.

(c) Notwithstanding any other provision of this article, a depository institution, as defined in § 1–211 of the Financial Institutions Article, may conduct a savings promotion raffle under § 1–211 of the Financial Institutions Article.

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§ 12-107

(a) (1) The prohibition in subsection (b) of this section applies notwithstanding a license or permit granted through or by a county, municipal corporation, or other political subdivision of this State.

(2) This section does not apply to:

(i) pari-mutuel betting conducted under the Maryland Horse Racing Act;

(ii) bingo, carnivals, raffles, bazaars, or similar games of entertainment; or

(iii) mechanical or electrical devices, commonly known as slot machines, that are authorized in the State and that require the insertion of a coin or token.

(b) A person may not conduct or operate with pari-mutuel betting, or with any similar form of betting, wagering, or gambling:

(1) the game, contest, or event commonly known as “jai alai”; or

(2) any other game, contest, or event.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$200 and not exceeding \$1,000 for each violation.

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§ 12-108

(a) An organization that operates a gaming event authorized under this subtitle, Subtitle 2 of this title, or Title 13 of this article may not accept credit from a person to allow that person to play a gaming device at the gaming event.

(b) Subsection (a) of this section does not prohibit an organization from accepting a token instead of money from a person who has paid the organization money for the use of the token.

(c) An organization that violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or loss of privileges to conduct a gaming event not exceeding 60 days or both.

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§ 12-109

(a) A person may not willfully, knowingly, and unlawfully cause or attempt to cause the prearrangement or predetermination of the results of a horse race.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 12-110

(a) A person who loses money at a gaming device that is prohibited by this subtitle, Subtitle 2 of this title, or Title 13 of this article:

(1) may recover the money as if it were a common debt; and

(2) is a competent witness to prove the loss.

(b) Notwithstanding subsection (a) of this section, a person may not recover money or any other thing that the person won by betting at a gaming device prohibited by this subtitle, Subtitle 2 of this title, or Title 13 of this article.

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§ 12-111

If a law enforcement officer has a reason to suspect a gaming device is kept unlawfully at a place, the law enforcement officer shall:

(1) visit the place; and

(2) charge all persons who violate a law that prohibits gambling.

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§ 12-112

(a) (1) An indictment for violating the prohibition against gaming is sufficient if it states that the defendant kept a gaming device.

(2) The indictment need not state the particular kind of gaming or gaming device involved in the alleged violation.

(b) A defendant, on timely request, may obtain a bill of particulars.

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§ 12-113

(a) The Office of the Attorney General, the State Lottery and Gaming Control Commission, the Department of State Police, local law enforcement units, and the court shall construe liberally this title relating to gambling and betting to prevent the activities prohibited.

(b) A decision by the State Lottery and Gaming Control Commission shall be the final determination as to whether a gaming device being operated in the State is:

(1) a legal gaming device or device consistent with the provisions of this article; and

(2) being operated in a lawful manner under this article.

(c) If a local law enforcement unit fails to promptly enforce a final determination made under subsection (b) of this section, the State Lottery and Gaming Control Commission shall refer the matter to the Department of State Police for enforcement of the law.

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§ 12-114

(a) In this section, "eSports competition" means a competition involving video games, including first-person shooters, real-time strategy games, and multiplayer online battle arenas in which:

- (1) players compete against each other; and
- (2) the dominant element determining the results is the relative skill of the players.

(b) An organization conducting an eSports competition may offer prize money or merchandise to winning participants in the eSports competition.

(c) The Comptroller may adopt regulations to carry out this section.

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§ 12-201

In this subtitle, "lottery device" means a policy, certificate, or other thing by which a person promises or guarantees that a number, character, ticket, or certificate will, when an event or contingency occurs, entitle the purchaser or holder to receive money, property, or evidence of debt.

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§ 12-202

(a) Except as provided in subsection (b) of this section, this subtitle applies to all lotteries, including those authorized by any other state or foreign country.

(b) This subtitle does not apply to the State lottery established under Title 9, Subtitle 1 of the State Government Article.

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§ 12-203

(a) A person may not:

- (1) hold a lottery in this State; or
- (2) sell a lottery device in the State for a lottery drawn in this State or elsewhere.

(b) A person who violates this section is guilty of a misdemeanor and on conviction shall be sentenced to imprisonment for not less than 3 months and not exceeding 12 months or a fine of not less than \$200 and not exceeding \$1,000 or both for each violation.

(c) In addition to the penalty provided under subsection (b) of this section, a person who gives money or any other thing to purchase or obtain a lottery device, for each lottery device purchased or obtained, may recover \$50 from:

- (1) the person to whom the money or other thing was given; or
- (2) any person who aided or abetted that person.

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§ 12-204

(a) A person may not:

- (1) keep a house, office, or other place for the purpose of selling or bartering a lottery device in violation of § 12-203 of this subtitle; or
- (2) allow a house or office that the person owns to be used for the purpose of selling or bartering a lottery device in violation of § 12-203 of this subtitle.

(b) A person who knows that the person's house or office is being used for the purpose of selling or bartering a lottery device in violation of § 12-203 of this subtitle is deemed to be allowing the house or office to be used for those purposes.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 12-205

(a) This section does not apply to a person who possesses:

(1) an item that is prohibited under this section that was obtained to procure or furnish evidence of a violation of this subtitle; or

(2) a lottery ticket or slip issued by this State or another government.

(b) A person may not:

(1) bring a lottery device into the State; or

(2) possess a book, list, slip, or record of:

(i) the numbers drawn in a lottery in this State or another state or country;

(ii) a lottery device; or

(iii) money received or to be received from the sale of a lottery device.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 12-206

(a) This section does not apply to a lottery conducted by a government.

(b) A person may not print, write, or publish an account of a lottery that describes:

(1) when or where the lottery is to be drawn;

(2) any prize available in the lottery;

(3) the price of a lottery ticket or share of a lottery ticket; or

(4) where a lottery ticket may be obtained.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$100 or both.

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§ 12-207

(a) A person may not:

(1) insure or receive consideration for insuring for or against the drawing of a lottery ticket or part of a lottery ticket;

(2) receive money, property, or evidence of debt in consideration of an agreement to repay or deliver the money, property, or evidence of debt, if a lottery ticket or a part of a lottery ticket is drawn or not drawn on a particular day or in a particular order;

(3) if contingent on the results of a lottery, and whether or not consideration is paid, promise or agree to:

(i) pay or deliver money, property, or evidence of debt; or

(ii) refuse to do anything for the benefit of another; or

(4) publish a notice of an intent to perform or notice of a proposal to perform items (1) through (3) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment of not less than 3 months and not exceeding 6 months or a fine of not less than \$100 and not exceeding \$1,000 or both.

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§ 12-208

A court shall interpret §§ 12-201 through 12-207 of this subtitle liberally to treat as a lottery ticket any ticket, part of a ticket, or lottery device by which money is paid or another item is delivered when, in the nature of a lottery, an event or contingency occurs.

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§ 12-209

A grant, bargain, or transfer of real estate, goods, a right of action, or personal property is void if it occurs while engaging in, or aiding or assisting in a lottery.

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§ 12-210

(a) Any recovery of a penalty for a violation of any of the provisions of this subtitle relating to a lottery, whether by indictment or action of debt, or before a justice of the peace before July 5, 1971, or before any court of competent jurisdiction, is considered a first conviction under this section.

(b) A person convicted a second or subsequent time of a violation of any of the provisions of this subtitle relating to a lottery is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

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§ 12-211

(a) (1) An indictment for violating the prohibition against the drawing of lotteries or the selling of lottery devices is sufficient if it states that the defendant drew a lottery or sold a lottery device.

(2) The indictment need not state the particular kind of lottery scheme involved in the alleged violation.

(b) The defendant, on timely request, is entitled to a bill of particulars.

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§ 12-212

(a) A person may not directly or indirectly barter, sell, or trade or offer by publication or in any other manner to barter, sell, or trade goods or merchandise, in a package or in bulk, in exchange for a scheme or device constituting a gift enterprise.

(b) A person who violates this section is guilty of a misdemeanor and on conviction shall be sentenced to a fine of not less than \$50 for each violation.

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§ 12-301

In this subtitle:

(1) "slot machine" means a machine, apparatus, or device that:

(i) operates or can be made to operate by inserting, depositing, or placing with another person money, a token, or another object; and

(ii) through the element of chance, the reading of a game of chance, the delivery of a game of chance, or any other outcome unpredictable by the user, awards the user:

1. money, a token, or other object that represents or that can be converted into money; or

2. the right to receive money, a token, or another object that represents and can be converted into money;

(2) "slot machine" includes:

(i) a machine, apparatus, or device described in item (1) of this section that also sells, delivers, or awards merchandise, money, or some other tangible thing of value;

(ii) a pinball machine or console machine that pays off in merchandise; and

(iii) a machine, apparatus, or device described in item (1) of this section, regardless of whether the machine, apparatus, or device delivers a game through the Internet or offers Internet or other services; and

(3) "slot machine" does not include a machine, apparatus, or device that:

(i) awards the user only free additional games or plays;

(ii) awards the user only noncash merchandise or noncash prizes of minimal value;

(iii) dispenses paper pull tab tip jar tickets or paper pull tab instant bingo tickets that must be opened manually by the user provided that the machine, apparatus, or device does not:

1. read the tickets electronically;

2. alert the user to a winning or losing ticket; or

3. tabulate a player's winnings and losses;

(iv) 1. is a handheld device that displays only facsimiles of bingo cards that an individual uses to mark and monitor contemporaneously to a live call of bingo numbers called on the premises by an individual where the user is operating the machine;

2. does not permit a user to play more than 54 bingo cards at the same time;

3. does not randomly generate any numbers; and

4. is not part of an integrated system;

(v) is used by the State Lottery and Gaming Control Commission under Title 9 of the State Government Article;

(vi) if legislation takes effect authorizing the operation of video lottery terminals, is a video lottery terminal as defined in and licensed under that legislation;

(vii) is a skills-based amusement device that awards prizes, merchandise, tickets, tokens, or other objects that:

1. per play, do not exceed minimal value approved by the State Lottery and Gaming Control Commission through regulation; and

2. may be accumulated and exchanged for noncash merchandise or prizes of value that:

A. is similar to the cumulated value of the objects exchanged; and

B. does not exceed a minimal wholesale value of \$599; or

(viii) is a skills-based device that awards noncash merchandise and is located at a family entertainment center in Worcester County licensed under § 9-1B-02 of the State Government Article.

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§ 12-302

(a) Except as allowed under §§ 12-304 through 12-306 of this subtitle, a person may not locate, possess, keep, or operate a slot machine in the State as an owner, lessor, lessee, licensor, licensee, or in any other capacity.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine of \$1,000 or both for each violation.

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§ 12-303

(a) In this section, "antique slot machine" means a slot machine that was manufactured at least 25 years before the date on which the machine is seized.

(b) A person may not be convicted under § 12-302 of this subtitle if the person shows by a preponderance of the evidence that the slot machine:

(1) is an antique slot machine; and

(2) was not operated for gambling purposes while in the person's possession.

(c) If the defense is offered that a seized slot machine is an antique slot machine, the slot machine may not be destroyed or otherwise altered until after a final judicial determination, including review on appeal, that the defense does not apply.

(d) If the defense applies, the person who seized the slot machine shall return the slot machine in accordance with applicable provisions of law for the return of property.

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§ 12-304

(a) In this section, "eligible organization" means:

(1) a nonprofit organization that:

(i) has been located in a county listed in subsection (b) of this section for at least 5 years before the organization applies for a license under subsection (e) of this section; and

(ii) is a bona fide:

1. fraternal organization;
2. religious organization; or
3. war veterans' organization; or

(2) a nonprofit organization that has been affiliated with a national fraternal organization for less than 5 years and has been located in a county listed in subsection (b) of this section for at least 50 years before the nonprofit organization applies for a license under subsection (e) of this section.

(b) This section applies in:

- (1) Caroline County;
- (2) Cecil County;
- (3) Dorchester County;
- (4) Kent County;
- (5) Queen Anne's County;
- (6) Somerset County;
- (7) Talbot County;
- (8) Wicomico County; and
- (9) Worcester County.

(c) (1) In this subsection, a console or set of affixed slot machines is not an individual slot machine.

(2) Notwithstanding any other provision of this subtitle, an eligible organization may own and operate a slot machine if the eligible organization:

(i) obtains a license under subsection (e) of this section for each slot machine;

(ii) owns each slot machine that the eligible organization operates;

(iii) owns not more than five slot machines;

(iv) locates and operates its slot machines at its principal meeting hall in the county in which the eligible organization is located;

(v) does not locate or operate its slot machines in a private commercial facility;

(vi) uses:

1. at least one-half of the net after payout proceeds from its slot machines for the benefit of a charity; and
2. the remainder of the proceeds from its slot machines to further the purposes of the eligible organization;

(vii) does not use any of the proceeds of the slot machine for the financial benefit of an individual; and

(viii) reports annually under affidavit to the State Comptroller:

1. the income of each slot machine; and
 2. the disposition of the income from each slot machine.
- (d) An eligible organization may not use or operate a slot machine unless:
- (1) the slot machine is equipped with a tamperproof meter or counter that accurately records gross receipts; and
 - (2) the eligible organization keeps an accurate record of the gross receipts and payoffs of the slot machine.
- (e) (1) (i) The State Comptroller shall regulate the operation of slot machines under this section.
- (ii) The State Comptroller may adopt regulations to implement the requirements of this section, including requiring audits of the annual reports submitted to the State Comptroller under subsection (c)(2)(viii) of this section.
- (2) Before an eligible organization may operate a slot machine under this section, the eligible organization shall obtain a license for the slot machine from the State Comptroller.
- (3) (i) The State Comptroller shall:
1. charge an annual fee for each license for a machine; and
 2. issue a license sticker to the applicant.
- (ii) The applicant shall place the sticker on the slot machine.
- (iii) The State Comptroller shall set the amount of the annual fee so that the total proceeds of the annual fee equal an amount directly related to administrative costs of the State Comptroller to regulate the operation of slot machines under this section.
- (4) In the application to the State Comptroller for a license, one of the principal officers of the eligible organization shall certify under affidavit that the organization:
- (i) is an eligible organization; and
 - (ii) will comply with this section.
- (f) (1) A principal officer of the eligible organization may not intentionally misrepresent a statement of fact on the application.
- (2) A person who violates this subsection is guilty of perjury and on conviction is subject to the penalty provided under Title 9, Subtitle 1 of this article.
- (g) The Comptroller may not issue a license for a slot machine to an eligible organization located in Ocean City that is located east of South and North Baltimore Avenues.

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§ 12-305

- (a) A person may take delivery of, possess, or transport a slot machine to demonstrate or sell the slot machine to a prospective customer who is allowed to purchase a slot machine if the person:
- (1) operates with or under a distributorship contract with a manufacturer of slot machines;
 - (2) is registered with the United States Department of Justice as a distributor of slot machines; and
 - (3) has provided the Secretary of State Police with a copy of the person's current federal registration.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine of \$1,000 or both for each violation.

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§ 12-306

- (a) In this section, "premises" means an improved or unimproved parcel or tract of land that is owned by:
- (1) a person; or
 - (2) persons associated in a joint or common venture.

(b) (1) Except as provided in paragraph (2) of this subsection, in a county or municipal corporation where, before July 1, 1963, county or municipal officials licensed slot machines for operation, a person may not, as an owner, lessor, lessee, licensor, licensee, or in any other capacity, keep or operate a slot machine for any purpose in any place of business or building or on any premises.

(2) Before disposing of a slot machine, the county commissioners or county executive of a county where a slot machine is located may require the slot machine to be:

(i) registered in a manner appropriate to the office of county executive or county commissioners; and

(ii) sealed against use, stored, and kept under the supervision and control of the county commissioners or county executive.

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§ 12-307

(a) Because of an act of God, or condemnation or abandonment of the primary business by the owner of a business operating on the premises, a person may:

(1) remove a slot machine from any premises on which a slot machine is allowed to operate under law; and

(2) transfer the slot machine to another premises within the same county.

(b) A person who transfers a slot machine from one premises to another may not increase the total number of machines allowed by law.

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§ 12-308

Notwithstanding any other provisions of this subtitle, an entity licensed to offer instant bingo under a commercial bingo license on July 1, 2007, or by a qualified organization as defined in § 13-201 of this article on the premises of the qualified organization may continue to operate a game of instant bingo in the same manner using electronic machines, provided that:

(1) (i) the machines were in operation for a 1-year period ending December 31, 2007; or

(ii) the machines were in operation under a commercial bingo license on December 31, 2007;

(2) the entity does not operate more than the number of electronic machines in operation on February 28, 2008; and

(3) the conduct of the gaming and operation of the machines are consistent with all other provisions of this article.

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Title 13 — Title 13

§ 13-101

(a) Activities conducted under this title are allowed notwithstanding the provisions of Title 12, Subtitles 1 and 2 of this article.

(b) A county may not issue a commercial bingo license under this title or under any public local law to an entity that was not licensed to conduct commercial bingo on or before June 30, 2008.

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§ 13-201

(a) In this subtitle the following words have the meanings indicated.

(b) "Gaming event" means a carnival, bazaar, or raffle.

(c) "Qualified organization" means:

(1) a volunteer fire company; or

(2) a bona fide:

- (i) religious organization;
- (ii) fraternal organization;
- (iii) civic organization;
- (iv) war veterans' organization; or
- (v) charitable organization.

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§ 13-202

Except as otherwise provided in this title, this subtitle applies in the following counties:

- (1) Allegany County;
- (2) Anne Arundel County;
- (3) Baltimore County;
- (4) Calvert County;
- (5) Caroline County;
- (6) Carroll County;
- (7) Dorchester County;
- (8) Frederick County;
- (9) Garrett County;
- (10) Howard County;
- (11) Prince George's County;
- (12) St. Mary's County;
- (13) Somerset County;
- (14) Talbot County; and
- (15) Washington County.

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§ 13-203

This title and Title 12 of this article do not prohibit a qualified organization from conducting a gaming event for the exclusive benefit of a qualified organization if an individual or group of individuals does not:

- (1) benefit financially from the gaming event under this subtitle; or
- (2) receive any of the proceeds from the gaming event under this subtitle for personal use or benefit.

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§ 13-204

A qualified organization may award a prize in money or in merchandise at a gaming event using any gaming device, including:

- (1) a paddle wheel;
- (2) a wheel of fortune;
- (3) a chance book; or
- (4) bingo.

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§ 13-205

A qualified organization that conducts a gaming event under this subtitle shall manage the gaming event personally through its members.

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§ 13-301

Subtitle 2 of this title applies in Allegany County.

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§ 13-302

(a) (1) In this section, "paper gaming" means a game of chance in which:

- (i) prizes are awarded; and
- (ii) the devices used to play the game are constructed out of paper or cardboard.

(2) "Paper gaming" includes tip jar and punchboard gaming.

(3) "Paper gaming" does not include bingo.

(b) This section applies only in Allegany County.

(c) (1) Subject to paragraphs (2) and (3) of this subsection, a person that is a for profit business or qualified organization may engage in paper gaming if the person obtains a paper gaming license that is issued by the Board of County Commissioners.

(2) If the person is a for profit business, the person shall also hold a Class A, C, or D retail alcoholic beverages license.

(3) Qualified organizations that do not have an alcoholic beverages license and fire and rescue departments may engage in paper gaming without obtaining a paper gaming license.

(d) A person may sell paper gaming devices to a paper gaming licensee if the person obtains a wholesale vendor's license issued by the Board of County Commissioners.

(e) The Board of County Commissioners shall set annual fees for a paper gaming license and a wholesale vendor's license.

(f) Monthly, wholesale vendor licensees shall provide a list to the Board of County Commissioners of all customers to whom they sell paper gaming products and the total number of products sold to each customer.

(g) A paper gaming licensee may not have on its premises a paper gaming device that does not display a gaming sticker.

(h) The Board of County Commissioners shall ensure that each retail alcoholic beverages licensee who holds a paper gaming license sells to the public the same serial-numbered paper gaming devices that are listed on the bill of sale from the wholesale vendor licensee.

(i) (1) The Board of County Commissioners may impose the following paper gaming taxes:

- (i) on licensees that are qualified organizations, 10% of gross profits minus the costs of paper gaming products; and
- (ii) on licensees that are for profit businesses, 40% of gross profits minus the costs of paper gaming products.

(2) The Board of County Commissioners may not impose a paper gaming tax on qualified organizations that do not have an alcoholic beverages license or fire and rescue departments that buy paper gaming devices from a licensed wholesale vendor.

(j) (1) In this subsection, "Fund" means the Special Gaming Fund.

(2) The Board of County Commissioners may establish a Special Gaming Fund.

(3) The Fund is a special continuing, nonlapsing fund.

(4) The Fund may be used only to benefit fire and rescue departments and to pay for specified school costs.

(5) (i) The Fund consists of:

1. revenue derived from the taxation of gross profits from tip jar sales; and
2. subject to subparagraph (ii) of this paragraph, money received from other sources.

(ii) Money from the General Fund of the State or county, including any federal money, may not be transferred by budget amendment or otherwise to the Fund.

(6) The Fund shall be invested and reinvested in the same manner as other county funds.

(7) Annually the Board of County Commissioners shall:

(i) pay from the Fund all administrative costs of carrying out this section, including the hiring of additional necessary personnel; and

(ii) allocate the remaining money in the Fund as follows:

1. at least 25% but not more than 35% to fire and rescue departments; and

2. the balance to pay for school construction, school supplies, and other nonmaintenance of effort costs.

(k) The Board of County Commissioners may adopt rules and regulations to administer and enforce this section.

(l) The Board of County Commissioners may:

(1) hire one or more inspectors; and

(2) authorize each inspector to enter the premises of a licensee to ensure compliance with this section or a rule or regulation adopted under this section.

(m) The Board of County Commissioners may adopt an ordinance or resolution declaring that a violation of this section or a rule or regulation adopted under this section is:

(1) a civil infraction under Title 11, Subtitle 2 of the Local Government Article; or

(2) a misdemeanor punishable by a term of imprisonment not exceeding 30 days or a fine not exceeding \$1,000 or both.

(n) After a hearing, if the Board of County Commissioners or a designee of the Board finds that a paper gaming licensee, a wholesale vendor licensee, or an agent of a licensee has violated this section or a rule or regulation adopted under this section, the Board may suspend or revoke the license in addition to any fine or penalty imposed under subsection (m) of this section.

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§ 13-401

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Casino event" means any event that involves a card game, dice game, or roulette game.

(2) "Casino event" does not include a card game or dice game that is played for tokens for which no cash prize is offered or awarded.

(c) "Gaming event" means a carnival, bazaar, raffle, or other organized gaming event.

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§ 13-402

(a) This subtitle applies only in Anne Arundel County.

(b) Subtitle 2 of this title applies in Anne Arundel County.

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§ 13-403

(a) "Qualified member" means a person who:

(1) obtained a membership in an organization in accordance with the charter and bylaws of the organization; and

(2) has been a member for at least 12 months immediately before the gaming event.

(b) A gaming device that is used at a gaming event shall be operated:

(1) by qualified members of the organization or qualified members of other organizations allowed to operate gaming devices under this section; and

(2) without the assistance of professional gaming device operators.

(c) (1) A person may not receive compensation from an organization for managing or operating a gaming device at a gaming event.

(2) Another organization that operates a gaming device under this subtitle may receive compensation from an organization for managing or operating a gaming device at a gaming event.

(d) Each organization conducting a gaming event shall submit to the Department of Inspections and Permits, in a manner determined by the county, a report under oath for each gaming event that provides:

(1) an accounting of all funds received; and

(2) a listing of the names, addresses, ages, and dates of membership of each individual who managed or operated a gaming device at the gaming event, including a statement that the individual is a qualified member of the organization.

(e) This section may not be construed to:

(1) limit or restrict the authority of the county to regulate, license, and designate the type of amusement or gaming devices that may be operated in the county; or

(2) amend or apply to the laws pertaining to raffles in the county under § 13-405 of this subtitle.

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§ 13-404

Except as provided in § 13-404.1 of this subtitle, a person may not conduct a casino event in the county.

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§ 13-405

(a) A bona fide fraternal, civic, war veterans', or charitable organization, or a volunteer fire company may conduct a raffle in the county for the benefit of charity if:

(1) the raffle is conducted to further the purposes of the organization; and

(2) no individual or group of individuals financially benefits from the holding of the raffle or receives any of the proceeds from the raffle for personal use.

(b) Prizes may be awarded by the use of paddle wheels, wheels of fortune, or chance books.

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§ 13-406

(a) Notwithstanding any other provision of this article, a political committee, as defined in § 1-101 of the Election Law Article, may conduct a fundraiser at which prizes of merchandise or money are awarded in a game or spin using a paddle wheel or wheel of fortune.

(b) A political committee may award a merchandise or money prize under this section that does not exceed the amount otherwise allowed for a prize in the county.

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§ 13-407

(a) In this section, "bingo" includes the game of instant bingo.

(b) A bona fide religious, fraternal, or charitable organization, or a volunteer fire company operating in a community that does not have a paid fire department, may conduct bingo in the county:

(1) for the benefit of charity in the county; or

(2) to further the purposes of the organization.

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§ 13-408

(a) A person may not knowingly operate or attempt to operate a gaming event in the county in violation of § 13–403, § 13–404, or § 13–404.1 of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

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§ 13-502

This subtitle applies only in Baltimore City.

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§ 13-504

An organization conducting a gaming event may award a prize of money or merchandise to any individual in any amount in one game or spin using:

- (1) a paddle wheel or wheel of fortune; or
- (2) a film of a horse race.

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§ 13-506

(a) Notwithstanding any other provisions of this title or Title 12 of this article, a political committee as defined in § 1-101 of the Election Law Article may conduct a fundraiser at which prizes of merchandise or money are awarded in a game or spin using a paddle wheel or wheel of fortune.

(b) A political committee may award a prize of merchandise or money at a fundraiser that does not exceed the amount otherwise allowed for a prize in Baltimore City.

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§ 13-507

(a) This section and § 13-509 of this subtitle also apply to games of instant bingo.

(b) Before an organization listed in subsection (c) or (d) of this section may conduct bingo in Baltimore City, the organization shall obtain a permit to do so from the commissioner.

(c) An organization that meets the conditions of subsection (i)(1) of this section may conduct bingo in Baltimore City if the organization is a bona fide:

- (1) religious organization;
- (2) fraternal organization;
- (3) patriotic organization;
- (4) educational organization; or
- (5) charitable organization.

(d) An organization that meets the conditions of subsection (i)(2) of this section may conduct bingo in Baltimore City if the organization is:

- (1) devoted exclusively to religious, charitable, or educational purposes;
- (2) a service organization;
- (3) a fraternal organization; or
- (4) a veterans' organization.

(e) (1) Before the commissioner may issue a permit, the commissioner shall review the character of the organization applying for the permit to ascertain that the organization meets the requirements of this section.

(2) The organization applying for the permit shall pay the permit fee set in subsection (g) of this section.

(3) An application for a permit and the action taken by the commissioner on that application are public records.

(f) The commissioner may issue a permit for:

- (1) 1 day; or
- (2) a period exceeding 1 day and not exceeding 12 months.

(g) Except as allowed under subsection (h)(1) of this section, the commissioner shall collect from each permit holder, to cover the costs of administering the Baltimore City bingo laws, a permit fee not exceeding:

- (1) \$10 for each day on which bingo may be conducted;
- (2) \$750 for a 3-month period; or
- (3) \$3,000 for a 12-month period.

(h) (1) The commissioner may collect a special annual permit fee of \$5 for a nonprofit organization or nonprofit corporation to conduct, over 1 year, a number of bingo games for which, for each game:

- (i) the value of any prize of merchandise or money is not more than \$5; and
- (ii) not more than 100 individuals play.

(2) The commissioner may revoke a special annual permit for cause.

(i) (1) An organization conducting bingo in Baltimore City under subsection (c) of this section:

(i) except as provided in subsection (d) of this section, may not offer or award, in any game:

- 1. a money prize of more than \$45; or
- 2. a prize of merchandise worth more than \$45; and

(ii) after reimbursing any costs incurred in conducting bingo for personnel, supplies, equipment, and other expenses, shall use the entire proceeds for:

- 1. charitable purposes; or
- 2. to further the purposes of an organization listed in subsection (c) of this section.

(2) An organization conducting bingo in Baltimore City under subsection (d) of this section:

(i) may not use the net proceeds to benefit a stockholder or member of the organization;

(ii) after reimbursing any costs incurred in conducting bingo for personnel, supplies, equipment, and other expenses, shall use the net proceeds:

- 1. solely for charitable purposes; or
- 2. to further the purposes of an organization listed in subsection (d) of this section; and

(iii) shall limit prizes of money or merchandise to a value not exceeding:

- 1. \$5,000 for the total of all prizes;
- 2. \$75 for the total of all door prizes;
- 3. \$45 for each of not more than five early bird games;
- 4. \$75 for each of not more than 19 regular games;
- 5. \$150 for the starting prize of one regular game with a jackpot, with nightly increases not exceeding \$75 and a consolation prize not exceeding \$75;
- 6. \$150 for each of not more than four regular special games;
- 7. 50% of the proceeds for each of not more than four split-the-pot games;
- 8. 100% of the proceeds for not more than one winner-take-all game;
- 9. \$3,000 for a jackpot game which starts at 50 numbers and adds one number every second night;
- 10. if the jackpot is not won, \$375 for a consolation prize for any jackpot game;
- 11. \$300 for the first jackpot game in a buildup jackpot game which starts at \$300 and 50 numbers and adds one number and \$75 each night; and

12. if the jackpot is not won, \$225 for the consolation prize for any buildup jackpot game.

(3) A bingo permit holder issued a permit under either subsection (c) or (d) of this section may not conduct bingo:

(i) in a restaurant or tavern where alcoholic beverages are sold;

(ii) in a permanent place of amusement or entertainment; or

(iii) on Sunday, except by a bona fide religious organization that conducts bingo on property owned or leased by the organization.

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§ 13-508

Notwithstanding § 13-507 of this subtitle, an organization may conduct bingo if:

(1) the membership of the organization consists only of individuals who are at least 60 years old;

(2) the organization was formed primarily for social purposes;

(3) all proceeds of the games of bingo are used only to further the purposes of the organization; and

(4) the organization complies with the permit procedures and conditions imposed under § 13-507 of this subtitle.

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§ 13-509

The commissioner may adopt regulations reasonably necessary to administer § 13-507 of this subtitle.

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§ 13-601

In this subtitle, "gaming event" means a carnival, bazaar, or raffle.

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§ 13-602

(a) This subtitle applies only in Baltimore County.

(b) Subtitle 2 of this title applies in Baltimore County to:

(1) except as provided in § 13-606 of this subtitle, bingo;

(2) instant bingo;

(3) a bona fide amateur athletic organization in which all playing members are under the age of 18 years;

(4) a bona fide veterans' hospital; and

(5) a bona fide veterans' organization.

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§ 13-603

(a) Before an organization listed in subsection (b) of this section may operate a gaming event or casino event, the organization shall obtain a permit from the Department of Permits and Development Management.

(b) (1) An organization that meets the conditions of paragraph (2) of this subsection may conduct a gaming event or casino event if the organization is a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) civic organization, including:

1. a hunting organization;

2. a social organization; or

3. a sporting organization;

- (iv) volunteer fire organization;
- (v) veterans' organization;
- (vi) veterans' hospital;
- (vii) amateur athletic organization; or
- (viii) charitable organization.

(2) An organization that conducts a gaming event or casino event under this section shall spend a majority of the net proceeds from the gaming event or casino event for the following in the county:

- (i) purposes that benefit religious purposes;
- (ii) fraternal purposes;
- (iii) civic purposes;
- (iv) volunteer fire operations;
- (v) purposes that benefit veterans;
- (vi) purposes that benefit a veterans' hospital;
- (vii) purposes related to amateur athletics; or
- (viii) charitable purposes.

(c) (1) A permit to conduct a gaming event or casino event shall provide that only the members of the permit holder may manage the gaming event or casino event.

(2) A permit is not transferable.

(d) (1) An organization that obtains a permit may award a prize of money or merchandise using:

- (i) a paddle wheel;
- (ii) a wheel of fortune;
- (iii) a chance book;
- (iv) bingo; or
- (v) any other gaming device except:
 1. a card game;
 2. a dice game; or
 3. roulette.

(2) Except as provided in § 13-604 of this subtitle, a person may not:

- (i) operate a card game, a dice game, or roulette; or
- (ii) conduct a casino event.

(3) An organization that obtains a permit shall ensure that:

- (i) an individual or group of individuals does not benefit financially from the holding of the gaming event;
- (ii) an individual or group of individuals does not receive any of the proceeds of the gaming event for personal use or benefit; and
- (iii) the gaming event is managed personally by the members of the permit holder.

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§ 13-604

(a) Subject to subsections (b) and (c) of this section, an organization may conduct:

- (1) one casino event that includes a card game during each calendar month; and
- (2) one casino event that includes roulette during each calendar year.

(b) To conduct a casino event under subsection (a) of this section, an organization shall be a bona fide:

- (1) religious organization;
- (2) fraternal organization;
- (3) civic organization, including:
 - (i) a hunting organization;
 - (ii) a social organization; or
 - (iii) a sporting organization;
- (4) volunteer fire company;
- (5) war veterans' organization; or
- (6) charitable organization.

(c) (1) A permit holder for a casino event that includes a card game or roulette shall ensure that:

- (i) the event is conducted in accordance with § 13-603(d)(3) of this subtitle;
- (ii) a parent, subsidiary, or affiliate of the organization sponsoring the event has not sponsored a casino event within the calendar month; and
- (iii) the casino event is conducted between 4 p.m. and 1 a.m.

(2) A person that holds a casino event that includes a card game or roulette may not:

- (i) offer or award a money prize to a player of the card game or roulette game;
- (ii) allow a player to bet more than \$10 in any one game within the calendar month;
- (iii) exchange tokens used in wagering for an item of merchandise that is worth more than \$1,000; or
- (iv) exchange merchandise that was received for tokens that were used in wagering for:

1. money; or

2. an item of merchandise having a value that is different from the fair retail market value of the item of merchandise that was received for the tokens.

(3) (i) Within 60 days after holding a casino event that includes a card game or roulette, the holder of the permit for the event shall submit to the Department of Permits and Development Management a financial report that lists the receipts and expenditures for the casino event.

(ii) Before the permit holder submits the report to the Department of Permits and Development Management, the permit holder shall submit the report to the county police department for review.

(d) (1) The Department of Permits and Development Management shall adopt regulations to govern:

- (i) the issuing of a permit to conduct a casino event; and
- (ii) the conduct and management of a casino event in a manner designed to prevent fraud and protect the public.

(2) The regulations shall require that a separate permit be issued for each casino event to be conducted.

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§ 13-605

(a) Notwithstanding any other provision of this article, a political committee, as defined in § 1-101 of the Election Law Article, may conduct a fundraiser at which prizes of money or merchandise are awarded in a game or spin using a paddle wheel or wheel of fortune.

(b) A political committee may award a money or merchandise prize under this section if the prize does not exceed the amount otherwise allowed for a prize in the county.

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§ 13-606

- (a) Before an organization may conduct bingo in the county, the organization shall obtain a bingo license from the Department of Permits and Development Management.
- (b) An organization may conduct bingo to benefit charity in the county or to further its purposes if the organization is:
- (1) a tax-supported volunteer fire company or an auxiliary unit whose members are directly associated with a tax-supported volunteer fire company;
 - (2) a nationally chartered veterans' organization or an auxiliary unit whose members are directly associated with a nationally chartered veterans' organization;
 - (3) a bona fide religious group that has conducted religious services at a fixed location in the county for at least 3 years before applying for a bingo license;
 - (4) the Maryland State Fair and Agricultural Society;
 - (5) a bona fide fraternal organization;
 - (6) a bona fide patriotic organization; or
 - (7) a bona fide charitable organization that has been located at a fixed location in the county for 3 years before applying for a bingo license.
- (c) (1) An applicant for a bingo license shall apply for a license on the application form that the Department of Permits and Development Management provides.
- (2) The application shall include:
- (i) the name of the applicant;
 - (ii) the name and address of each officer and director of the applicant;
 - (iii) a complete statement of the purposes of the applicant;
 - (iv) a statement of the purpose for which the proceeds of the bingo operation will be used;
 - (v) an affidavit that an agreement does not exist to divide any part of the proceeds of the bingo operation with any other person that is made by:
 1. the president;
 2. the treasurer;
 3. the chief executive; or
 4. a fiscal officer;
 - (vi) an affidavit that only the applicant or a member of the applicant will receive any of the proceeds of the bingo operation except to further the purposes of the applicant organization; and
 - (vii) any other information the Department of Permits and Development Management requires.
- (d) (1) (i) An annual bingo license issued by the Department of Permits and Development Management authorizes the license holder to conduct bingo at the fixed location stated on the license:
1. at any time during the year for which the license is issued; but
 2. not more often than twice each week in the year for which the license is issued.
- (ii) An applicant for an annual license shall pay the fee that the Department of Permits and Development Management sets.
- (2) (i) A temporary license issued by the Department of Permits and Development Management authorizes the license holder to conduct bingo at the fixed location stated on the license for not more than 10 days in the year for which the license is issued.
- (ii) An applicant for a temporary license shall pay the fee that the administrative officer of the county sets.
- (3) (i) A 1-day license issued by the Department of Permits and Development Management authorizes the license holder to conduct bingo at a fixed location stated on the license for not more than 1 day in the year for which the license is issued.

- (ii) An applicant for a 1-day license shall pay a fee that the administrative officer of the county sets.
- (iii) The Department of Permits and Development Management may not grant an applicant more than three 1-day licenses in any calendar year.
- (e) (1) The Department of Permits and Development Management may require the holder of a bingo license to produce its financial records for inspection so that the Department may ensure that the license holder and the members of the license holder have complied with subsection (c)(2)(v) and (vi) of this section.
- (2) A person may not conduct bingo on Sunday.
- (f) The Department of Permits and Development Management shall deposit the fees paid for bingo licenses issued under this section in the county Widows' Pension Fund.
- (g) After a public hearing, the Department of Permits and Development Management may revoke the license of a license holder that fails to comply with this section or the regulations that the Department adopts under this section.
- (h) The Department of Permits and Development Management may adopt regulations to govern:
 - (1) the conduct of bingo;
 - (2) the amounts of the prizes that may be awarded in a game of bingo;
 - (3) the method of awarding prizes;
 - (4) the hours that bingo may be conducted; and
 - (5) any other matters related to the proper conduct of bingo.
- (i) (1) (i) A person may not divert or pay any proceeds of bingo conducted under a bingo license to:
 - 1. any other person, except to a member of the license holder; or
 - 2. any other partnership or corporation, except to further the purposes of the license holder.
- (ii) A person who is not a member of a license holder may not receive any of the proceeds of bingo conducted under a bingo license except to further the purposes of the license holder.
- (iii) A person may not violate a regulation that the Department of Permits and Development Management adopts under subsection (h) of this section.
- (2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 13-607

- (a) A person may not knowingly conduct or attempt to conduct a gaming event or casino event in violation of §§ 13-603 through 13-605 of this subtitle.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 13-701

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Committee" means the Gambling Permit Review Committee appointed by the county commissioners under § 13-704 of this subtitle.
- (c) "County commissioners" means the Board of County Commissioners of Calvert County.
- (d) "Gaming event" includes a carnival and a bazaar.

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§ 13-702

- (a) This subtitle applies only in Calvert County.

(b) Subtitle 2 of this title applies in Calvert County.

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§ 13-703

(a) Before an organization may conduct a gaming event, the organization shall obtain a permit from the county commissioners.

(b) An organization may conduct a gaming event in the county if the organization is:

(1) a volunteer fire company; or

(2) a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) civic organization;

(iv) war veterans' organization; or

(v) charitable organization.

(c) (1) The permit shall state:

(i) the nature of any gaming device to be operated at the gaming event; and

(ii) the frequency with which the gaming event will be conducted.

(2) The county commissioners may charge a reasonable fee for a permit.

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§ 13-704

(a) (1) The county commissioners shall appoint a Gambling Permit Review Committee.

(2) The committee consists of five regular members and two alternate members.

(3) A quorum of the committee consists of:

(i) three regular members; or

(ii) if fewer than three regular members are present at a meeting, enough alternate members designated by the chairperson to act as regular members to create a quorum.

(4) An alternate member of the committee may serve only as provided under paragraph (3) of this subsection.

(b) Subject to the approval of the county commissioners, the committee shall adopt regulations to govern gambling activities and the issuance of permits under § 13-703 of this subtitle.

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§ 13-705

(a) For purposes of this section, a game of instant bingo conducted under a Class NG beach license is considered to be bingo.

(b) Before a person may conduct bingo in the county, the person shall obtain a license from the county commissioners.

(c) Notwithstanding any other provision of this article, a person who complies with this section may conduct bingo in the county.

(d) (1) (i) The county commissioners may not issue a license unless the application was filed at least 30 days before the date of issuance.

(ii) An applicant for a license shall:

1. file an application on a form that the county commissioners provide; and

2. sign the application under oath.

(iii) The application shall include:

1. the name of the applicant;
2. the address of the applicant;
3. any trade name of the applicant;
4. if the applicant is a partnership, the name and address of each partner;
5. if the applicant is a corporation, the name and address of each officer of the corporation;
6. if a resident agent is required under paragraph (3) of this subsection, the name and address of the applicant's resident agent;
7. the name and address of any person having a financial interest in the operation of the proposed bingo; and
8. the signatures of all of the individuals listed in items 1 through 7 of this subparagraph indicating consent to individual liability for any unlawful operation of licensed bingo.

(iv) 1. The county commissioners may refuse to issue a license based on the facts disclosed on an application.

2. Subparagraph (i) of this paragraph does not require the county commissioners to investigate an applicant's statements on the application before issuing a license.

(2) Each applicant for a license shall present evidence to the county commissioners that the applicant has obtained a public liability insurance policy that:

(i) covers the period covered by the proposed license;

(ii) provides coverage for personal injury to:

1. any bingo patron in an amount not less than \$100,000; and
2. more than one bingo patron in an amount not less than \$500,000.

(3) (i) Each nonresident applicant for a license shall designate a resident agent.

(ii) A resident agent must be:

1. a voter in the county;
2. a taxpayer of the county; and
3. an owner of property in the county assessed at not less than \$25,000.

(e) (1) The county commissioners may issue the following licenses:

(i) a Class NA license, for bingo that does not exceed a seating or player capacity of 750 individuals;

(ii) a Class NB license, for bingo that does not exceed a seating or player capacity of 500 individuals;

(iii) a Class NC license, for bingo that does not exceed a seating or player capacity of 1,000 individuals;

(iv) a Class ND beach license, for bingo that:

1. does not exceed a seating or player capacity of 500 individuals;
2. may be operated within the town limits of North Beach or Chesapeake Beach; and
3. may be operated between May 1 and September 30;

(v) a Class NE beach license, for bingo that:

1. does not exceed a seating or player capacity of 1,000 individuals;
2. may be operated within the town limits of North Beach or Chesapeake Beach; and
3. may be operated between May 1 and September 30;

(vi) a Class NF beach license, for bingo that:

1. does not exceed a seating or player capacity of 500 individuals;
2. may be operated within the town limits of North Beach or Chesapeake Beach; and
3. may be operated throughout the year; or

(vii) a Class NG beach license, for bingo that:

1. does not have a limitation on seating or player capacity;
 2. may be operated within the town limits of North Beach or Chesapeake Beach; and
 3. may be operated throughout the year.
- (2) The county commissioners shall:
- (i) retain a copy of each license issued;
 - (ii) issue a copy of the license to the license holder; and
 - (iii) forward a copy of the license to the State Comptroller.
- (3) A license is not transferable.
- (f) The county commissioners shall assess the following annual license fees:
- (1) \$3,500 for a Class NA license;
 - (2) \$3,000 for a Class NB license;
 - (3) \$4,000 for a Class NC license;
 - (4) \$500 for a Class ND beach license;
 - (5) \$1,000 for a Class NE beach license;
 - (6) \$3,000 for a Class NF beach license; and
 - (7) \$5,000 for a Class NG beach license.
- (g) (1) The county commissioners may not issue a license if the conduct of bingo would:
- (i) unduly disturb the peace of the neighborhood in which the applicant proposes to conduct bingo;
 - (ii) create a nuisance; or
 - (iii) be detrimental to the health or welfare of the community.
- (2) (i) The county commissioners may not issue a license to conduct bingo in a building that is not permanent and covered by a roof.
- (ii) This paragraph does not apply to a person who is not required to obtain a license to conduct bingo.
- (3) (i) The following licenses may not allow the conduct of bingo on Sunday:
1. a Class NA license;
 2. a Class NB license; or
 3. a Class NC license.
- (ii) The following licenses may not allow the conduct of bingo before 1 p.m. on Sunday:
1. a Class ND beach license;
 2. a Class NE beach license; or
 3. a Class NF beach license.
- (iii) A Class NG beach license may not allow the conduct of bingo between 2 a.m. and 1 p.m. on Sunday.

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§ 13-706

The following organizations are not required to obtain a license under § 13-705 of this subtitle to conduct bingo:

- (1) a religious organization;
- (2) a patriotic organization;
- (3) an educational organization;
- (4) a charitable or benevolent organization;
- (5) a civic organization;

(6) a volunteer fire company; or

(7) any other organization that is authorized under § 13-703 of this subtitle and Subtitle 2 of this title to conduct bingo in the county.

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§ 13-707

(a) A license holder may issue as a prize or award to the patron of licensed bingo:

(1) merchandise;

(2) money;

(3) a token or ticket redeemable for money or merchandise; or

(4) any other thing of value.

(b) (1) Except as provided under paragraphs (2) and (3) of this subsection, a license holder may not issue for one game a prize or award with a value exceeding \$100.

(2) A holder of a Class NG beach license may issue for one game a prize with a value exceeding \$100.

(3) A license holder may issue once each day:

(i) a grand prize not exceeding \$1,500; and

(ii) a grand prize not exceeding \$3,000 in retail value.

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§ 13-708

In addition to any other penalty provided by law, the county commissioners may revoke a bingo license forthwith if:

(1) the county commissioners determine after an investigation that:

(i) the license holder made a false statement in the application for the license; or

(ii) the conduct of licensed bingo at the premises named in the license would:

1. disturb the peace of the neighborhood;

2. create a nuisance; or

3. be detrimental to the morals, health, or welfare of the community; or

(2) the license holder is convicted of:

(i) violating §§ 13-705 through 13-707 of this subtitle; or

(ii) a felony.

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§ 13-709

(a) The county commissioners may adopt regulations to govern:

(1) the conduct or play of bingo;

(2) the issuance of bingo licenses;

(3) the setting of fees for bingo licenses; and

(4) the determination of the election districts and precincts in which bingo may be conducted.

(b) In adopting regulations, the county commissioners shall ensure uniform application as to:

(1) the determination of the districts and precincts in which bingo may be conducted; and

(2) the setting of fees.

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§ 13-801

Subtitle 2 of this title applies in Caroline County.

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§ 13-901

(a) In this subtitle the following words have the meanings indicated.

(b) "County commissioners" means the Board of County Commissioners of Carroll County.

(c) "Gaming event" means a carnival, bazaar, raffle, or other game of entertainment.

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§ 13-902

(a) This subtitle applies only in Carroll County.

(b) Subject to this subtitle, Subtitle 2 of this title applies in Carroll County.

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§ 13-903

(a) Before an organization may conduct a gaming event, the organization shall obtain a permit from the county commissioners.

(b) To conduct bingo or a gaming event an organization must be a bona fide:

(1) religious organization;

(2) fraternal organization;

(3) civic organization;

(4) war veterans' organization;

(5) hospital;

(6) amateur athletic organization;

(7) charitable organization; or

(8) volunteer fire company.

(c) (1) Before the county commissioners issue a permit, they shall determine whether the organization applying for the permit qualifies under this subtitle and the conditions of this subtitle are met.

(2) An application for a permit and the action taken by the county commissioners on that application are public records.

(d) (1) The permit shall state that the gaming event shall be managed and operated only by members of the organization holding the permit.

(2) A permit is not transferable.

(e) (1) A gaming event conducted under this section shall be conducted for the benefit of an organization listed in subsection (b) of this section.

(2) An individual or group of individuals may not benefit financially, or receive proceeds for personal use or benefit, from a gaming event conducted under this section.

(3) (i) Except as provided in subparagraphs (ii) and (iv) of this paragraph, an organization conducting a gaming event may award a money prize not exceeding \$100 or merchandise not exceeding \$100 of value to any individual in any one game.

(ii) The maximum amount of a prize awarded in a raffle is governed by § 13-904(c) of this subtitle.

(iii) The maximum amount of a prize awarded in a paddle wheel or wheel of fortune game is governed by § 13-905(a) of this subtitle.

(iv) The maximum amount of a prize awarded in bingo is governed by § 13-908 of this subtitle.

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§ 13-904

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Multi-drawing raffle" means a raffle for which the drawings are held on more than 1 day.
- (3) "Raffle" means one or more drawings using a single series of chances sold in chance books or similar devices, at which one or more prizes are awarded.
- (4) "Single-drawing raffle" means a raffle for which the drawings are held on a single day.
- (b) At a gaming event, the holder of a raffle may award a prize of money or merchandise using a chance book.
- (c) (1) A single-drawing raffle may have only one major prize.
- (2) During a year, an organization listed in § 13-903 of this subtitle may hold not more than:
- (i) six single-drawing raffles in which the major prize is worth \$2,500 or more; or
 - (ii) ten single-drawing raffles in which the major prize is worth less than \$2,500.
- (3) An organization listed in § 13-903 of this subtitle may not hold:
- (i) more than 52 weekly drawings in a multi-drawing raffle; or
 - (ii) more than two multi-drawing raffles during a year.

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§ 13-905

- (a) (1) Notwithstanding § 13-903 of this subtitle, an organization listed in § 13-903 of this subtitle that operates a paddle wheel or wheel of fortune game at a gaming event may not award a prize to a person in any one game or spin of the wheel of:
- (i) money that exceeds \$10; or
 - (ii) merchandise with a value that exceeds \$250.
- (2) An organization listed in § 13-903 of this subtitle may not hold more than 10 days of paddle-wheel games in a calendar year.
- (b) An organization listed in § 13-903 or § 13-907 of this subtitle may award a prize of money or merchandise using a gaming device other than a card game, dice game, or roulette.

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§ 13-906

- (a) Notwithstanding § 13-903 of this subtitle and except as provided in subsection (b) of this section and § 13-906.1 of this subtitle, a person may not conduct a card game, dice game, roulette, or casino event.
- (b) (1) A senior center site council may conduct a card game in a senior center 5 days per week, excluding Sunday.
- (2) A senior center site council may not:
- (i) award a prize of money exceeding \$5 to a winner in each session; and
 - (ii) charge a participant more than \$1 to play one session.
- (3) All money that remains after prizes are awarded shall be distributed to the senior center site council.

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§ 13-907

- (a) Before an organization may conduct bingo under this subtitle, the organization shall obtain a permit from the county commissioners.
- (b) (1) In this subsection, "qualified organization" means a bona fide:
- (i) religious organization;
 - (ii) fraternal organization;

- (iii) patriotic organization;
 - (iv) educational organization;
 - (v) charitable organization;
 - (vi) volunteer fire company; or
 - (vii) senior center site council.
- (2) A qualified organization may conduct bingo in the county to benefit charity or to further the purpose of the qualified organization.
- (c) (1) A senior center site council may obtain a permit to conduct bingo in a senior center 5 days per week, excluding Sunday.
- (2) A senior center site council may not:
- (i) award a prize of money to a winner exceeding \$50 in each session; or
 - (ii) charge more than 5 cents for each bingo card.
- (3) All money that remains after prizes are awarded shall be distributed to the senior center site council.
- (d) (1) An applicant for a permit shall pay the fee that the county commissioners set.
- (2) The county commissioners shall set the permit fee at a level sufficient to cover the costs of issuing the permit.
- (e) (1) Only the holder of a permit issued under this section may conduct bingo authorized by the permit.
- (2) The holder of a permit issued under this section may not transfer or assign the right to conduct bingo to another person.

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§ 13-908

- (a) Except as provided in subsection (b) of this section and § 13-907(c)(2)(i) of this subtitle, a permit holder may not award a money prize greater than:
- (1) \$100 to a player of a regular bingo game; or
 - (2) \$250 to a player of a special bingo game, such as a build-up or progressive pot game, split-the-pot game, or winner-take-all game.
- (b) A permit holder may award a jackpot not exceeding \$1,000 if the jackpot is directly connected with the playing of bingo.

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§ 13-909

- (a) A person may not knowingly operate or attempt to operate a gaming event in violation of this subtitle.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 13-1001

- (a) In this subtitle the following terms have the meanings indicated.
- (b) "Bingo" includes instant bingo.
 - (c) "Gaming event" means a carnival, bazaar, raffle, or other game of entertainment.
 - (d) "Qualified organization" means:
 - (1) a volunteer fire company; or
 - (2) a bona fide:
 - (i) religious organization;

- (ii) fraternal organization;
- (iii) civic organization;
- (iv) war veterans' organization; or
- (v) charitable organization.

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§ 13-1002

This subtitle applies only in Cecil County.

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§ 13-1003

A qualified organization may conduct bingo or a gaming event for the exclusive benefit of any qualified organization if an individual or group of individuals does not:

- (1) benefit financially; or
- (2) receive proceeds of the bingo or gaming event for personal use or benefit.

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§ 13-1004

A qualified organization may award a prize of money or merchandise at bingo or a gaming event through a paddle wheel, wheel of fortune, chance book, or bingo.

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§ 13-1005

The bingo or gaming event shall be managed personally by members of the qualified organization conducting the event.

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§ 13-1101

(a) In this subtitle the following words have the meanings indicated.

(b) "County Attorney" means the County Attorney for Charles County.

(c) "County commissioners" means the Board of County Commissioners of Charles County.

(d) "Fundraising organization" means an incorporated or unincorporated bona fide:

- (1) religious organization;
- (2) fraternal organization;
- (3) civic organization;
- (4) war veterans' organization;
- (5) charitable organization;
- (6) volunteer fire company;
- (7) rescue squad; or
- (8) ambulance company.

(e) (1) "Gaming device" means a mechanism for playing a game of chance.

(2) "Gaming device" includes a paddle wheel, wheel of fortune, and chance book.

(3) "Gaming device" does not include bingo, a slot machine, or other gaming device that is otherwise regulated by State law.

(f) (1) "Gaming event" means an event involving a game of chance.

(2) "Gaming event" includes:

- (i) a carnival;
 - (ii) a bazaar; and
 - (iii) a raffle involving prizes of cash exceeding \$1,000 or merchandise with a cash equivalent exceeding \$1,000.
- (3) "Gaming event" does not include bingo.
- (g) "Gaming permit" means a permit to operate a gaming device at a gaming event that the county commissioners issue under this subtitle.
- (h) "Person" includes a joint interest held by two or more persons.
- (i) "Representative" means a person who has been a bona fide member of a fundraising organization or educational organization for at least 1 year before the date of a gaming permit application by the fundraising organization or educational organization.

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§ 13-1102

This subtitle applies to bingo and gaming events in Charles County.

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§ 13-1103

The county commissioners may:

- (1) designate the types of gaming devices that may be operated in the county;
- (2) set fees for gaming permits issued under this subtitle;
- (3) approve or deny gaming permit applications;
- (4) investigate persons involved in gaming events and examine records of fundraising organizations with respect to gaming events;
- (5) delegate its powers and duties under this subtitle to the County Attorney; and
- (6) adopt regulations to carry out this subtitle.

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§ 13-1104

Except as otherwise provided in this subtitle, a person may not conduct bingo or a gaming event in the county.

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§ 13-1105

- (a) A gaming event may be conducted only by a fundraising organization that has been located in the county for at least 5 years before applying for a gaming permit.
- (b) A fundraising organization shall obtain a gaming permit for each gaming event that the fundraising organization conducts.
- (c) (1) At least 30 days before the first day of the calendar quarter in which the gaming event is to be conducted, a fundraising organization seeking a gaming permit shall submit to the County Attorney an application and the application fee.
- (2) The application shall contain the following:
 - (i) the name of the fundraising organization;
 - (ii) a statement that the fundraising organization qualifies to conduct a gaming event under this subtitle;
 - (iii) the dates, times, and location of the gaming event;
 - (iv) the name, address, and telephone number of the representative responsible for the gaming event;
 - (v) a roster of the current membership of the fundraising organization that includes names, ages, and addresses;

(vi) a statement that:

1. an agreement does not exist for sharing the proceeds of the gaming event with any other person; and
2. no person other than the fundraising organization or its representative may receive any proceeds of the gaming event except to further the purposes of the fundraising organization; and

(vii) any other information that the County Attorney considers necessary or helpful.

(3) A principal officer of the fundraising organization shall sign and verify the application under the penalties of perjury.

(d) The county commissioners may set a reasonable application fee for a gaming permit.

(e) (1) The County Attorney shall:

(i) review the gaming permit applications for a calendar quarter within 10 days after the application deadline set in subsection (c)(1) of this section;

(ii) recommend approval or denial of each application; and

(iii) promptly forward the applications and recommendations to the county commissioners.

(2) The county commissioners shall:

(i) review the applications and recommendations;

(ii) approve or disapprove each application within 15 days after the application deadline set in subsection (c)(1) of this section;

(iii) promptly notify each applicant of the county commissioners' action on the application; and

(iv) issue a gaming permit for each approved application.

(3) This section does not prevent the County Attorney or the county commissioners from reviewing gaming permit applications more frequently or earlier than required by this subsection.

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§ 13-1106

The gaming permit shall include:

- (1) the name of the fundraising organization;
- (2) the nature of the approved gaming event;
- (3) the dates, times, and location of the approved gaming event;
- (4) the gaming devices to be operated at the gaming event; and
- (5) the name of the representative responsible for the approved gaming event.

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§ 13-1107

(a) (1) A gaming event may be conducted only in accordance with this subtitle.

(2) A gaming device may only be managed or operated by a representative of the fundraising organization named in the gaming permit for the gaming event.

(3) A professional gaming operator may not manage, operate, or assist in the management or operation of a gaming device.

(4) A person may not receive any commission, salary, reward, tip, or other compensation for managing or operating a gaming device at a gaming event.

(5) A minor may not participate in a gaming event.

(6) A fundraising organization may lease gaming devices or premises for a gaming event only from a fundraising organization that the County Attorney approves.

(7) (i) A lease agreement of gaming devices or premises for a gaming event shall be priced on the basis of fair market value of the equipment or premises.

(ii) A lease agreement may not include a provision for sharing profit from a gaming event with a lessor or a provision that reasonably may be interpreted to provide for sharing profit from a gaming event.

(8) A fundraising organization may not conduct more than three gaming events during a calendar quarter.

(9) (i) A fundraising organization may not conduct a gaming event under a single gaming permit for a period greater than 48 hours.

(ii) The actual gaming time may not exceed 24 hours in that 48-hour period, which may be divided into not more than two separate gaming periods.

(iii) Notwithstanding subparagraph (i) of this paragraph, a fundraising organization that conducts a gaming event at the Charles County Fair in conjunction with the Charles County Fair Board may conduct the gaming event under a single gaming permit for more than 48 hours, subject to regulations that the county commissioners adopt on recommendation of the County Attorney.

(b) (1) A fundraising organization that has conducted a gaming event shall submit a report to the County Attorney within 30 days after the end of the calendar quarter in which the gaming event was conducted.

(2) The report shall contain:

(i) the name of the fundraising organization;

(ii) the number of the gaming permit;

(iii) the date of the gaming event;

(iv) the date, amount, nature, source, and recipient of each receipt and expenditure associated with the gaming event, in the format that the County Attorney prescribes;

(v) a separate list of the date, amount, and recipient of each charitable donation from the proceeds;

(vi) the name, age, address, and date of membership of each representative who managed, operated, or assisted in the operation or management of a gaming device at the gaming event;

(vii) a statement that each listed representative qualified as a representative under § 13-1101(i) of this subtitle at the time of the gaming event;

(viii) a statement that:

1. an agreement does not exist and has not existed for sharing the proceeds of a gaming event with any other person; and

2. only the fundraising organization or its representative has received or will receive any proceeds of the gaming event, except to further the purposes of the fundraising organization; and

(ix) any other information that the County Attorney considers necessary or helpful.

(3) A principal officer of the fundraising organization shall sign and verify the report under the penalties of perjury.

(c) A fundraising organization that conducts a gaming event shall maintain accurate records of each transaction concerning the gaming event, and shall keep the records available for examination by the County Attorney and the county commissioners for 3 years after the gaming event.

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§ 13-1108

(a) A fundraising organization or educational organization may conduct bingo either for the benefit of charity in the county or to further the purposes of the organization.

(b) Subject to subsection (c) of this section, a fundraising organization or educational organization may award money or merchandise as a prize in a bingo game.

(c) (1) A fundraising organization or educational organization may not award a money prize exceeding \$5,000 to any player in a bingo game.

(2) A fundraising organization or educational organization may not award more than \$10,000 in total money prizes in a single day.

(d) A fundraising organization or educational organization may not conduct bingo at one location for more than 4 hours per day for:

- (1) 4 days in a 7-day period; or
- (2) 3 consecutive days.

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§ 13-1109

A fundraising organization or educational organization may only allow its representatives to manage or operate bingo or gaming devices at its bingo or gaming event.

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§ 13-1110

Proceeds of bingo or a gaming event may not:

- (1) benefit a person other than the fundraising organization or educational organization that conducts the bingo or gaming event; or
- (2) be shared with a person other than the fundraising organization or educational organization, except to further the purposes of the fundraising organization or educational organization.

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§ 13-1111

Notwithstanding any other provision of this subtitle, a fundraising organization or educational organization may donate part of the proceeds of bingo or a gaming event at the Charles County Fair to the Charles County Fair Board.

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§ 13-1112

A person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 13-1113

In addition to any other penalty, a person who violates this subtitle is ineligible to obtain a gaming permit for 3 years after the date of the violation.

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§ 13-1114

This subtitle does not restrict the authority of the county commissioners to adopt regulations on amusements and entertainments under Chapter 4 of the Code of Public Local Laws of Charles County or other State law.

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§ 13-1201

In this subtitle, "gaming event" means a carnival, bazaar, or raffle.

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§ 13-1202

- (a) This subtitle applies only in Dorchester County.
- (b) Subtitle 2 of this title applies in Dorchester County.

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§ 13-1203

(a) A person must have a license for each day that the person conducts bingo unless the bingo is conducted in a licensed gaming event.

(b) Notwithstanding any other provision of this subtitle or Subtitle 2 of this title, in addition to bingo conducted in connection with a gaming event under Subtitle 2 of this title, the clerk of the circuit court of the county may issue a license to conduct bingo.

(c) To qualify for a license to conduct bingo, an applicant shall be a:

(1) bona fide religious group that has conducted religious services at a fixed location in the county for at least 3 years before applying for a license;

(2) tax-supported volunteer fire company or an auxiliary unit whose members are directly associated with the fire company;

(3) nationally chartered veterans' organization or an auxiliary unit whose members are directly associated with the organization; or

(4) nonprofit organization that:

(i) intends to raise money for an exclusively charitable, athletic, or educational purpose that is described in the application for a license; and

(ii) has operated in the county for at least 3 years before applying for a license.

(d) An application for a license to conduct bingo shall contain a certification, by a principal officer of the applicant, stating:

(1) the time and place of the activities for which the license is sought;

(2) that the bingo will be conducted and managed solely and personally by the regular members of the applicant without the assistance of gaming professionals; and

(3) that no compensation or reward will be paid to any person for conducting or assisting in the conducting of the bingo.

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§ 13-1204

An individual under the age of 16 years may not be allowed to play, conduct, or operate bingo.

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§ 13-1205

This subtitle does not authorize the use of a slot machine or coin machine for gambling purposes.

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§ 13-1206

The bailiffs, municipal police officers, prosecuting officials, and other peace officers of the county shall enforce this subtitle.

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§ 13-1207

(a) The clerk of the circuit court of the county shall collect \$5 for a license for a raffle or carnival.

(b) The clerk of the circuit court shall collect \$25 from an applicant for an annual bingo license to conduct bingo and \$1 for issuance of the license.

(c) (1) Except as provided in paragraph (3) of this subsection, a 1-day bingo license is required for each day a bingo game is conducted.

(2) The clerk of the circuit court of the county shall collect \$1 for a 1-day bingo license.

(3) A 1-day bingo license is not required for bingo conducted at a licensed carnival or under an annual bingo license.

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§ 13-1301

(a) In this subtitle the following words have the meanings indicated.

(b) "Gaming event" includes:

- (1) a bazaar;
- (2) a carnival;
- (3) a raffle;
- (4) a tip jar; and
- (5) a punchboard.

(c) "Tip jar" includes an electronic tip jar dispenser that does not connect to the Internet or to a server.

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§ 13-1302

This subtitle applies only in Frederick County.

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§ 13-1303

(a) Subtitle 2 of this title applies in Frederick County.

(b) A gaming event under Subtitle 2 of this title is subject to the requirements of this subtitle.

(c) In addition to the qualified organizations listed in Subtitle 2 of this title, the following organizations and their auxiliaries may conduct activities governed by that subtitle:

- (1) a volunteer fire company;
- (2) a volunteer rescue company; and
- (3) a volunteer ambulance company.

(d) Subtitle 2 of this title also regulates any gaming device, including a:

- (1) chance book;
- (2) tip jar;
- (3) paddle wheel; and
- (4) wheel of fortune.

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§ 13-1304

(a) Before an organization listed in subsection (b) of this section may conduct a gaming event, the organization shall obtain a permit from the county Department of Permits and Inspections.

(b) An organization may conduct a gaming event for its own benefit if the organization is:

- (1) a bona fide:
 - (i) religious organization;
 - (ii) fraternal organization;
 - (iii) civic organization;
 - (iv) war veterans' organization;
 - (v) hospital;
 - (vi) amateur athletic organization;
 - (vii) patriotic organization;
 - (viii) educational organization; or
 - (ix) charitable organization;

(2) a Frederick County volunteer:

(i) fire company;

(ii) rescue company; or

(iii) ambulance company; or

(3) an auxiliary for a Frederick County volunteer:

(i) fire company;

(ii) rescue company; or

(iii) ambulance company.

(c) (1) Before the county Department of Permits and Inspections may issue a gaming permit, the county Department of Permits and Inspections shall determine whether the organization applying for the gaming permit meets the requirements of this section.

(2) An application and the action that the county Department of Permits and Inspections takes on the application are public records.

(d) (1) (i) A gaming permit is valid for 1 year after the date that it is issued.

(ii) A gaming permit may not be transferred.

(2) Frederick County may charge a permit fee.

(e) (1) Only members of an organization that holds a gaming permit may conduct the gaming event.

(2) Except as allowed under § 13–1305 of this subtitle, an individual may not benefit financially from a gaming event.

(3) A gaming permit authorizes a gaming event to be conducted on a Sunday during the hours of sale for the alcoholic beverages sold at the establishment where the gaming event is conducted.

(f) (1) The holder of a gaming permit may award:

(i) prizes to individuals at a gaming event; and

(ii) only one major prize at each gaming event.

(2) During each calendar year, the holder of a gaming event, including a raffle for which the prize drawings are held on a single day, may not hold or receive the proceeds from more than four gaming events in which the major prize has a value of more than \$5,000.

(3) During each calendar year, the holder of a gaming event may hold one raffle in which prize drawings are held on more than a single day if the major prize has a value of \$5,000 or less.

(4) Frederick County may regulate the number of permits to conduct a raffle that an organization may receive in 1 calendar year.

(g) Frederick County may adopt regulations to carry out this section and §§ 13–1305 and 13–1307 of this subtitle.

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§ 13-1305

(a) (1) To operate a tip jar or punchboard in the county, an establishment or proprietor must be licensed to serve food and alcoholic beverages for consumption on the premises.

(2) The operator of a tip jar shall display conspicuously a gaming permit issued to the beneficiary of the tip jar under § 13–1304 of this subtitle.

(3) The operator of a punchboard shall display within the establishment a gaming permit issued to the beneficiary of the punchboard under § 13–1304 of this subtitle.

(b) (1) A person may operate a tip jar or punchboard in the county only for the benefit of one of the following organizations located in the county:

(i) a bona fide:

1. religious organization;
2. fraternal organization;
3. civic organization;
4. war veterans' organization;
5. hospital;
6. amateur athletic organization;
7. patriotic organization;
8. charitable organization; or
9. educational organization;

(ii) a Frederick County volunteer:

1. fire company;
2. rescue company; or
3. ambulance company; or

(iii) an auxiliary of a Frederick County volunteer:

1. fire company;
2. rescue company; or
3. ambulance company.

(2) The beneficiary of a tip jar may not hold more than three permits to operate tip jars or punchboards outside of the beneficiary's premises.

(c) (1) The beneficiary of a tip jar or punchboard must receive at least 70% of the gross proceeds of the tip jar or punchboard after paying winning players and reimbursing the operator for operating expenses.

(2) For each tip jar or punchboard operated, the operator shall submit to the county agency that issued the gaming permit monthly reports detailing:

- (i) gross proceeds;
- (ii) prizes;
- (iii) expenses; and
- (iv) the amount paid to the beneficiary.

(d) The tip jar or punchboard shall be purchased from a distributor that:

- (1) has an office in the State;
- (2) is licensed by the county Department of Permits and Inspections; and
- (3) keeps the records that Frederick County requires.

(e) A person who keeps records about tip jars or punchboards shall make those records available for inspection and copying by a law enforcement unit or by the county Department of Permits and Inspections.

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§ 13-1306

(a) A person authorized to conduct bingo under this subtitle shall obtain a bingo permit from the county Department of Permits and Inspections.

(b) Any of the following organizations, if a legal resident of the county, may conduct bingo to benefit charity in the county or to further the purposes of one of the following organizations:

(1) a bona fide:

- (i) religious organization;

- (ii) fraternal organization;
- (iii) patriotic organization;
- (iv) educational organization;
- (v) civic organization;
- (vi) war veterans' organization;
- (vii) hospital;
- (viii) amateur athletic organization; or
- (ix) charitable organization;

(2) a volunteer:

- (i) fire company;
 - (ii) rescue company; or
 - (iii) ambulance company; or
- (3) an auxiliary for a volunteer:

- (i) fire company;
- (ii) rescue company; or
- (iii) ambulance company.

(c) (1) A person who is not a legal resident of Frederick County may not conduct bingo.

(2) Notwithstanding paragraph (1) of this subsection, each year the Frederick County Agricultural Association may sell or lease a right or concession to any person to conduct bingo at the Frederick County Fair.

(d) (1) To qualify for a bingo permit, a person shall meet the requirements set by Frederick County.

(2) The county may require an applicant for a bingo permit to pay a permit fee set by the county.

(e) A person who conducts bingo may not offer or award:

- (1) a prize or award with a fair market value exceeding \$5,000; or
- (2) a money prize exceeding \$5,000.

(f) Frederick County may adopt regulations to carry out this section.

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§ 13-1307

(a) A person may not knowingly violate § 13-1304 or § 13-1305 of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 13-1401

(a) In this subtitle the following words have the meanings indicated.

(b) "County Commissioners" means the Board of County Commissioners of Garrett County.

(c) (1) "Gaming device" means:

(i) except for a billiard table, a gaming table at which a game of chance is played for money or any other thing or consideration of value; or

(ii) a game or device at which money or any other thing or consideration of value is bet, wagered, or gambled.

(2) "Gaming device" includes a paddle wheel, wheel of fortune, and chance book.

(d) "Gaming event" includes a bazaar, carnival, raffle, tip jar, punchboard, and any other event at which a gaming device is operated.

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§ 13-1402

(a) This subtitle applies only in Garrett County.

(b) Subtitle 2 of this title applies in Garrett County.

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§ 13-1403

(a) Before an organization listed in subsection (b) of this section may conduct a gaming event, the organization shall obtain a permit from the county agency that the County Commissioners designate.

(b) An organization may conduct a gaming event for its own benefit if the organization is:

(1) a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) civic organization;

(iv) war veterans' organization;

(v) hospital;

(vi) amateur athletic organization;

(vii) patriotic organization;

(viii) educational organization; or

(ix) charitable organization;

(2) a county volunteer fire department or rescue squad; or

(3) an auxiliary for a county volunteer fire department or rescue squad.

(c) (1) Before the county agency may issue a gaming permit, the county agency shall determine whether the organization applying for the gaming permit meets the requirements of this section.

(2) An application and the action that the county agency takes on the application are public records.

(d) (1) (i) A gaming permit is valid for 1 year after the date that it is issued.

(ii) A gaming permit may not be transferred.

(2) The County Commissioners may charge a permit fee.

(e) (1) Only members of an organization that holds a gaming permit may conduct a gaming event.

(2) Except as allowed under § 13-1405 of this subtitle, an individual may not benefit financially from a gaming event.

(3) A gaming permit may not authorize a gaming event to be conducted on a Sunday before 1 p.m.

(f) The holder of a gaming permit may award:

(1) prizes to individuals at a gaming event; and

(2) only one major prize at each gaming event.

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§ 13-1404

(a) (1) In this section, "paper gaming" means a game of chance in which:

(i) prizes are awarded; and

(ii) the devices used to play the game are constructed out of paper or cardboard.

- (2) "Paper gaming" includes tip jar and punchboard gaming.
- (3) "Paper gaming" does not include bingo.
- (b) (1) Subject to paragraphs (2) and (3) of this subsection, a person that is a for profit business or an organization listed under § 13-1403(b) of this subtitle may engage in paper gaming if the person obtains a paper gaming license that is issued by the County Commissioners.
- (2) If the person is a for profit business, the person:
- (i) shall also hold a Class A, B, C, or D retail alcoholic beverages license; and
 - (ii) may engage in paper gaming only on the premises of the for profit business.
- (3) Subject to paragraph (4) of this subsection, an organization may engage in paper gaming if the organization:
- (i) is listed under § 13-1403(b) of this subtitle and does not have an alcoholic beverages license; or
 - (ii) is a county volunteer fire department or rescue squad and has an alcoholic beverages license.
- (4) An organization under paragraph (3) of this subsection may engage in paper gaming only on its premises.
- (c) A person may sell paper gaming devices to a paper gaming licensee if the person obtains a wholesale vendor's license issued by the County Commissioners.
- (d) The County Commissioners shall set annual fees for a paper gaming license and a wholesale vendor's license.
- (e) Not later than the fifteenth of each month, wholesale vendor licensees shall provide to the County Commissioners a list for the previous month of all customers to whom they sold paper gaming products and the total number of products sold to each customer.
- (f) A paper gaming licensee may not have on its premises a paper gaming device that does not display a gaming sticker issued by the county.
- (g) The County Commissioners shall ensure that each licensee who conducts paper gaming under a paper gaming license sells to the public the same serial-numbered paper gaming devices that are listed on the bill of sale from the wholesale vendor licensee.
- (h) The County Commissioners may impose the following paper gaming taxes:
- (1) on licensees that are qualified organizations, 10% of gross profits minus the costs of paper gaming products; and
 - (2) on licensees that are for profit businesses, 40% of gross profits minus the costs of paper gaming products.
- (i) (1) In this subsection, "Fund" means the Special Gaming Fund.
- (2) The County Commissioners shall establish a Special Gaming Fund.
- (3) The Fund is a special continuing, nonlapsing fund.
- (4) The Fund shall be used only to benefit fire and rescue services.
- (5) (i) The Fund consists of:
- 1. revenue derived from the taxation of gross profits from tip jar sales; and
 - 2. subject to subparagraph (ii) of this paragraph, money received from other sources.
- (ii) Money from the General Fund of the State or the county, including any federal money, may not be transferred by budget amendment or otherwise to the Fund.
- (6) The Fund shall be invested and reinvested in the same manner as other county funds.
- (7) Annually the County Commissioners shall:
- (i) pay from the Fund all administrative costs of carrying out this section, including the hiring of additional necessary personnel; and
 - (ii) allocate the remaining money in the Fund to fire and rescue services.
- (j) The County Commissioners may adopt rules and regulations to administer and enforce this section.
- (k) The County Commissioners may:

(1) hire or designate one or more inspectors; and

(2) authorize each inspector to enter the premises of a licensee to ensure compliance with this section or a rule or regulation adopted under this section.

(l) The County Commissioners may adopt an ordinance or resolution declaring that:

(1) a violation of this section or a rule or regulation adopted under this section is a misdemeanor punishable by a term of imprisonment not exceeding 30 days or a fine not exceeding \$1,000 or both; and

(2) each day that a violation continues is a separate offense.

(m) After a hearing, if the County Commissioners or a designee of the Board finds that a paper gaming licensee, a wholesale vendor licensee, or an agent of a licensee has violated this section or a rule or regulation adopted under this section, the Board may suspend or revoke the license in addition to any fine or penalty imposed under this subsection.

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§ 13-1405

(a) A person authorized to conduct bingo under subsection (b) of this section shall obtain a bingo permit from the county agency designated by the County Commissioners to issue a bingo permit.

(b) An organization may conduct bingo for its own benefit or to benefit charity in the county if the organization is a legal resident of the county and is:

(1) a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) civic organization;

(iv) war veterans' organization;

(v) hospital;

(vi) amateur athletic organization;

(vii) patriotic organization;

(viii) educational organization; or

(ix) charitable organization;

(2) a county volunteer fire department or rescue squad; or

(3) an auxiliary for a county volunteer fire department or rescue squad.

(c) A person who is not a legal resident of the county may not conduct bingo.

(d) To qualify for a bingo permit, a person shall meet the requirements set by the county.

(e) Only members of an organization listed under subsection (b) of this section may conduct and operate bingo games.

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§ 13-1406

The County Commissioners may adopt regulations to carry out this subtitle, including age restrictions for participants in any activity involving a gaming event or bingo.

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§ 13-1501

(a) In this subtitle the following words have the meanings indicated.

(b) "Bingo":

(1) includes instant bingo; but

(2) does not include members-only instant bingo.

(c) "50/50" means a drawing from a finite number of chances in which the proceeds from the sale of chances are split evenly between the winner and the organization conducting the game.

(d) "Gaming event" means bingo, members-only instant bingo, a raffle, or a paddle wheel.

(e) "Members-only instant bingo" means an instant bingo game that is limited to members and guests of an organization listed in § 13-1503(b) of this subtitle.

(f) "Sheriff" means the Sheriff of Harford County.

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§ 13-1502

(a) This subtitle applies only in Harford County.

(b) This subtitle does not authorize the use of a slot machine or any type of coin machine for gambling purposes.

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§ 13-1503

(a) Before an organization conducts a gaming event under this subtitle, the organization shall obtain a license from the sheriff.

(b) The following organizations may obtain a license to conduct a gaming event:

(1) a bona fide religious group that has conducted religious services at a fixed location in the county for at least 3 years before applying for a license;

(2) a State-chartered organization authorized by a nationally chartered veterans organization;

(3) a tax-supported volunteer fire company; or

(4) a nonprofit organization that intends to raise money for an exclusively charitable, athletic, or educational purpose which is specifically described in the application for a license.

(c) An application for a license shall contain a certification by a principal officer of the organization that states:

(1) the scheduled time and place of the gaming event and the date of any raffle drawing;

(2) that the licensed activities will be managed and conducted solely and personally by the regular members of the organization without the assistance of gaming professionals;

(3) that all money prizes offered will comply with the limits listed in this subtitle;

(4) that the organization, by one of its principal officers, shall, within 15 days after the last day named in the application for conducting the licensed activities, file a report under penalties of perjury containing the information required by § 13-1509 of this subtitle; and

(5) if the organization is a nonprofit organization that intends to raise money for an exclusively charitable, athletic, or educational purpose, a specific description of the purpose.

(d) The sheriff shall charge the following license fees:

(1) \$5 for a bingo license;

(2) \$10 for a paddle wheel license;

(3) \$10 for a raffle license;

(4) \$10 for a 50/50 license; and

(5) \$15 for a members-only instant bingo license.

(e) An activity for which a license is issued under this subtitle must be conducted and managed solely and personally by regular members of the organization:

(1) who do not regularly conduct gaming activities for any other organization; and

(2) without the assistance of gaming professionals.

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§ 13-1504

- (a) (1) The sheriff may not issue to a single organization in 1 calendar year more than 52 bingo licenses.
- (2) Except as provided in paragraph (3) of this subsection, not more than one bingo license may be issued to a single organization in a single calendar week.
- (3) A license to conduct bingo is valid:
 - (i) for 24 consecutive hours; or
 - (ii) if the license is issued for use in conjunction with and at a carnival, during carnival hours, and for the shorter of the duration of the carnival or 14 consecutive days.
- (b) A money prize for a bingo game may not exceed:
 - (1) \$500; or
 - (2) \$1,000 for a jackpot.
- (c) An instant bingo game may be sold and played only at the location listed on the license.
- (d) A minor may not sell or play instant bingo.
- (e) A license to operate a paddle wheel shall also operate as a license to conduct bingo, if authorized by the sheriff on request.

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§ 13-1505

- (a) A members-only instant bingo license is valid for 3 months.
- (b) The sheriff may not issue to a single organization in 1 calendar year more than four licenses for members-only instant bingo.
- (c) A money prize for a members-only instant bingo game may not exceed \$500.
- (d) A members-only instant bingo game may be sold and played only at the location listed on the license.

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§ 13-1506

- (a) (1) The sheriff may not issue to a single organization in 1 calendar year more than 12 raffle licenses, no more than one of which may be for a raffle with a money prize exceeding \$1,000.
- (2) All raffle drawings shall be conducted in 1 calendar day.
- (3) A raffle license is valid until all raffles are drawn.
- (4) A raffle license shall state the day for the drawing or drawings.
- (b) A money prize for a raffle may not exceed:
 - (1) \$10,000 if the sponsoring organization has not held a raffle for a money prize exceeding \$1,000 in the current calendar year; or
 - (2) \$1,000 if the sponsoring organization has held a raffle for a money prize exceeding \$1,000 in the current calendar year.
- (c) An organization that intends to conduct a raffle for a money prize exceeding \$1,000 shall:
 - (1) post a bond in the amount of the money prize; or
 - (2) obtain an irrevocable letter of credit from a bank in the amount of the money prize.

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§ 13-1507

- (a) (1) The sheriff may not issue to a single organization in 1 calendar year more than 12 licenses for paddle wheels.

(2) Except as provided in paragraph (3) of this subsection, not more than one paddle wheel license or bingo license may be issued to a single organization in a single calendar week.

(3) A license to operate paddle wheels is valid:

(i) for 24 consecutive hours; or

(ii) if the license is issued for use in conjunction with and at a carnival, during carnival hours, and for the shorter of the duration of the carnival or 14 consecutive days.

(b) A money prize for a paddle wheel game may not exceed \$10.

(c) A license to operate a paddle wheel shall also operate as a license to conduct bingo, if authorized by the sheriff on request.

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§ 13-1508

(a) An organization listed in § 13–1503(b) of this subtitle may conduct a game of 50/50:

(1) without a 50/50 license, at a meeting of the organization; or

(2) with a 50/50 license, at an event other than a meeting of the organization.

(b) A money prize for a game of 50/50 may not exceed \$500.

(c) A minor may not participate in a game of 50/50.

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§ 13-1509

Within 15 days after the last day of licensed activity named in the license application, one of the principal officers of the organization shall file a report under the penalties of perjury certifying:

(1) that the activities authorized by the license were conducted at the time and place stated in the application solely by the regular members of the organization without the assistance of gaming professionals, and that the members conducting the activities do not regularly conduct gaming activities for any other organization;

(2) that money prizes were not offered, except as authorized under this subtitle; and

(3) the amount and disposition of the cash proceeds of the activities authorized by the license.

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§ 13-1510

(a) An organization may not conduct a gaming event unless the organization has acquired the appropriate license.

(b) An organization shall obey the terms of a license.

(c) Each person who signed an application for a license shall obey the terms of the license.

(d) A person shall file the report required under § 13-1509 of this subtitle.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$1,000 or both.

(f) Each day that a gaming event is operated without a license or in violation of any of the terms of the license is a separate violation.

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§ 13-1511

(a) An organization that fails to file a report required by § 13-1509 of this subtitle is not entitled to a license under this subtitle until the later of:

(1) 1 year after the date the report is due; or

(2) the day the report is filed properly.

(b) An organization that is convicted of violating a gambling law of this State may not be issued a license under this subtitle until 1 month after the date of conviction.

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§ 13-1512

(a) In this section, "gaming contest" means an event that involves a card game, a dice game, or roulette.

(b) An organization shall be issued a permit from the Sheriff of Harford County before the organization may conduct a gaming contest in Harford County.

(c) An organization is eligible to be issued a permit if the organization qualifies as a nonprofit organization under § 501(c)(3) or (19) of the Internal Revenue Code and has been located in the county for at least 3 years before applying for the permit.

(d) To be issued a permit, an organization shall:

(1) submit an application to the sheriff on a form that the sheriff requires;

(2) state on the application form the purpose for which the proceeds of the gaming contest will be used; and

(3) pay the permit fee that the sheriff determines.

(e) (1) (i) A holder of a permit may not conduct more than four gaming contests in a calendar year.

(ii) A permit is not transferable.

(2) A gaming contest may be held only:

(i) between 4 p.m. and 1 a.m. the following day; and

(ii) in a structure or at a location that is owned, rented, or leased by the holder of the permit.

(3) A separate permit is required for each gaming contest.

(4) (i) Subject to subparagraph (ii) of this paragraph, bingo, instant bingo, a raffle, a paddle wheel, or a 50/50 raffle may be included in the games conducted at a gaming contest.

(ii) A gaming contest may not consist exclusively of a game specified in subparagraph (i) of this paragraph.

(f) (1) An organization that is the permit holder may charge only a preset entrance fee for a gaming contest.

(2) Participants in a gaming contest shall receive tokens for wagering in exchange for the entrance fee.

(3) A participant may purchase additional tokens, at a total cost not exceeding 100% of the entrance fee, during a gaming contest.

(4) An organization that is the permit holder may not allow cash to be used for wagering.

(5) A holder of a permit may serve or sell alcoholic beverages at a gaming contest only if the holder is issued the proper license by the Harford County Liquor Control Board.

(g) An organization that is the permit holder may not exchange tokens used for wagering for:

(1) an item of merchandise that is worth more than \$10,000;

(2) money; or

(3) an item of merchandise having a value that is different from the fair market retail value of the item of merchandise that was received for the tokens.

(h) An organization may rent or purchase necessary equipment and supplies to conduct a gaming contest but may not enter into a lease or other agreement to share profits from the gaming contest.

(i) (1) A gaming contest shall be managed and operated personally by members of the organization conducting the gaming contest.

(2) A member of the organization may not receive or be paid any of the proceeds from the gaming contest for personal use or benefit.

- (3) A person may not receive a salary, a commission, or compensation of any kind for managing the gaming contest or operating a game played in the gaming contest.
- (4) A person other than the holder of the permit may not receive or be paid any proceeds.
- (5) To volunteer as an operator of a gaming contest, an individual shall be at least 18 years old.
- (6) To participate in a gaming contest, an individual shall be at least 21 years old.
- (j) After costs incurred in conducting a gaming contest are deducted, proceeds from a gaming contest shall be used to benefit a charity or to further the purpose of the organization.
- (k) (1) Within 30 days after a gaming contest, the holder of the permit shall submit to the sheriff a financial report that lists all of the receipts and expenditures for the gaming contest.
- (2) The report shall contain a full accounting of the proceeds and expenses of the gaming contest and the name, address, and Social Security number of a participant that is declared the winner of a gaming contest requiring the issuance of Internal Revenue Service Form W-2G or a substantially equivalent form.
- (3) The sheriff or the Office of the Harford County State's Attorney may require the holder of the permit to produce all financial records of the gaming contest.
- (4) The holder of the permit shall keep all financial records of the gaming contest for at least 2 years after the gaming contest.
- (5) The sheriff may refuse to issue a permit to an applicant who has failed to file a required report from a previous gaming contest or is late in filing federal or State tax returns.
- (6) If requested by the sheriff, the holder of the permit shall pay all financial audit costs.
- (l) The sheriff shall adopt regulations to carry out this section.
- (m) An organization that is found to have violated this section is ineligible to receive a permit under this section for a period of 5 years.

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§ 13-1513

The sheriff, other peace officers of the county, and municipal police in the county shall enforce this subtitle.

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§ 13-1601

(a) This subtitle applies only in Howard County.

- (b) (1) Except as provided in paragraph (2) of this subsection, Subtitle 2 of this title applies in Howard County.
- (2) Subtitle 2 of this title does not apply to bingo regulated under § 13-1602 of this subtitle or a casino event regulated under § 13-1602.1 of this subtitle.

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§ 13-1602

(a) Any of the following organizations may conduct bingo to benefit charity in the county or to further the purposes of the organization:

- (1) a bona fide:
- (i) religious organization;
 - (ii) fraternal organization;
 - (iii) patriotic organization;
 - (iv) educational organization; or
 - (v) charitable organization; or
- (2) a volunteer fire company.

(b) A person who is not a legal resident of the county may not conduct bingo in the county, even if the game is for the benefit of an organization listed in subsection (a) of this section.

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§ 13-1603

A qualified organization under Subtitle 2 of this title may award prizes in money or merchandise using:

- (1) a paddle wheel;
- (2) a wheel of fortune;
- (3) a chance book;
- (4) bingo; or
- (5) any other gaming device other than:
 - (i) a card game or roulette, except as provided in § 13–1602.1 of this subtitle; or
 - (ii) a dice game.

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§ 13-1604

Notwithstanding Subtitle 2 of this title and except as provided in § 13–1602.1 of this subtitle, a person may not conduct a casino night or operate any of the following gaming devices:

- (1) a card game;
- (2) a dice game; or
- (3) roulette.

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§ 13-1701

(a) In this subtitle the following words have the meanings indicated.

(b) "County commissioners" means the Board of County Commissioners of Kent County.

(c) "Permit" means:

- (1) a multiple gaming device permit issued under § 13-1703 of this subtitle; or
- (2) a raffle permit issued under § 13-1704 of this subtitle.

(d) "Raffle" means a lottery in which a prize is won by a person who buys a paper chance.

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§ 13-1702

(a) This subtitle applies only in Kent County.

(b) This subtitle does not authorize gambling using a slot machine or coin machine.

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§ 13-1703

(a) The county commissioners may issue a permit to an organization specified in subsection (c) of this section to use two or more of the following gaming devices in conducting a fundraiser at which a prize of merchandise or money may be awarded:

- (1) a paddle wheel;
- (2) a wheel of fortune;
- (3) a chance book;
- (4) a card game;

(5) a raffle; or

(6) any other gaming device.

(b) Unless conducted at an event requiring a permit under subsection (a) of this section, a raffle is not a multiple gaming device regulated under this section.

(c) (1) In this subsection, "charity" means an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(2) The county commissioners may issue a permit to use multiple gaming devices to:

(i) a bona fide religious organization that has conducted religious services at the same location in the county for at least 3 years before applying for a permit;

(ii) a county-supported or municipally supported volunteer fire company or an auxiliary unit whose members are directly associated with the volunteer fire company or auxiliary unit;

(iii) a nationally chartered veterans' organization or an auxiliary unit whose members are directly associated with the veterans' organization;

(iv) for the purpose of conducting a fundraiser for the benefit of a charity located in the county, a bona fide:

1. fraternal organization;

2. educational organization;

3. civic organization;

4. patriotic organization; or

5. charitable organization; or

(v) a bona fide nonprofit organization that:

1. has operated on a nonprofit basis in the county for at least 3 years before applying for a permit; and

2. intends to use the multiple gaming devices to raise money for an exclusively charitable, athletic, or educational purpose specifically described in the permit application.

(d) Before issuing a permit, the county commissioners shall determine that the organization seeking the permit:

(1) is organized in and serves the residents of the county; and

(2) meets the conditions of this subtitle.

(e) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a permit is valid for one event that does not last longer than 6 hours.

(ii) The county commissioners may issue a permit for an event longer than 6 hours if the permit holder does not seek more than one permit in the same year.

(2) The county commissioners may not approve a permit for gaming events to be held on premises that are licensed under a Class B or Class D alcoholic beverages license.

(3) The county commissioners may not issue more than six permits to an organization in a single year.

(4) The county commissioners may:

(i) charge a fee set by resolution for each permit;

(ii) set the number of permits that may be issued each year; and

(iii) adopt regulations governing permit applications and the issuance of permits.

(f) (1) An organization that is issued a permit shall conduct its fundraiser in a:

(i) structure that the organization owns, leases, or occupies;

(ii) structure that any organization that would qualify for a permit owns, leases, or occupies; or

(iii) public location that is:

1. described in the permit application; and

2. approved by the State's Attorney for the county.

(2) (i) Unless the county commissioners grant a waiver, only a resident of the county may manage and operate a fundraiser for which a permit is issued on behalf of the permit holder.

(ii) Each permit holder shall designate an individual to be responsible for compliance with the terms and conditions of this subtitle and a permit issued under this subtitle.

(iii) A person may not be compensated for operating the gaming activity conducted under a permit.

(g) (1) The permit holder shall use at least one-half of the funds raised using the permit for civic, charitable, or educational purposes.

(2) Within 30 days after a fundraiser, the permit holder shall send to the county commissioners:

(i) an accounting of all funds received or pledged;

(ii) an accounting of all expenses paid or incurred; and

(iii) a statement under oath of the application of the net profits.

(h) The county commissioners may deny a permit for not more than 3 years to an organization that violates this subtitle or regulations adopted under this subtitle.

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§ 13-1704

(a) The county commissioners may issue a raffle permit to an organization that qualifies for a permit under this subtitle or under regulations that the county commissioners adopt.

(b) The holder of a raffle permit must award the last prize in the raffle within 1 year after the date that the permit for the raffle is issued.

(c) The county commissioners may regulate the number of raffle permits that an organization may be issued in 1 year.

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§ 13-1705

To benefit charity in the county or to further the purposes of an organization qualified to conduct bingo under this section, an organization may conduct bingo if the organization is a bona fide:

(1) religious organization;

(2) fraternal organization;

(3) war veterans' organization;

(4) charitable organization; or

(5) volunteer fire company operating in a community that does not have a paid fire department.

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§ 13-1706

(a) A person who violates a provision of §§ 13-1702 through 13-1704 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(b) Each day that a person is in violation under this section is a separate violation.

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§ 13-1801

(a) In this subtitle the following words have the meanings indicated.

(b) "Breakout ticket" includes instant bingo, Nevada club, lucky seven, and similar games.

(c) (1) "Qualified organization" means a bona fide nonprofit organization qualified under 26 U.S.C. § 501(c)(3), (4), (7), or (10).

(2) "Qualified organization" includes:

- (i) a religious organization;
- (ii) a volunteer fire company;
- (iii) a volunteer rescue squad;
- (iv) a fraternal organization;
- (v) a patriotic organization;
- (vi) an educational organization; and
- (vii) a charitable organization.

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§ 13-1802

This subtitle applies only in Montgomery County.

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§ 13-1803

(a) (1) A qualified organization may conduct bingo in the county to benefit charity or to further the purpose of the qualified organization.

(2) Bingo shall be conducted only by the qualified organization and not by a person who:

- (i) retains a portion of the proceeds from the bingo game; or
- (ii) is compensated by the qualified organization for which the bingo is held.

(3) A person may not receive a private profit from the proceeds of bingo.

(4) A qualified organization that conducts bingo shall:

- (i) keep accurate records of all transactions that occur on behalf of the bingo game;
- (ii) keep the records for 2 years after the bingo game; and
- (iii) on request, make the records available for examination by:

1. the State's Attorney for the county;
2. the county sheriff;
3. the county Department of Health and Human Services;
4. the county attorney;
5. the Department of State Police; or
6. a designated officer or agent of any of those units.

(5) A person conducting bingo shall be a resident of the county and a member of the qualified organization.

(6) Alcoholic beverages may not be sold or consumed in the room in which bingo is conducted, either during a game or an intermission between games.

(7) Money prizes not exceeding \$1,000 in each game may be awarded in bingo.

(8) The qualified organization may sell breakout tickets in the room in which bingo is conducted, either during a game or an intermission between games.

(b) (1) Notwithstanding any other provision of this subtitle, a person may conduct bingo at the annual Montgomery County Fair for the benefit of the Montgomery County Agricultural Center, Inc.

(2) A person who conducts bingo under this subsection may award only noncash prizes.

(c) Notwithstanding any other provision of this subtitle, in Montgomery County, an individual who is at least 55 years old may conduct a bingo game involving cash prizes if the game:

- (1) is conducted not more than once a week in a common area of a residential property that is restricted to residents who are at least 55 years old;
- (2) allows a player to compete directly against one or more other players who are residents of the residential property where the game is held;
- (3) does not allow an individual or an organization to benefit financially in any way, directly or indirectly, other than from the winnings accrued by participating as a player in the game;
- (4) does not involve:
 - (i) a player's use of an electronic device that connects to the Internet;
 - (ii) the use of paid public advertising or promotions;
 - (iii) the charging of a fee for admission, a seat, entertainment, or any other fee; or
 - (iv) the use of any money, except money used for purchasing bingo cards or food or drink; and
- (5) has a limit of \$1,000 on the total amount of money, tokens representing money, or any other thing or consideration of value that may be won by all players during any 24-hour period.

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§ 13-1804

A qualified organization that conducts bingo in the county shall be licensed by the county under this subtitle.

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§ 13-1805

A qualified organization that conducts bingo in the county shall be located in the county.

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§ 13-1806

(a) A qualified organization that intends to conduct bingo shall submit a bingo license application on a form that the county provides.

(b) A qualified organization shall disclose the following information on the license application:

- (1) the name of the qualified organization, and the names and addresses of its officers and directors;
- (2) a complete statement of the purposes and objectives of the qualified organization and the purposes for which the qualified organization will use the proceeds from the bingo;
- (3) a statement under oath by the president and treasurer, or the chief executive and fiscal officer, of the qualified organization that:
 - (i) an agreement does not exist to divert any of the proceeds of the bingo to another person; and
 - (ii) another person will not receive any of the proceeds of the bingo except to further the purpose of the qualified organization; and
- (4) any additional information that the county requires.

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§ 13-1807

The county may issue an annual bingo license authorizing the holder to conduct bingo at a specified fixed location:

- (1) at any time during the year for which the license is issued; but
- (2) not to exceed twice in any 1 week.

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§ 13-1808

(a) The county may issue:

- (1) one temporary 10-day bingo license to each applicant each calendar year at a fee determined by the county; or
- (2) a 1-day bingo license at a fee determined by the county, not to exceed three 1-day licenses to each applicant each calendar year, authorizing the holder to conduct bingo at a specified fixed location for 1 day.
- (b) A temporary 10-day bingo license authorizes the holder to conduct bingo at a specified fixed location for a maximum of 10 days in any 1 year.

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§ 13-1809

- (a) The county shall:
 - (1) adopt regulations for the conduct of bingo;
 - (2) establish license fees, based on the administrative cost of regulating bingo and issuing each class of license; and
 - (3) establish the hours of operation for bingo.
- (b) After a public hearing, the county may revoke a bingo license for failure of the holder to comply with this subtitle or regulations adopted under this subtitle.

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§ 13-1810

- (a) A qualified organization may conduct a raffle in the county to benefit charity or to further the purpose of the qualified organization.
- (b) A raffle shall be conducted by a qualified organization and not by a person who:
 - (1) retains a portion of the proceeds from the raffle; or
 - (2) is compensated by the qualified organization for which the raffle is held.
- (c) A person may not receive a private profit from the proceeds of a raffle.
- (d) A qualified organization that conducts a raffle shall:
 - (1) keep accurate records of all transactions that occur on behalf of the raffle;
 - (2) keep the records for 2 years after the raffle; and
 - (3) on request, make the records available for examination by:
 - (i) the State's Attorney for the county;
 - (ii) the county sheriff;
 - (iii) the county Department of Health and Human Services;
 - (iv) the county attorney;
 - (v) the Department of State Police; or
 - (vi) a designated officer or agent of any of those units.
- (e) A person operating a raffle shall be a resident of the county and a member of the qualified organization.
- (f) Prizes of money or merchandise may be awarded in a raffle conducted under this subtitle.
- (g) For a raffle of real property, the requirements of this section are in addition to the requirements of § 12-106(a) of this article.
- (h) (1) Except as provided in paragraph (2) of this subsection, a qualified organization may not conduct more than 12 raffles each year.
- (2) There is no limit to the number of 50/50 raffles that a qualified organization may conduct if the prize for each 50/50 raffle does not exceed \$300.

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§ 13-1811

(a) Except as provided in subsection (b) of this section, a qualified organization that intends to conduct a raffle in the county shall obtain a permit from the county.

(b) A permit is not required to conduct a 50/50 raffle.

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§ 13-1812

A qualified organization that conducts a raffle in the county shall be located in the county.

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§ 13-1813

(a) A qualified organization shall apply for a raffle permit on a form that the county provides.

(b) A qualified organization shall disclose the following information on the permit application:

(1) the name of the qualified organization, and the names and addresses of its officers and directors;

(2) a complete statement of the purposes and objectives of the qualified organization, and the purposes for which the qualified organization will use the proceeds from the raffle;

(3) a statement under oath by the president and treasurer, or the chief executive and fiscal officer, of the qualified organization that:

(i) an agreement does not exist to divert any of the proceeds of the raffle to another; and

(ii) another person will not receive any of the proceeds of the raffle except to further the purpose of the qualified organization;

(4) in the case of a raffle of real property, under § 12-106(a) of this article, a copy of the disclosure statement filed with the Secretary of State; and

(5) any additional information that the county requires.

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§ 13-1814

The county:

(1) may adopt regulations necessary for the conduct of a raffle; and

(2) after a public hearing, may revoke the permit of a holder for failure to comply with this subtitle or regulations adopted under this subtitle.

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§ 13-1815

A person who violates this subtitle or a regulation adopted by the county under this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine of \$1,000 or both.

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§ 13-1901

(a) In this subtitle the following words have the meanings indicated.

(b) "Benefit performance" includes an outdoor carnival, indoor carnival, fair, picnic, dance, card party, bingo party, bazaar, concert, contest, exhibition, lecture, barbecue, or dinner.

(c) "Designated county agency" means an agency designated by the Prince George's County government.

(d) (1) "Qualified organization" means an organization of a group of citizens of the county or a company, association, or corporation that is organized in good faith in the county to promote the purposes of a volunteer fire department or of a charitable, benevolent, patriotic, fraternal, educational, religious, or civic object.

(2) "Qualified organization" does not include a group organized for the private profit or gain of any member of the group, company, association, or corporation.

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§ 13-1902

- (a) This subtitle applies only in Prince George's County.
- (b) Subtitle 2 of this title applies in Prince George's County.

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§ 13-1903

- (a) Subject to subsection (b) of this section, a qualified organization may conduct a benefit performance to which the public is invited or admitted with or without charge.
- (b) The net proceeds of the benefit performance:
 - (1) shall benefit the qualified organization;
 - (2) shall be used for the purposes of the qualified organization; and
 - (3) may not benefit the private gain of a member of the qualified organization.

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§ 13-1904

- (a) A benefit performance shall be personally managed and conducted only by members of the qualified organization that sponsors the benefit performance.
- (b) (1) At a benefit performance, a qualified organization may:
 - (i) conduct games of skill; or
 - (ii) dispose of merchandise and other things of value by auction, voting, or using a mechanical device such as a paddle wheel, wheel of fortune, bingo, or similar device.
- (2) The activities allowed under this subsection may be conducted with or without an entrance or participation fee.

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§ 13-1905

A qualified organization shall obtain a written permit from the governing body of the county or its designee before conducting a benefit performance.

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§ 13-1906

At a benefit performance, a qualified organization may award:

- (1) a merchandise prize; or
- (2) a money prize of not more than \$1,000 per prize.

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§ 13-1907

A person who conducts or attempts to conduct a benefit performance in violation of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 13-1908

- (a) This section does not apply to a raffle conducted under § 13-1911.1 of this subtitle.
- (b) Subject to subsection (c) of this section, a qualified organization may conduct a raffle.
- (c) (1) The proceeds of a raffle:
 - (i) shall benefit the qualified organization; and

(ii) shall be used for the purposes of the qualified organization.

(2) Except for a bona fide raffle winner, an individual or group may not:

(i) benefit financially from the holding of a raffle; or

(ii) receive or be paid any proceeds from a raffle for personal use or benefit.

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§ 13-1909

(a) This section does not apply to a raffle conducted under § 13–1911.1 of this subtitle.

(b) A raffle shall be personally conducted and managed only by regular members of the qualified organization.

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§ 13-1910

(a) This section does not apply to a raffle conducted under § 13–1911.1 of this subtitle.

(b) A qualified organization shall obtain a written permit from the designated county agency before conducting a raffle if the total cash value of the prize exceeds \$200.

(c) (1) Before issuing a permit, the designated county agency shall ascertain the character of the qualified organization applying for a permit under this section to determine if the application complies with this subtitle.

(2) A permit issued to a qualified organization to conduct a raffle may not be transferred.

(d) The permit fee for each raffle is \$15.

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§ 13-1911

(a) This section does not apply to a raffle conducted under § 13–1911.1 of this subtitle.

(b) A qualified organization conducting a raffle may award prizes in money not exceeding a total of \$5,000 and in merchandise in any amount or the merchandise cash equivalent.

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§ 13-1912

(a) In this section:

(1) “casino night” means a benefit performance at which:

(i) a card game, wheel of chance, or roulette is played; and

(ii) money winnings or tokens redeemable in money are awarded as prizes; but

(2) “casino night” does not include a benefit performance at which the only form of gaming is a wheel of fortune, big wheel, or other wheel of chance.

(b) (1) This subtitle and Subtitle 2 of this title do not authorize casino nights in the county.

(2) A person may not conduct a casino night in the county.

(c) A person who violates this section or a county ordinance enacted under this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 13-2001

(a) In this subtitle the following words have the meanings indicated.

(b) “County commissioners” means the Board of County Commissioners of Queen Anne’s County.

(c) “Permit” means:

(1) a multiple gaming device permit issued under § 13-2003 of this subtitle; or

(2) a raffle permit issued under § 13-2004 of this subtitle.

(d) (1) "Raffle" means a lottery in which a prize is won by a person who buys a paper chance.

(2) A "raffle" is not a multiple gaming device regulated under § 13-2003 of this subtitle unless run in conjunction with an event that requires a multiple gaming device permit.

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§ 13-2002

(a) This subtitle applies only in Queen Anne's County.

(b) This subtitle does not authorize gambling using a slot machine or coin machine.

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§ 13-2003

(a) An organization listed in subsection (b) of this section shall obtain a permit from the county commissioners before the organization may use two or more of the following gaming devices in conducting a fundraiser at which prizes of merchandise or money may be awarded:

(1) a paddle wheel;

(2) a wheel of fortune;

(3) a chance book;

(4) a card game;

(5) a raffle; or

(6) any other gaming device.

(b) (1) In this subsection, "charity" means an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(2) Notwithstanding any other provision of this subtitle, the county commissioners may issue a permit to use multiple gaming devices to an organization if the organization is:

(i) a bona fide religious organization that has conducted religious services at the same location in the county for at least 3 years before applying for a permit;

(ii) a county-supported or municipally supported volunteer fire company or an auxiliary unit of the volunteer fire company whose members are directly associated with the volunteer fire company or auxiliary unit;

(iii) a nationally chartered veterans' organization or an auxiliary unit of the veterans' organization whose members are directly associated with the veterans' organization;

(iv) if the organization intends to use two or more gaming devices to conduct a fundraiser for the benefit of a charity located in the county, an organization that is a bona fide:

1. fraternal organization;

2. educational organization;

3. civic organization;

4. patriotic organization; or

5. charitable organization; or

(v) a bona fide nonprofit organization that:

1. has operated on a nonprofit basis in the county for at least 3 years before applying for a permit; and

2. intends to use the multiple gaming devices to raise money for an exclusively charitable, athletic, or educational purpose specifically described in the permit application.

(c) Before issuing a permit, the county commissioners shall determine that the organization seeking the permit:

(1) is organized in and serves the residents of the county; and

(2) meets the conditions of this section.

(d) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a permit is valid for one event that does not last longer than 6 hours.

(ii) The county commissioners may issue a permit for an event longer than 6 hours if the permit holder does not seek more than one permit in the same year.

(2) The county commissioners may not approve a permit for gaming events to be held on premises that are licensed under a Class B or Class D alcoholic beverages license.

(3) The county commissioners may not issue more than two permits to an organization in a single year.

(4) The county commissioners may:

(i) charge a fee set by resolution for each permit;

(ii) set the number of permits that may be issued each year; and

(iii) adopt regulations governing permit applications and the issuance of permits.

(e) (1) An organization that is issued a permit shall conduct its fundraiser in:

(i) a structure that the organization owns, leases, or occupies;

(ii) a structure that any organization that would qualify for a permit owns, leases, or occupies; or

(iii) a public location that is:

1. described in the permit application; and

2. approved by the State's Attorney for the county.

(2) (i) Unless the county commissioners grant a waiver, a fundraiser for which a permit is issued shall be managed and operated only by individuals who reside in the county and on behalf of the permit holder.

(ii) Each permit holder shall designate an individual to be responsible for compliance with the terms and conditions of this subtitle and a permit issued under this subtitle.

(iii) A person may not be compensated for operating the gaming activity conducted under a permit.

(f) (1) The permit holder shall use at least one-half of the funds raised using the permit for civic, charitable, or educational purposes.

(2) Within 30 days after a fundraiser, the permit holder shall send to the county commissioners:

(i) an accounting of all funds received or pledged;

(ii) an accounting of all expenses paid or incurred; and

(iii) a statement under oath of the application of the net profits.

(g) The county commissioners may deny a permit for not more than 3 years to an organization that violates this subtitle or regulations adopted under this subtitle.

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§ 13-2004

(a) The county commissioners may issue a raffle permit to an organization that qualifies for a permit under § 13-2003 of this subtitle or under regulations that the county commissioners adopt.

(b) The holder of a raffle permit must award the last prize in the raffle within 1 year after the date that the permit for the raffle is issued.

(c) The county commissioners may regulate the number of raffle permits that an organization may be issued in 1 year.

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§ 13-2005

To benefit charity in the county or to further its purposes, an entity may conduct bingo if the entity is a bona fide:

(1) religious organization;

- (2) fraternal organization;
- (3) charitable organization; or
- (4) volunteer fire company operating in a community that does not have a paid fire department.

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§ 13-2006

- (a) A person who violates a provision of § 13-2002, § 13-2003, or § 13-2004 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.
- (b) Each day that a person violates this section is a separate violation.

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§ 13-2101

- (a) In this subtitle the following words have the meanings indicated.
- (b) "County commissioners" means the Board of County Commissioners of St. Mary's County.
- (c) "Designee" means a person designated by the county commissioners to administer the issuance of bingo licenses in the county.
- (d) (1) "Gaming device" includes a paddle wheel, wheel of fortune, chance book, bingo, Nevada card, and a stamp machine.
- (2) "Gaming device" does not include a slot machine, as defined in § 12-301 of this article.
- (e) "Gaming event" means a carnival, bazaar, or raffle.
- (f) "Qualified organization" means:
 - (1) a volunteer fire company; or
 - (2) a bona fide:
 - (i) religious organization;
 - (ii) fraternal organization;
 - (iii) civic organization;
 - (iv) war veterans' organization; or
 - (v) charitable organization.
- (g) "Sheriff" means the Sheriff of St. Mary's County.

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§ 13-2102

- (a) This subtitle applies only in St. Mary's County.
- (b) Subtitle 2 of this title applies in St. Mary's County.

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§ 13-2103

- (a) A qualified organization must have a bingo license whenever the qualified organization conducts bingo.
- (b) The county commissioners may adopt regulations, in consultation with the designee under § 13-2105 of this subtitle, to administer and enforce bingo activities in the county.

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§ 13-2104

To be eligible for a bingo license, an organization must be:

- (1) a bona fide religious group that has conducted religious services at a fixed location in the county for at least 3 years before the application date;
- (2) a volunteer fire company or volunteer rescue squad, regardless of whether the company or squad is supported by tax revenues, or an auxiliary unit whose members are associated directly with the company or squad;
- (3) a nationally chartered veterans' organization, or an auxiliary unit whose members are associated directly with the organization; or
- (4) a nonprofit organization that:
 - (i) has operated in the county for at least 3 years before the application date; and
 - (ii) intends to raise money for an exclusively charitable, athletic, or educational purpose specifically described in the application.

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§ 13-2105

- (a) The county commissioners shall designate a person to administer the issuance of bingo licenses in the county.
- (b) An organization shall submit an application for a bingo license to the designee.
- (c) A principal officer of the organization shall certify in the application for a bingo license:
 - (1) the name and address of the organization;
 - (2) the name and address of the officer seeking the license for the organization;
 - (3) that the officer is authorized by the organization to file the application;
 - (4) the time and place of bingo;
 - (5) that, within 15 days after the last day named in the application for the license to conduct bingo, a principal officer of the organization will file under penalties of perjury the report required by § 13–2109 of this subtitle;
 - (6) that bingo will be conducted solely and personally by the regular members of the organization, without the assistance of gaming professionals; and
 - (7) that no compensation or reward will be paid to a person for conducting or assisting in conducting bingo.

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§ 13-2106

- (a) By resolution, the county commissioners may establish a bingo license fee schedule based on criteria that the county commissioners consider appropriate.
- (b) The designee shall charge for each license the annual license fee that the county commissioners set by resolution.
- (c) A resolution adopted under subsection (a) of this section shall specify the fund in which the license fees are to be deposited.

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§ 13-2107

The designee shall issue a numbered license to an organization that meets the requirements of §§ 13–2103 through 13–2110 of this subtitle to conduct bingo and award prizes.

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§ 13-2108

A license issued under this subtitle is valid for 1 year.

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§ 13-2109

Within 15 days after the last day authorized for bingo in the license, a principal officer of the organization shall file a report under penalties of perjury that certifies:

- (1) that the regular members of the organization personally conducted bingo at the time and place stated in the application without the assistance of gaming professionals;
- (2) the disposition of the cash proceeds of the bingo; and
- (3) that the organization did not pay a premises rental fee to:
 - (i) itself;
 - (ii) its trustees;
 - (iii) a committee of the organization; or
 - (iv) any organization whose members are the same, or substantially the same, as the licensed organization.

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§ 13-2110

An organization is disqualified from obtaining a license under this subtitle for 1 year if the organization fails to:

- (1) file the report required under § 13-2109 of this subtitle; or
- (2) comply with §§ 13-2103 through 13-2110 of this subtitle.

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§ 13-2111

A qualified organization may hold a gaming event and may operate a gaming device if an individual or group of individuals does not:

- (1) benefit financially from the operation of the gaming device; or
- (2) receive from the operation of the gaming device any proceeds for personal use or benefit.

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§ 13-2112

Members of the qualified organization shall personally manage the operation of the gaming device.

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§ 13-2113

If a qualified organization uses a gaming device on a daily basis:

- (1) the qualified organization may not operate more than five gaming devices; and
- (2) the premises in which the qualified organization operates the gaming device may not contain more than five gaming devices.

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§ 13-2114

(a) All proceeds from a gaming device shall be used solely for the legitimate charitable, benevolent, or tax-exempt purposes of the qualified organization.

(b) Proceeds from the operation of a gaming device may not be used to benefit personally any member of the qualified organization.

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§ 13-2115

(a) A qualified organization shall keep accurate records of proceeds and expenditures involving gaming devices.

(b) On request, a qualified organization shall allow the State's Attorney for the county, a State Police officer, the designee, and the sheriff or deputy sheriff to examine the records required under subsection (a) of this section.

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§ 13-2116

(a) In this section, "senior activity center" means a community or neighborhood facility in which a broad spectrum of services are organized and provided to senior citizens and their spouses, including health, social, nutritional, educational, and recreational services.

(b) A senior activity center may conduct a gaming event, bunco game, or card game in the center.

(c) A senior activity center may not:

(1) award a prize of money exceeding \$50 to a winner in each session; or

(2) charge a participant more than \$25 to play one session.

(d) Any money that remains after prizes are awarded shall be used to support future programming at the senior activity center.

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§ 13-2201

(a) This subtitle applies only in Somerset County.

(b) Subtitle 2 of this title applies in Somerset County.

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§ 13-2202

To benefit charity in the county or to further the purposes of an organization qualified to conduct bingo under this section, an organization may conduct bingo if the organization is a bona fide:

(1) religious organization;

(2) fraternal organization;

(3) war veterans' organization;

(4) charitable organization; or

(5) volunteer fire company operating in a community that does not have a paid fire department.

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§ 13-2301

Subtitle 2 of this title applies in Talbot County.

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§ 13-2401

In this subtitle, "county commissioners" means the Board of County Commissioners of Washington County.

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§ 13-2402

This subtitle applies only in Washington County.

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§ 13-2403

Except as otherwise provided in this subtitle, Subtitle 2 of this title applies in Washington County.

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§ 13-2404

(a) A volunteer rescue company shall be treated as a volunteer fire company for purposes of Subtitle 2 of this title.

(b) A person may not operate a chance book, paddle wheel, tip jar, wheel of fortune, or other gaming device, other than a bingo game, on premises that are owned by, leased to, or used as a place of business by a person that conducts a bingo game for purposes of making a profit.

(c) (1) Subtitle 2 of this title does not apply to the operation of tip jars.

(2) Tip jars are regulated under Part III of this subtitle.

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§ 13-2407

Bingo may be conducted in accordance with Part II of this subtitle.

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§ 13-2408

(a) Before a person may conduct bingo, the person shall obtain a bingo permit from the county commissioners.

(b) (1) Before issuing a bingo permit, the county commissioners shall ascertain:

(i) the purpose of the bingo game; and

(ii) the intended use of receipts from bingo.

(2) The county commissioners may not issue a new bingo permit for bingo that is to be conducted for profit.

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§ 13-2409

(a) This section does not apply to a nonprofit organization seeking a bingo permit.

(b) The county commissioners may charge an annual fee not exceeding \$5,000 for a bingo permit.

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§ 13-2410

A person may not give or offer in a single bingo game:

(1) a money prize exceeding \$1,000;

(2) a merchandise prize exceeding a value of \$1,000; or

(3) a prize of money and merchandise with a combined value exceeding \$1,000.

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§ 13-2411

(a) A person may not conduct bingo in violation of Part II of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(c) Each day that a violation occurs is a separate violation.

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§ 13-2414

(a) In Part III of this subtitle the following words have the meanings indicated.

(b) "Agency" means the county agency that the county commissioners designate to administer Part III of this subtitle.

(c) "Fund" means the Washington County Gaming Fund.

(d) "Gaming commission" means the Washington County Gaming Commission.

(e) "Tip jar" means:

(1) a gaming device from which for consideration a number, series of numbers, or other symbol is obtained by selection of a sealed piece of paper that may entitle the purchaser to a payoff in money or otherwise, either on receipt or as the result

of a subsequent announcement of a winning number, series of numbers, or other symbol; or

(2) any other device commonly recognized as a tip jar.

(f) "Tip jar license" means a license that the agency issues to operate a tip jar.

(g) "Tip jar packet" means a package of numbers, series of numbers, or symbols on folded or sealed pieces of paper that is designed to be sold through a tip jar and that is sufficient for a single tip jar game.

(h) "Wholesaler's license" means a license that the agency issues to sell or wholesale tip jar packets for profit.

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§ 13-2415

There is a Washington County Gaming Commission.

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§ 13-2416

(a) (1) The gaming commission consists of seven members.

(2) Of the seven members of the gaming commission:

(i) three shall be appointed by the county commissioners;

(ii) one shall be appointed by the State Senators whose districts are in or include part of the county;

(iii) one shall be appointed by the chairperson of the county delegation to the House of Delegates, with the concurrence of that delegation;

(iv) one shall be from the Washington County Clubs Association, appointed by the county Senate and House delegations; and

(v) one shall be a representative of the alcoholic beverages, restaurant, and tavern industries in the county, appointed by the county Senate and House delegations.

(b) Each member of the gaming commission shall be a resident of the county.

(c) A member appointed to the gaming commission under subsection (a)(2)(i), (ii), or (iii) of this section may not:

(1) hold a tip jar license or wholesaler's license or be employed by a person who holds a tip jar license or wholesaler's license; or

(2) hold an ownership interest in or receive a direct benefit from a person who holds a tip jar license or wholesaler's license.

(d) (1) The term of a member of the gaming commission is 2 years and begins on March 1 or October 1, according to the staggered schedule required by the terms provided for members of the gaming commission on October 1, 2002.

(2) At the end of a term, a member continues to serve until a successor is appointed.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(e) A member who completes two full terms on the gaming commission may not be reappointed within the 5 years after the end of the second term.

(f) The gaming commission shall adopt conflict of interest regulations applicable to members of the gaming commission.

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§ 13-2417

(a) Each year the gaming commission shall elect a chairperson from among its members.

(b) The manner of election of a chairperson shall be as the gaming commission determines.

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§ 13-2418

(a) A member of the gaming commission:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses, in accordance with a policy of the county commissioners.

(b) The county commissioners shall assign appropriate professional staff to the gaming commission for the gaming commission's meetings.

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§ 13-2419

(a) (1) The county commissioners shall adopt regulations to carry out Part III of this subtitle.

(2) The agency may recommend to the county commissioners regulations or guidelines concerning the administration of Part III of this subtitle.

(b) The county commissioners shall make available for public inspection:

(1) audit reports completed under § 13-2432(a) of this subtitle; and

(2) in accordance with regulations of the county commissioners, tip jar reports submitted under § 13-2424 of this subtitle.

(c) By regulation, the county commissioners may require:

(1) an applicant for a tip jar license or wholesaler's license or an individual involved in the operation of a tip jar to be fingerprinted for purposes of a criminal history records check; and

(2) the agency to obtain a criminal history records check in accordance with subsection (d) of this section.

(d) (1) If the county commissioners direct the agency to obtain criminal history records checks, the agency shall apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a State criminal history records check for each:

(i) applicant for a tip jar license or wholesaler's license; and

(ii) individual involved in the operation of a tip jar.

(2) As part of the application for a criminal history records check, the agency shall submit to the Criminal Justice Information System Central Repository:

(i) a complete set of the applicant's or individual's legible fingerprints on forms approved by the director of the Criminal Justice Information System Central Repository; and

(ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article.

(3) The Criminal Justice Information System Central Repository shall provide the requested information in accordance with Title 10, Subtitle 2 of the Criminal Procedure Article.

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§ 13-2420

(a) A person shall be licensed by the agency before operating a tip jar.

(b) To be eligible for a license to operate a tip jar, an applicant shall be a:

(1) religious organization;

(2) civic organization;

(3) fraternal organization;

(4) veterans' organization;

(5) bona fide charitable organization;

(6) sportsmen's association that is tax exempt under § 501(c) of the Internal Revenue Code and that is approved by the county commissioners;

(7) holder of a Class A beer, wine and liquor license;

(8) restaurant with an alcoholic beverages license;

- (9) tavern with an alcoholic beverages license;
 - (10) volunteer fire company; or
 - (11) volunteer rescue company.
- (c) (1) A person may not receive a tip jar license if the person:
- (i) owes taxes to the State, the county, or a municipal corporation in the county;
 - (ii) unless authorized under paragraph (2) of this subsection, holds a wholesaler's license; or
 - (iii) has been convicted of a:
 - 1. felony; or
 - 2. misdemeanor involving a violation of a gambling or gaming law of the State.
- (2) A volunteer fire company or volunteer rescue company may hold both a tip jar license and wholesaler's license.

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§ 13-2421

- (a) (1) An applicant for a tip jar license shall:
- (i) submit to the agency an application on the form that the agency provides; and
 - (ii) subject to paragraph (2) of this subsection, pay an annual fee of \$250 to the county.
- (2) The county commissioners may waive or reduce the annual fee for an organization that qualifies for a license under § 13-2420(b)(1) through (6), (10), or (11) of this subtitle.
- (b) The county shall credit license fees collected under subsection (a)(1)(ii) of this section to the general fund of the county.

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§ 13-2422

The agency may issue a tip jar license to each applicant that meets the requirements of Part III of this subtitle.

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§ 13-2423

- (a) Unless otherwise authorized by the county commissioners, a tip jar licensee may operate a tip jar game only:
- (1) during normal business hours; and
 - (2) on the tip jar licensee's premises.
- (b) A tip jar licensee may award prizes in money or merchandise for a tip jar game.
- (c) The agency periodically shall send an agent to inspect the premises of each tip jar licensee to ensure compliance with Part III of this subtitle.

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§ 13-2424

- (a) At least three times a year, a tip jar licensee shall submit to the county commissioners a report concerning the tip jars the person operates.
- (b) Each report shall:
- (1) identify gaming stickers used;
 - (2) indicate the number of tip jars in operation;
 - (3) indicate the number of tip jar packets purchased; and
 - (4) include any additional information that the county commissioners require.

(c) (1) This subsection only applies to a person who qualifies for a tip jar license under § 13-2420(b)(7), (8), or (9) of this subtitle.

(2) In accordance with regulations of the county commissioners, a person subject to this subsection shall include in each report an accounting of receipts and disbursements made in connection with tip jars for the reporting period.

(d) Each report shall include a written statement, signed by the individual making the report, in which the individual affirms under the penalties of Part III of this subtitle and under the penalty of perjury that the contents of the report are true to the best of the individual's knowledge, information, and belief.

(e) (1) This subsection only applies to an organization that qualifies for a tip jar license under § 13-2420(b)(1) through (6) of this subtitle.

(2) Each report for an organization that is subject to this subsection:

(i) shall be filed by an officer of the organization; and

(ii) in accordance with regulations of the county commissioners, shall include for the reporting period an accounting of:

1. all receipts in connection with the operation of a tip jar; and
2. the disbursements made in compliance with § 13-2435(e) of this subtitle.

(3) In filing a report under this subsection, the officer of the organization may not:

- (i) fraudulently use a false or fictitious name;
- (ii) knowingly conceal a material fact;
- (iii) knowingly make a false statement; or
- (iv) otherwise commit fraud.

(4) A person who violates paragraph (3) of this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both.

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§ 13-2425

(a) A tip jar license expires on the first July 1 after its effective date.

(b) A tip jar license is not transferable.

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§ 13-2426

(a) By regulation, the county commissioners may establish a temporary tip jar license for a nonprofit organization that desires to raise money solely for an athletic, charitable, or educational purpose that:

(1) meets the requirements for a charitable contribution under § 170(c) of the Internal Revenue Code; and

(2) does not benefit a:

- (i) law enforcement agency;
- (ii) law enforcement fraternal organization;
- (iii) political club, political committee, or political party; or
- (iv) unit of the State government or of a political subdivision of the State other than:
 1. an ambulance, fire fighting, or rescue squad; or
 2. a primary or secondary school or an institution of higher education.

(b) If the county commissioners establish a temporary tip jar license, by regulation, the county commissioners shall:

- (1) set the fee for a temporary tip jar license;
- (2) set the term of a temporary tip jar license;

- (3) prescribe which provisions of Part III of this subtitle apply to the issuance of a temporary tip jar license and the operation of a tip jar under a temporary tip jar license; and
- (4) establish any additional requirements that the county commissioners consider appropriate concerning operation of a tip jar under a temporary tip jar license.
- (c) An organization that receives a temporary tip jar license is subject to audit by the gaming commission.
- (d) An individual involved in the operation of a tip jar under a temporary tip jar license may not personally benefit financially from the operation of the tip jar.
- (e) If an organization that has operated a tip jar under a temporary tip jar license disbands, the organization shall transfer any remaining proceeds from the operation of a tip jar to the fund.

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§ 13-2427

- (a) A person shall be licensed by the agency as a wholesaler before the person may sell a tip jar packet for profit.
- (b) (1) A person is eligible for a license under this section to sell or wholesale for profit a tip jar packet if the person:
 - (i) is of good moral character;
 - (ii) except for a volunteer fire company or volunteer rescue company, has had an established place of business in the county for at least 3 years, as evidenced by the filing of personal property tax returns;
 - (iii) in the case of a volunteer fire company or volunteer rescue company, has been established in the county for at least 1 year;
 - (iv) does not owe taxes to the State, the county, or a municipal corporation in the county;
 - (v) unless authorized under paragraph (2) of this subsection, does not hold a tip jar license;
 - (vi) has not been convicted of a:
 - 1. felony; or
 - 2. misdemeanor involving a violation of a gambling or gaming law of the State;
 - (vii) except for a volunteer fire company or volunteer rescue company, does not hold a tip jar license or own or have in any way an interest in an entity that holds a tip jar license;
 - (viii) except for a volunteer fire company or volunteer rescue company, is not an immediate family member of a person who holds a tip jar license or owns or has in any way an interest in an entity that holds a tip jar license; and
 - (ix) is not a corporation, limited liability company, or unincorporated association in which at least one stockholder or member is a holder of a tip jar license.
- (2) A volunteer fire company or volunteer rescue company may hold both a tip jar license and a wholesaler's license.

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§ 13-2428

- (a) (1) An applicant for a wholesaler's license shall:
 - (i) submit to the agency an application on the form that the agency provides; and
 - (ii) subject to paragraph (2) of this subsection, pay to the agency an annual fee of \$500.
- (2) The county commissioners shall waive the annual fee for a volunteer fire company or a volunteer rescue company.
- (b) The agency shall credit license fees collected under subsection (a)(1)(ii) of this section to the general fund of the county.

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§ 13-2429

The agency may issue a wholesaler's license to each applicant that meets the requirements of Part III of this subtitle.

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§ 13-2430

- (a) A holder of a wholesaler's license may not sell a tip jar packet to a person who does not have a tip jar license.
- (b) Before selling a tip jar packet, a holder of a wholesaler's license shall:
 - (1) obtain a gaming sticker from the agency; and
 - (2) affix the gaming sticker to the tip jar packet in the manner the county commissioners require.

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§ 13-2431

- (a) A wholesaler's license expires on the first July 1 after its effective date.
- (b) A wholesaler's license is not transferable.

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§ 13-2432

- (a) The county commissioners may audit records relating to tip jars of a holder of a tip jar license or wholesaler's license.
- (b) In accordance with regulations of the county commissioners, a holder of a tip jar license or a wholesaler's license shall make available to an auditor designated by the county commissioners the records that are required for an audit.
- (c) A holder of a tip jar license or a wholesaler's license shall retain for at least 5 years the records that are required by the county commissioners by regulation.

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§ 13-2433

- (a) Subject to the hearing provisions of § 13-2434 of this subtitle, the agency may:
 - (1) deny a tip jar license or a wholesaler's license to an applicant; or
 - (2) in accordance with § 13-2437 of this subtitle, discipline a holder of a tip jar license or wholesaler's license.
- (b) The agency shall deny a license to an applicant whose tip jar license or wholesaler's license has been revoked.
- (c) If the license of a holder of a tip jar license or wholesaler's license is revoked for two separate civil violations under § 13-2437 of this subtitle or a criminal violation under § 13-2424(e) or § 13-2438(a) of this subtitle, the agency may deny a tip jar license or wholesaler's license to:
 - (1) a corporate or limited liability entity applicant if 50% or more of the capital stock is owned by an individual, or an immediate family member of an individual, whose license was revoked; or
 - (2) a partnership applicant if the partnership includes as a partner an individual whose license was revoked.

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§ 13-2434

- (a) Before the agency takes action under § 13-2433(a) of this subtitle, it shall give the person against whom the action is contemplated the opportunity for a hearing.
- (b) If a hearing is requested, the county commissioners shall:
 - (1) give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article; or
 - (2) delegate to the Office of Administrative Hearings the authority to hold the hearing.
- (c) If the county commissioners hold the hearing, the county commissioners may administer oaths in connection with the hearing.
- (d) (1) If the Office of Administrative Hearings holds the hearing:
 - (i) the administrative law judge shall state on the record the conclusions of law and findings of fact; and
 - (ii) subject to paragraph (2) of this subsection, the determination of the administrative law judge is a final decision for purposes of judicial review in the same manner as a final decision in a contested case under § 10-222 of the State

Government Article.

(2) In an appeal of a decision of the administrative law judge:

(i) if the civil penalty is less than \$5,000, judicial review of disputed issues of fact shall be confined to the record; or

(ii) if the civil penalty is \$5,000 or more, judicial review shall be de novo.

(e) After notice, if the person against whom the action is contemplated:

(1) fails or refuses to appear, nevertheless the county commissioners may hear and determine the matter; or

(2) does not request a hearing, the county commissioners may impose a civil penalty without a hearing.

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§ 13-2435

(a) In this section, "gross profits" means the total proceeds from the operation of a tip jar less:

(1) the amount of money winnings or value of prizes distributed; and

(2) the cost of a gaming sticker.

(b) There is a Washington County Gaming Fund.

(c) (1) The county commissioners shall establish:

(i) the method and time of deposits to the fund; and

(ii) other procedures necessary to carry out subsections (d), (e), and (f) of this section.

(2) In accordance with a written agreement between the county commissioners and the gaming commission, the gaming commission may use money from the fund to reimburse the county commissioners for the costs to the county for administering Part III of this subtitle.

(3) (i) The county commissioners may require the Washington County Volunteer Fire and Rescue Association to submit financial reports of the Association.

(ii) The county commissioners may adopt regulations specifying the time frames for submission of the reports, but the regulations shall be limited in scope to the timing of submission of the reports only.

(iii) The financial reports of the Washington County Volunteer Fire and Rescue Association may include an annual budget as approved under paragraph (4) of this subsection, budget reports, and related documentation that shows how money has been spent by the Washington County Volunteer Fire and Rescue Association during the previous fiscal year.

(iv) If the financial reports are not submitted within the time required under the regulations, the county commissioners may withhold funds that would otherwise be distributed under subsection (f)(1) of this section until the reports are submitted.

(4) (i) Each year the Washington County Volunteer Fire and Rescue Association shall submit its budget to the county commissioners.

(ii) The county commissioners shall accept or reject the budget by a majority vote.

(iii) The acceptance or rejection of the budget may not be delegated to any designee.

(iv) The county commissioners may withhold funds that would otherwise be distributed under subsection (f)(1) of this section until the budget of the Washington County Volunteer Fire and Rescue Association is accepted by the county commissioners.

(d) (1) This subsection applies only to a person who holds a tip jar license under § 13-2420(b)(7), (8), or (9) of this subtitle.

(2) Subject to paragraph (3) of this subsection, a person subject to this subsection shall deposit with a financial institution designated by the gaming commission, to the credit of the fund, the gross profits from each tip jar that the person operates.

(3) To offset the costs of operating a tip jar, a person with a tip jar license may retain 50% of the gross profits from each tip jar game.

(e) (1) This subsection applies only to a person who holds a tip jar license under § 13–2420(b)(1) through (6) of this subtitle.

(2) A person subject to this subsection shall deposit with a financial institution designated by the gaming commission, to the credit of the fund, 15% of the gross profits earned through the operation of tip jars during the 12-month period ending June 30.

(3) If a person fails to contribute the full amount required under paragraph (2) of this subsection, the person shall deposit the balance required during the next year.

(f) After the reimbursement under subsection (c)(2) of this section, each year the gaming commission shall distribute:

(1) 50% of the money deposited in the fund to the Washington County Volunteer Fire and Rescue Association; and

(2) subject to any restriction that the county commissioners adopt by regulation, 50% of the money deposited in the fund to bona fide charitable organizations in the county.

(g) The county commissioners may not require that funds distributed under (f)(1) of this section be used for fire and rescue services for which funds previously have been appropriated in the county operating budget.

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§ 13-2436

(a) Unless licensed to operate a tip jar by the agency, a person may not offer to another a chance from a tip jar or otherwise operate a tip jar.

(b) A holder of a tip jar license may not:

(1) allow a minor to play a tip jar; or

(2) operate a tip jar on property owned by the Board of Education of Washington County.

(c) Unless licensed as a wholesaler to sell tip jar packets by the agency, a person may not sell or wholesale a tip jar packet for profit.

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§ 13-2437

(a) If a person violates Part III of this subtitle, the person is subject to:

(1) for a first violation, suspension of the person's tip jar license or wholesaler's license and a civil penalty not exceeding \$1,500; or

(2) for each subsequent violation, revocation of the person's tip jar license or wholesaler's license and a civil penalty not exceeding \$5,000.

(b) In addition to the penalties under subsection (a)(2) of this section, if the person has a liquor license, the agency may recommend to the Board of License Commissioners for Washington County that the Board suspend the person's liquor license for not less than 15 days for a subsequent violation.

(c) Civil penalties collected under subsection (a) of this section shall be credited to the general fund of the county.

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§ 13-2438

(a) (1) A person who violates § 13-2436 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(i) for a first violation, \$5,000; or

(ii) for each subsequent violation, \$10,000.

(2) Each sale or offer of a chance from a tip jar is a separate violation.

(b) If a person convicted under this section has a liquor license, the agency shall recommend to the Board of License Commissioners for Washington County that the Board suspend the person's liquor license for not less than 15 days.

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§ 13-2439

On or before February 1 of each year, the gaming commission shall submit a report to the Comptroller that includes:

- (1) the total amount of revenue received by the gaming commission for the previous calendar year as a result of the operation of tip jars in Washington County;
- (2) a detailed listing of the total distributions made by the gaming commission during the previous calendar year with regard to revenue received from the operation of tip jars in Washington County; and
- (3) any additional information that the Comptroller may require.

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§ 13-2501

(a) In this subtitle the following words have the meanings indicated.

- (b) "Committee" means the Gaming Advisory Committee established under § 13-2505 of this subtitle.
- (c) "Sheriff" means the Sheriff of Wicomico County.

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§ 13-2502

(a) This subtitle applies only in Wicomico County.

(b) This subtitle does not authorize gambling using a slot machine or a coin machine.

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§ 13-2503

(a) The sheriff may issue a license to an organization listed in subsection (b) of this section to conduct a game that uses any of the following devices to award prizes of merchandise or money:

- (1) a paddle wheel;
- (2) a wheel of fortune;
- (3) a chance book;
- (4) bingo;
- (5) a raffle; or
- (6) any other gaming device.

(b) To qualify for a license under this subtitle, an organization shall be:

- (1) a bona fide religious organization that has conducted religious services at a fixed location in the county for at least 5 years before the organization applies for a license;
- (2) a tax-supported volunteer fire company or an auxiliary unit whose members are directly associated with the fire company;
- (3) an organization that has been located in the county for at least 5 years before it applies for a license and is:
 - (i) a nationally chartered veterans' organization or an auxiliary unit whose members are directly associated with the veterans' organization;
 - (ii) a nonprofit organization that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code;
 - (iii) a nonprofit fraternal organization that is exempt from taxation under § 501(c)(10) of the Internal Revenue Code; or
 - (iv) a nonprofit organization that:
 1. intends to use the gaming license to raise money for an exclusively charitable, athletic, or educational purpose that meets the conditions of subsection (c) of this section; and
 2. states the charitable, athletic, or educational purpose in the application to the sheriff.

(c) For the purposes of subsection (b)(3)(iv) of this section, a purpose is considered a charitable, athletic, or educational purpose if the purpose:

(1) meets the requirements for a charitable contribution under § 170(c) of the Internal Revenue Code; and

(2) does not benefit a:

(i) law enforcement unit;

(ii) fraternal organization for a law enforcement unit;

(iii) political club;

(iv) political committee;

(v) political party; or

(vi) unit of State government or a political subdivision of the State other than:

1. an ambulance company;

2. a fire fighting company;

3. a rescue company;

4. a primary school;

5. a secondary school; or

6. an institution of higher education.

(d) (1) An applicant for a license shall submit an application to the sheriff.

(2) The application shall contain:

(i) a copy of the tax-exempt verification of the organization;

(ii) a copy of the applicant's charter, if applicable; and

(iii) a certification by a principal officer of the applicant stating:

1. the dates for which the license is sought;

2. the place at which the game will be conducted;

3. the type of game for which the license is sought;

4. that only the regular members of the applicant will conduct the games and operate the gaming device for which the license is sought;

5. that the applicant will not use the assistance of gaming professionals in conducting games or operating gaming devices;

6. that persons conducting the games and operating the gaming devices or assisting in conducting the games and operating the gaming devices will not receive compensation or reward; and

7. that all proceeds obtained under the license will be used to further the purposes of the organization.

(3) The sheriff shall retain the copies of the applicant's verification of tax exemption and charter.

(e) (1) The sheriff may issue a license:

(i) for one or more specific dates; or

(ii) for a period not exceeding 1 year.

(2) The licensing year shall run from July 1 through the following June 30.

(3) The license shall state:

(i) the dates that the game will be conducted;

(ii) the place that the game will be conducted; and

(iii) the type of game authorized.

(f) (1) Except as provided under paragraph (2) of this subsection, a licensee may not conduct a game on Sunday.

- (2) (i) A licensee may operate a raffle on Sunday.
- (ii) A raffle is considered to be operated on the day that the licensee selects the raffle winner.
- (iii) The sheriff shall license a 50/50 game operated for a period of more than 1 day as a raffle.
- (3) A licensee may not allow a child who is under the age of 16 years to:
 - (i) operate a game or gaming device for which a license is issued under this subtitle;
 - (ii) conduct a game in which a gaming device is operated; or
 - (iii) play or participate in a game in which a gaming device is operated.
- (4) The licensee may not pay a fee for the rental of the premises on which a game is conducted to:
 - (i) itself;
 - (ii) a trustee of the licensee;
 - (iii) a committee of the licensee; or
 - (iv) an organization with the same members or substantially the same members as the licensee.
- (g) The sheriff shall charge each applicant:
 - (1) a license fee of \$1 for each day for which a license is issued; and
 - (2) the following additional amounts:
 - (i) except as provided in items (ii) through (v) of this item, \$1 for each gaming device to be operated each day;
 - (ii) \$1 for each day that a pull tab or instant bingo device is to be sold;
 - (iii) \$1 for each day that a bingo event is to be conducted;
 - (iv) \$1 for each day that a bingo special event is to be conducted; and
 - (v) \$1 for each raffle to be conducted.

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§ 13-2504

- (a) (1) In accordance with paragraph (2) of this subsection, a principal officer of a licensee shall file a report under oath with the sheriff on the form that the sheriff provides.
- (2) (i) A licensee that is issued a license for a period of less than 1 year shall file the report within 15 days after the date that the license expires.
- (ii) A licensee that is issued a license for a period of 1 year shall file:
 - 1. a semiannual report on or before January 31 of the licensing year; and
 - 2. an annual report within 30 days after the date that the license expires.
- (3) (i) A licensee also shall keep a weekly report in the form that the sheriff requires.
- (ii) The weekly report shall be completed under oath.
- (iii) The weekly report is subject to audit at a reasonable hour by:
 - 1. the sheriff;
 - 2. the State's Attorney for the county; or
 - 3. a representative of the sheriff or the State's Attorney.
- (b) The report that a licensee submits to the sheriff shall:
 - (1) state whether the authorized activities were conducted:
 - (i) on the dates and at the location stated in the application; and
 - (ii) by the regular members of the licensee without the assistance of gaming professionals;
 - (2) report the amount of the proceeds obtained from the licensed activities;

- (3) report the disbursements made in connection with the licensed activities; and
- (4) state that the licensee has not paid a fee for the rental of premises on which the game was conducted to:
 - (i) itself;
 - (ii) a trustee of the licensee;
 - (iii) a committee of the licensee; or
 - (iv) any organization with the same members or substantially the same members as the licensee.

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§ 13-2505

- (a) (1) There is a Gaming Advisory Committee in the county.
- (2) The members of the committee are appointed by, and serve at the pleasure of, the sheriff.
- (3) The members of the committee may not receive compensation.
- (b) The committee shall:
 - (1) recommend to the sheriff standards for reporting requirements for licensees;
 - (2) examine the audits and reports required under § 13-2504 of this subtitle; and
 - (3) make any other recommendations to assist the sheriff in the administration of licensing and other duties of the sheriff under this subtitle.

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§ 13-2506

- (a) (1) The sheriff shall suspend a license if the licensee fails to comply with the reporting requirements of § 13-2504 of this subtitle.
- (2) The suspension shall continue until the licensee meets the reporting requirements of § 13-2504 of this subtitle.
- (b) Except as provided in subsection (a) of this section and subject to the procedures provided in subsection (c) of this section, the sheriff may not issue a new license for 1 year to a licensee that:
 - (1) has refused to file a report required under § 13-2504 of this subtitle; or
 - (2) has failed to comply with this subtitle.
- (c) (1) The sheriff shall notify the licensee or applicant for a license by registered mail of the sheriff's suspension or refusal to issue a license.
- (2) The licensee or applicant may appeal the decision in writing to the sheriff within 30 days after receiving the notice from the sheriff.

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§ 13-2507

A party may seek judicial review of:

- (1) the sheriff's suspension of a license under this subtitle; or
- (2) the sheriff's refusal to issue a license under this subtitle.

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§ 13-2508

This subtitle shall be enforced by:

- (1) the sheriff;
- (2) any municipal police officer in the county;
- (3) any other law enforcement officer of the county; and

(4) any prosecutor of the county.

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§ 13-2601

In this subtitle, “county commissioners” means the Board of County Commissioners of Worcester County.

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§ 13-2602

This subtitle applies only in Worcester County.

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§ 13-2605

In this part, “Department” means the Worcester County Department of Development Review and Permitting.

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§ 13-2606

The following organizations may conduct bingo in accordance with this part:

- (1) a bona fide religious organization that has conducted religious services at a fixed location in the county for at least 6 years before applying for a license under this part;
- (2) a municipal corporation in the county;
- (3) a volunteer fire company in the county;
- (4) a local unit of a nationwide bona fide nonprofit organization or club that consists solely of members who served in the armed forces of the United States; or
- (5) a nonprofit organization that:
 - (i) intends to raise money for an exclusively charitable or educational purpose that is specifically described in the license application filed with the Department; and
 - (ii) has operated as a nonprofit organization in the county for at least 5 years before applying for a license under this part.

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§ 13-2607

- (a) The Department may adopt reasonable regulations to administer and enforce this part.
- (b) A copy of the regulations adopted by the Department shall be made available at a reasonable cost.

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§ 13-2608

- (a) (1) The Department shall exercise control and supervision over all games of bingo to ensure that the games are conducted fairly in accordance with the provisions of the licenses issued under § 13–2609 of this subtitle, the regulations adopted by the Department, and this part.
- (2) The Department shall prevent bingo from being conducted for a commercial purpose, for private profit, or in any manner other than as provided in this part.
- (b) For purposes of inspection, the Department and its inspectors may enter at any time any place where:
 - (1) bingo is being or will be conducted; or
 - (2) any equipment that is being or will be used to conduct bingo is located.

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§ 13-2609

(a) An organization or municipal corporation described in § 13–2606 of this subtitle that intends to conduct bingo under this part must obtain:

(1) an annual license to conduct bingo for more than 15 days in a year; or

(2) a temporary license to conduct bingo for 15 days or fewer in a year.

(b) (1) An applicant for a license shall submit to the Department an application on the form that the Department by regulation requires.

(2) The application form shall require:

(i) the name of the applicant;

(ii) the name of each principal officer of the applicant; and

(iii) a certification that no person will conduct bingo except a person who:

1. is a salaried employee or bona fide member of the applicant; and

2. shall not receive any form of commission or bonus.

(c) (1) An applicant shall pay to the Department a license fee of:

(i) \$100 for an annual license; or

(ii) \$25 in addition to \$5 for each day bingo is conducted for a temporary license.

(2) The Department shall pay to the county commissioners all license fees collected under this part.

(d) The Department shall issue a license to each applicant who meets the requirements of this part and the regulations adopted under this part.

(e) If an applicant conducts bingo on premises that are leased by the applicant, the lease agreement must be approved by the Department before a license may be issued.

(f) The Department may deny a license to an applicant or suspend or revoke a license if the applicant or licensee has violated this part or any regulation adopted under this part.

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§ 13-2610

(a) The charge for admission to a place in order to participate in bingo conducted under this part may not exceed \$5.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, the value of a prize in money, merchandise, or services for any one game of bingo conducted under this part may not exceed \$200.

(2) Jackpot prizes may be offered in a maximum amount of \$5,000.

(3) "Winner Take All" games may be offered without a prize limit.

(c) A licensee's employees and the terms of their employment must be approved by the Department before they may conduct bingo under this part.

(d) A minor may not be allowed to participate in bingo conducted under this part.

(e) Bingo may not be conducted under this part in a room or area where alcoholic beverages are sold or served during the game.

(f) A licensee under this part may not conduct bingo on more than 125 days in a year.

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§ 13-2611

Unless otherwise prohibited by county or municipal law, all forms of advertising for bingo are allowed.

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§ 13-2612

(a) Each licensee under this part shall submit to the Department, at monthly intervals or at any other interval that the Department sets, a statement of its gross receipts and expenses.

(b) For each game of bingo conducted by the licensee, the statement shall include:

- (1) the amount of gross receipts derived from the game;
- (2) each item of expense incurred in the conduct of the game;
- (3) each item of expenditure made in connection with the game; and
- (4) the net profit derived from the conduct of the game.

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§ 13-2613

(a) (1) Each licensee shall pay to the county commissioners 3% of the gross receipts derived from bingo for each day that bingo is conducted by the licensee under this part.

(2) The licensee shall pay the money at the time the licensee submits to the Department the statement required under § 13-2612 of this subtitle.

(b) (1) An organization described in § 13-2606(5) of this subtitle may retain up to one-half of the proceeds derived from bingo conducted under this part for the benefit of the organization.

(2) The organization shall distribute any remaining proceeds for educational or charitable purposes.

(c) If bingo is conducted in a municipal corporation in the county, the county commissioners shall pay one-third of the 3% of the gross receipts received under subsection (a) of this section to the municipal corporation, to be used for its general purposes.

(d) (1) From the percentage of the gross receipts retained by the county commissioners, the county commissioners shall first pay the expenses necessary to administer this part.

(2) All additional funds shall be credited by the county commissioners to the general funds of the county.

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§ 13-2614

(a) Each licensee under this part shall maintain the books and reports that the Department requires for the purposes of this part.

(b) The Department shall submit to the county commissioners a detailed annual report of all statements submitted to the Department.

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§ 13-2615

(a) (1) A licensee may not:

(i) divert or pay out any of the proceeds of bingo conducted under this part in any manner other than as required by this part or by the regulations adopted under this part; or

(ii) violate any other provision of this part.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 for each violation.

(b) (1) A person may not receive any of the proceeds of bingo conducted under this part except for the purposes provided in this part.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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§ 13-2619

(a) In this part the following words have the meanings indicated.

(b) (1) "Gaming device" means a paddle wheel, wheel of fortune, chance book, raffle, or any other mechanism for playing a game of chance.

(2) "Gaming device" does not include bingo.

(c) "Multiple gaming device permit" means a permit that allows the use of two or more gaming devices.

(d) "Raffle" means a lottery using paper chances in which prizes are won by persons who buy chances in the lottery.

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§ 13-2620

This part does not authorize gambling using a slot machine or coin machine.

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§ 13-2621

(a) The county commissioners may issue a permit to any of the following organizations to conduct a fundraiser at which merchandise or money prizes may be awarded by gaming devices:

(1) a bona fide religious organization that has conducted religious services at the same location in the county for at least 3 years before applying for a permit;

(2) a volunteer fire company that is supported by the county or a municipal corporation in the county or an auxiliary unit whose members are directly associated with the volunteer fire company or auxiliary unit;

(3) a nationally chartered veterans' organization or an auxiliary unit whose members are directly associated with the veterans' organization;

(4) a bona fide nonprofit fraternal, educational, civic, patriotic, or charitable organization that intends to conduct a fundraiser for the benefit of a charity located in the county; or

(5) a bona fide nonprofit organization that:

(i) intends to raise money for an exclusively charitable, athletic, or educational purpose that is specifically described in the permit application; and

(ii) has operated as a nonprofit organization in the county for at least 3 years before applying for a permit.

(b) The county commissioners shall determine whether an organization qualifies for a permit under this section.

(c) An organization must be organized in and serve the residents of the county to be eligible for a permit under this section.

(d) An organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code is a bona fide charity under this section.

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§ 13-2622

The county commissioners may:

(1) adopt regulations concerning the permit application and the issuance of permits under this part;

(2) set a fee by resolution for each kind of permit issued under this part;

(3) regulate the number of permits issued to organizations each year; and

(4) deny a permit to an organization for up to 3 years if the organization violates this part or the regulations adopted under this part.

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§ 13-2623

(a) The county commissioners may not issue more than two multiple gaming device permits to an organization in any 1 year.

(b) The county commissioners may not issue:

- (1) more than eight multiple gaming device permits for fundraisers to be held in any one facility in any 1 year; or
- (2) more than three multiple gaming device permits for fundraisers to be held in any one facility in any 27-day period.

(c) A multiple gaming device permit issued under this part is valid for only one fundraiser lasting not more than 6 hours.

(d) The county commissioners may not issue a multiple gaming device permit for use in Ocean City or on real property that is owned by Ocean City and located in the county.

(e) The county commissioners may not issue a multiple gaming device permit to hold a fundraiser on premises that are licensed under a Class B or Class D alcoholic beverages license.

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§ 13-2624

At least one-half of the funds derived from a fundraiser for which a multiple gaming device permit has been issued under this part shall be used for a civic, charitable, or educational purpose.

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§ 13-2625

(a) A raffle conducted under a permit issued under this part may not last more than 1 year from the date the permit is issued to the date the last prize is awarded.

(b) The county commissioners may regulate the number of permits to conduct a raffle that an organization may receive in a year.

(c) A raffle is not a multiple gaming device.

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§ 13-2626

(a) (1) (i) A fundraiser conducted under this part shall be managed and operated only by members of the organization that receives the permit for the fundraiser.

(ii) A person may not be compensated for the management or operation of any gaming activity authorized by the permit.

(2) Each organization that receives a permit for a fundraiser under this part shall designate an individual who is responsible for complying with the terms and conditions of the permit and this part.

(b) An organization that receives a permit for a fundraiser under this part shall conduct the fundraiser in:

- (1) a structure that is owned, leased, or occupied by the organization;
- (2) a structure that is owned, leased, or occupied by an organization that would qualify for a permit under § 13-2621 of this subtitle; or
- (3) a public location that is described in the permit application and approved by the State's Attorney for the county.

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§ 13-2627

Within 30 days after a fundraiser conducted under this part, the organization that received the permit for the fundraiser shall submit to the county commissioners:

- (1) an accounting of all funds received or pledged;
- (2) an accounting of all expenses paid or incurred; and
- (3) a statement under oath of the application of the net profits.

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§ 13-2628

(a) A person who violates this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(b) Each day on which a violation of this part occurs is a separate violation.

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Title 14 — Title 14

§ 14-101

(a) In this section, “crime of violence” means:

- (1) abduction;
- (2) arson in the first degree;
- (3) kidnapping;
- (4) manslaughter, except involuntary manslaughter;
- (5) mayhem;
- (6) maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code;
- (7) murder;
- (8) rape;
- (9) robbery under § 3–402 or § 3–403 of this article;
- (10) carjacking;
- (11) armed carjacking;
- (12) sexual offense in the first degree;
- (13) sexual offense in the second degree;
- (14) use of a firearm in the commission of a felony except possession with intent to distribute a controlled dangerous substance under § 5–602(2) of this article, or other crime of violence;
- (15) child abuse in the first degree under § 3–601 of this article;
- (16) sexual abuse of a minor under § 3–602 of this article if:
 - (i) 1. the victim is under the age of 13 years and the offender is an adult at the time of the offense; or
 2. the offender is at least 21 years old and the victim is under the age of 16 years; and
 - (ii) the offense involved:
 1. vaginal intercourse, as defined in § 3–301 of this article;
 2. a sexual act, as defined in § 3–301 of this article;
 3. an act in which a part of the offender's body penetrates, however slightly, into the victim's genital opening or anus; or
 4. the intentional touching of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
- (17) home invasion under § 6–202(b) of this article;
- (18) a felony offense under Title 3, Subtitle 11 of this article;
- (19) an attempt to commit any of the crimes described in items (1) through (18) of this subsection;
- (20) continuing course of conduct with a child under § 3–315 of this article;
- (21) assault in the first degree;
- (22) assault with intent to murder;
- (23) assault with intent to rape;

(24) assault with intent to rob;

(25) assault with intent to commit a sexual offense in the first degree; and

(26) assault with intent to commit a sexual offense in the second degree.

(b) (1) Except as provided in subsection (f) of this section, on conviction for a fourth time of a crime of violence, a person who has served three separate terms of confinement in a correctional facility as a result of three separate convictions of any crime of violence shall be sentenced to life imprisonment without the possibility of parole.

(2) Notwithstanding any other law, the provisions of this subsection are mandatory.

(c) (1) Except as provided in subsection (f) of this section, on conviction for a third time of a crime of violence, a person shall be sentenced to imprisonment for the term allowed by law but not less than 25 years, if the person:

(i) has been convicted of a crime of violence on two prior separate occasions:

1. in which the second or succeeding crime is committed after there has been a charging document filed for the preceding occasion; and

2. for which the convictions do not arise from a single incident; and

(ii) has served at least one term of confinement in a correctional facility as a result of a conviction of a crime of violence.

(2) The court may not suspend all or part of the mandatory 25-year sentence required under this subsection.

(3) A person sentenced under this subsection is not eligible for parole except in accordance with the provisions of § 4–305 of the Correctional Services Article.

(d) (1) (i) Except as provided in paragraph (2) of this subsection, on conviction for a second time of a crime of violence committed on or after October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by law, but not less than 10 years, if the person:

1. has been convicted on a prior occasion of a crime of violence, including a conviction for a crime committed before October 1, 1994; and

2. served a term of confinement in a correctional facility for that conviction.

(ii) The court may not suspend all or part of the mandatory 10-year sentence required under this paragraph.

(2) (i) On conviction for a second time of a crime of violence committed on or after October 1, 2018, a person shall be sentenced to imprisonment for the term allowed by law, but not less than 10 years, if the person:

1. has been convicted on a prior occasion of a crime of violence, including a conviction for a crime committed before October 1, 2018; and

2. served a term of confinement in a correctional facility for that conviction.

(ii) The court may not suspend all or part of the mandatory 10-year sentence required under this paragraph.

(iii) A person sentenced under this paragraph is not eligible for parole except in accordance with the provisions of § 4–305 of the Correctional Services Article.

(e) If the State intends to proceed against a person as a subsequent offender under this section, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.

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§ 14-102

(a) Subject to subsection (b) of this section, if a law sets a maximum and a minimum penalty for a crime, the court may impose instead of the minimum penalty a lesser penalty of the same character.

(b) This section does not affect:

(1) a maximum penalty fixed by law; or

(2) the punishment for any crime for which the statute provides one and only one penalty.

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§ 14-103

Any claim to dispensation from punishment by benefit of clergy is abolished.

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§ 14-104

(a) A person may not commit a crime of violence, as defined in § 14–101 of this title, against another person when the person knows or believes that the other person is pregnant.

(b) A person who violates this section is guilty of a felony and, in addition to any other penalty imposed for the underlying crime of violence, on conviction is subject to imprisonment not exceeding 10 years.

(c) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

Transportation

Title 1 — General Provisions

§ 1-101

(a) In this article the following words have the meanings indicated.

(b) Repealed.

(c) “Any state” means:

- (1) Any state, possession, or territory of the United States;
- (2) The District of Columbia; and
- (3) The Commonwealth of Puerto Rico.

(d) “Consolidated Transportation Program” means the document described in § 2-103.1 of this article.

(e) “County” means a county of this State and Baltimore City.

(f) “Department” means the State Department of Transportation and includes the Office of the Secretary and the modal administrations.

(g) “Includes” or “including” means, unless the context clearly requires otherwise, includes or including by way of illustration and not by way of limitation.

(h) “Maryland Transportation Plan” means the document described in § 2-103.1 of this article.

(i) “Modal administration” means any of the following:

- (1) The State Aviation Administration;
- (2) The Maryland Port Administration;
- (3) The Maryland Transit Administration;
- (4) The State Highway Administration; or
- (5) The Motor Vehicle Administration.

(j) “Person” includes:

- (1) An individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind and any partnership, firm, association, public or private corporation, or other entity; and
- (2) Unless the context requires otherwise, this State, any county, municipal corporation, or other political subdivision of this State, and any of their agencies or units.

(k) “Political subdivision” includes:

- (1) Any county or municipal corporation; and
- (2) Unless the context requires otherwise, any special taxing district.

(l) “Property” means any real or personal property or any interest in real or personal property, and includes any franchise or easement.

(m) “Secretary” means the State Secretary of Transportation.

(n) “State Report on Transportation” means the report described in § 2-103.1 of this article.

§ 1-102

Before any license or permit may be issued under this article to an employer to engage in an activity in which the employer may employ a covered employee, as defined in § 9-101 of the Labor and Employment Article, the employer shall file with the issuing authority:

- (1) A certificate of compliance with the Maryland Workers' Compensation Act; or

(2) The number of a workers' compensation insurance policy or binder.

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§ 1-103

(a) A license or permit is considered renewed for purposes of this section if the license or permit is issued by a unit of State government to a person for the period immediately following a period for which the person previously possessed the same or a substantially similar license.

(b) Before any license or permit may be renewed under this article, the issuing authority shall verify through the Office of the Comptroller that the applicant has paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller or the Secretary of Labor or that the applicant has provided for payment in a manner satisfactory to the unit responsible for collection.

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Title 2 — Maryland Department of Transportation

§ 2-101

There is a Department of Transportation, established as a principal department of the State government.

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§ 2-102

(a) The head of the Department is the Secretary of Transportation, who shall be appointed by the Governor with the advice and consent of the Senate.

(b) (1) The Secretary serves at the pleasure of the Governor and is responsible directly to the Governor. The Secretary shall counsel and advise the Governor on all matters assigned to the Department and is responsible for carrying out the Governor's policies on these matters.

(2) (i) The Secretary is responsible for the operation of the Department and shall establish guidelines and procedures to promote the orderly and efficient administration of the Department. He may establish, reorganize, or abolish areas of responsibility in the Department as necessary to fulfill effectively the duties assigned to him. He may designate staff assistants to be in charge of the areas of responsibility he establishes.

(ii) The Secretary may establish for employees of the Department a human resources management system under § 2-103.4 of this subtitle that is not subject to or controlled by the provisions of State law relating to other State employees.

(3) The Secretary is entitled to the salary provided in the State budget.

(c) (1) With the approval of the Governor, the Secretary shall appoint a deputy secretary who has the duties provided by law or delegated by the Secretary.

(2) The deputy secretary is the acting secretary during periods when the Secretary is absent or disabled.

(3) The deputy secretary serves at the pleasure of the Secretary and is entitled to the salary provided in the State budget.

(4) The deputy secretary shall serve as acting chairman of the Maryland Transportation Authority, acting chairman of the Maryland Aviation Commission, and acting chairman of the Maryland Port Commission during periods when the Secretary is absent or disabled.

(5) In accordance with 49 U.S.C. 5329, the deputy secretary or the deputy secretary's designee shall have safety, regulatory, and enforcement authority over the Maryland Transit Administration's light rail transit system and Metro subway.

(d) (1) The Secretary may have in the Department the staff assistants, professional consultants, and employees provided in the State budget.

(2) Each staff assistant in charge of an area of responsibility and each professional consultant shall be appointed by and serves at the pleasure of the Secretary.

(3) Except as otherwise provided by law, the Secretary shall appoint and remove all other personnel in accordance with:

(i) The provisions of the State Personnel and Pensions Article; or

(ii) A human resources management system established by the Secretary under § 2-103.4 of this subtitle.

(4) The Secretary may delegate the authority to appoint and remove personnel of any unit to the head of that unit.

(e) Wherever the Secretary is authorized by law to make an appointment to a particular position in the Department with the approval of the Governor, the Secretary may not remove the appointee without first obtaining the Governor's approval.

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§ 2-103

(a) (1) The Secretary is responsible for the budget of the Office of the Secretary and for the budget of each unit in the Department.

(2) The budget request that the Secretary submits for the Department shall contain, for each modal administration, separate items for:

(i) Capital expenditures; and

(ii) Operating expenditures.

(3) Whenever the proposed budget of the Governor includes for the Department total capital and operating expenditures that exceed the expenditures proposed in the Consolidated Transportation Program, the Department shall submit to the General Assembly, subject to § 2-1257 of the State Government Article, a reconciliation report that specifically sets forth the proposed projects for which the additional expenditures are requested.

(b) Except with respect to the Maryland Transportation Authority, the Maryland Port Commission and the Maryland Port Administration, the Secretary:

(1) May adopt rules and regulations for the Department and any of its units to carry out those provisions of this article that are subject to the jurisdiction of the Department; and

(2) Shall review and may approve, disapprove, or revise the rules and regulations of each unit in the Department.

(c) The Secretary may create and determine the size of any advisory unit for the Department as he considers appropriate.

(d) The Office of the Secretary shall have a seal to authenticate copies of records or papers of the Department.

(e) (1) The Secretary is responsible for all planning activities of the Department and for the development and maintenance of a continuing, comprehensive, and integrated transportation planning process.

(2) In accordance with § 2-103.1 of this subtitle, the Secretary shall develop and, with the approval of the Governor, shall adopt a State Report on Transportation to guide program development and to foster efficient and economical transportation services throughout the State.

(3) On or before the 3rd Wednesday of January of each year, the Secretary shall submit the State Report on Transportation to the General Assembly, subject to § 2-1257 of the State Government Article.

(e-1) (1) Before the Department begins the process of establishing, altering, or eliminating a Metropolitan Planning Organization for transportation planning purposes for an area in the State designated under federal law as an urbanized area, the Department shall give notice of the pending process by certified mail, return receipt requested, to each member of the General Assembly representing:

(i) A State legislative district, any portion of which is located in the urbanized area; and

(ii) A State legislative district that is located within 1 mile of the border of the urbanized area.

(2) The Department shall hold a public hearing in the designated urbanized area to address issues related to the establishment, alteration, or elimination of a Metropolitan Planning Organization if a member of the General Assembly who is provided notice under paragraph (1) of this subsection requests the public hearing within 45 days of receipt of the notice.

(f) (1) Except as provided in paragraph (2) of this subsection, the Secretary may transfer, assign, and reassign any staff, power, or duty from any unit in the Department to his office or to another unit in the Department. If a transfer, assignment, or reassignment occurs, the appropriation for the respective staff, power, or duty also shall be transferred.

(2) This subsection does not apply to:

(i) The powers or duties of the State Roads Commission that are set forth in Article III, § 40B of the Maryland Constitution; or

(ii) The powers or duties that are vested by law in:

1. The Board of Airport Zoning Appeals;
2. The Transportation Professional Services Selection Board;
3. The Maryland Transportation Authority; or
4. The Maryland Port Commission and Maryland Port Administration.

(g) (1) Except as provided in paragraph (2) of this subsection, the Secretary may exercise or perform any power or duty that any unit in the Department may exercise or perform.

(2) This subsection does not apply to:

(i) The powers or duties that are set forth in Article III, § 40B of the Maryland Constitution; or

(ii) The powers or duties that do not require by law the approval or action of the Secretary and are vested by law in:

1. The Board of Airport Zoning Appeals;
2. The Transportation Professional Services Selection Board;
3. The Maryland Transportation Authority; or
4. The Maryland Port Commission and Maryland Port Administration.

(h) Consistent with the State budget, Division II of the State Finance and Procurement Article, and other applicable provisions of law, the Secretary may contract with any person to provide services, supplies, construction, and maintenance for the Department or for any transportation related purposes.

(i) (1) The Secretary may apply for and receive from the federal government or any person any grants-in-aid or gifts for any transportation related purpose.

(2) To the extent permitted by the State budget, the Secretary may make grants-in-aid to:

(i) Any governmental transportation agency in this State, including any county agency, bicounty agency, multijurisdiction agency, or municipal agency; or

(ii) Any other person for any transportation related purpose.

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§ 2-106

(a) The Attorney General is legal adviser to the Department.

(b) The Attorney General shall assign to the Department the number of assistant attorneys general authorized by law to be assigned to the Department and any additional ones necessary to render effective legal advice and counsel. The Attorney General also shall designate an assistant attorney general as counsel to the Department.

(c) The counsel to the Department may have no duty other than to render the legal aid, advice, and counsel required by the Secretary and any other official of the Department, to supervise the other assistant attorneys general assigned to the Department, and to perform for the Department the duties assigned to him by the Attorney General. The counsel shall perform these duties subject to the control and supervision of the Attorney General. After the Attorney General designates the counsel to the Department, the Attorney General may not reassign the counsel without consulting the Secretary.

(d) (1) The counsel and every other assistant attorney general assigned to the Department shall perform for the Department the legal duties assigned to them by the Attorney General. Subject to his discretion and control, the Attorney General may assign to them any duty with respect to the Department that is required of the Attorney General by law.

(2) The counsel and every other assistant attorney general shall be a practicing lawyer of this State in good standing and is entitled to the salary provided in the State budget.

(e) This section does not apply to any unit in the Department:

(1) To the extent that the unit is authorized by law to employ its own legal adviser or counsel; and

(2) Only if those legal services cannot be provided feasibly or economically by the Attorney General.

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§ 2-107

(a) The following units are in the Department:

(1) Maryland Aviation Administration;

(2) Maryland Port Administration;

(3) Maryland Transit Administration;

(4) State Highway Administration;

(5) Motor Vehicle Administration;

(6) Board of Airport Zoning Appeals;

(7) State Roads Commission;

(8) Transportation Professional Services Selection Board; and

(9) Maryland Transportation Commission.

(b) The Department also includes any other unit that, in accordance with law, is declared to be in the Department.

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§ 2-109

(a) On behalf of each unit in the Department, the Secretary, with the approval of the Governor, may waive the provisions of this article requiring competitive bids if:

(1) The purchase is to be made from or the contract is to be made with the federal or any state government or any of their agencies or political subdivisions;

(2) The public exigency requires the immediate delivery or use of the supplies or services; or

(3) Only one source of supply is available.

(b) For purposes of this section, public exigency means an emergency caused by an act of God, natural disaster, catastrophe, or other similar event or public disorder, when the health, safety, or welfare of the citizens of the State would be jeopardized by a delay caused by the requirements of competitive bidding.

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§ 2-110

The Department may enter into contracts for the provision of waterborne marine fire protection and related waterborne emergency services to port facilities, as defined in § 6-101 of this article, and to vessels that are in any of the navigable waters of this State within the territorial jurisdiction of the Maryland Port Administration.

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§ 2-111

(a) In this section, "information technology" has the meaning stated in § 3A-301 of the State Finance and Procurement Article.

(b) The Department shall establish an Information Technology Investment Program in accordance with the Statewide Information Technology Master Plan, as established under § 3A-304 of the State Finance and Procurement Article, and shall maintain a separate account within the Transportation Trust Fund for information technology-related resources.

(c) (1) Before proceeding with any information technology–related project, the Department shall obtain approval by the Chief of Information Technology of the Department of Budget and Management that the project is consistent with the State Information Technology Master Plan.

(2) Subject to the final approval of the Secretary of Budget and Management, the Chief of Information Technology may approve an information technology–related project only after consulting with the Information Technology Board established under § 3–406 of the State Finance and Procurement Article.

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§ 2-112

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Complete streets design features” means design features that accommodate and facilitate safe and convenient access and mobility to facilities by all users, including bicyclists, motorists, pedestrians, and public transportation users.

(ii) “Complete streets design features” includes:

1. Paved shoulders suitable for use by bicyclists;
2. Protected bicycle lanes;
3. Share the road signage;
4. Crosswalks;
5. Pedestrian control signals;
6. Bus access and safety measures;
7. Sidewalks;
8. Shared use pathways;
9. Green stormwater infrastructure; and
10. Access to retail stores that provide healthy food and other necessities, especially in food deserts designated under § 6–308(c) of the Housing and Community Development Article.

(3) “Complete streets policy” means a policy that provides information for the implementation of complete streets design features during the planning, design, construction, and reconstruction of a facility.

(4) “Facility” means:

- (i) An airport facility, as defined in § 5–101 of this article, that is owned or operated by the State;
- (ii) A State highway, as defined in § 8–101 of this article; and
- (iii) A transit facility, as defined in § 7–101 of this article.

(5) “Green stormwater infrastructure” means infrastructure implemented using best management practices that reduce the volume of stormwater runoff through infiltration, evapotranspiration, the beneficial reuse of water, or any other effective method.

(b) This section applies to a facility in:

- (1) The Maryland Aviation Administration, as required under § 5–408.1 of this article;
- (2) The Maryland Transit Administration, as required under § 7–310 of this article; and
- (3) The State Highway Administration, as required under § 8–204.1 of this article.

(c) Except as provided in subsection (d) of this section, a complete streets policy adopted in accordance with this section shall:

- (1) Be implemented with the objective of creating a comprehensive, integrated, and connected transportation network that allows users to choose among different modes of transportation;
- (2) Ensure that all users are considered during the planning, design, construction, and reconstruction phases of a facility;

- (3) Benefit all users equitably to the extent feasible while taking into consideration the needs of the most underinvested and underserved communities;
 - (4) When practicable, require the accommodation of other modes of transportation;
 - (5) Recognize that all facilities are different and user needs should be balanced to ensure community enhancement; and
 - (6) Incorporate best practices related to complete streets design features.
- (d) Exceptions to the requirements of this section may be adopted when circumstances or laws exist that prohibit or limit the ability to provide favorable conditions for all modes of transportation.

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§ 2-113

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Council" means the Maryland Zero Emission Electric Vehicle Infrastructure Council.
- (3) "Fuel cell electric vehicle" has the meaning stated in § 11–125.1 of this article.
- (4) "Plug-in electric drive vehicle" has the meaning stated in § 11–145.1 of this article.
- (5) "Zero emission electric vehicle" includes:
- (i) A plug-in electric drive vehicle; and
 - (ii) A fuel cell electric vehicle.
- (b) There is a Maryland Zero Emission Electric Vehicle Infrastructure Council.
- (c) The Council consists of the following members:
- (1) One member of the Senate of Maryland, appointed by the President of the Senate;
 - (2) Two members of the House of Delegates, appointed by the Speaker of the House;
 - (3) The Secretary, or the Secretary's designee;
 - (4) The Secretary of Planning, or the Secretary's designee;
 - (5) The Secretary of the Environment, or the Secretary's designee;
 - (6) The Secretary of Commerce, or the Secretary's designee;
 - (7) The Secretary of General Services, or the Secretary's designee;
 - (8) The Executive Director of the Technical Staff of the Maryland Public Service Commission, or the Executive Director's designee;
 - (9) The Director of the Maryland Energy Administration, or the Director's designee;
 - (10) The People's Counsel, or the People's Counsel's designee; and
 - (11) The following members appointed by the Governor:
 - (i) One representative of an institution of higher education in the State with expertise in energy, transportation, or the environment;
 - (ii) Two representatives of the Maryland Association of Counties, including:
 - 1. A representative who resides in a rural region of the State; and
 - 2. A representative who resides in an urban or suburban region of the State;
 - (iii) Two representatives of the Maryland Municipal League, including:
 - 1. A representative who resides in a rural region of the State; and
 - 2. A representative who resides in an urban or suburban region of the State;
 - (iv) One representative of an electric vehicle driver advocacy organization;
 - (v) Two representatives of electric companies in the State;

- (vi) One representative of a light-duty plug-in electric drive vehicle manufacturer;
 - (vii) One representative of a heavy-duty plug-in electric drive vehicle manufacturer;
 - (viii) One representative of a manufacturer of plug-in electric drive vehicle charging stations;
 - (ix) One representative of manufacturers of fuel cell electric vehicles;
 - (x) One representative of manufacturers of fuel cell electric vehicle infrastructure equipment;
 - (xi) One representative of fleet vehicle operators;
 - (xii) One representative of electrical workers;
 - (xiii) Two representatives of the environmental community;
 - (xiv) One public member with expertise in energy or transportation policy;
 - (xv) One representative of a new vehicle dealer association in the State;
 - (xvi) One representative of the retail electric supplier community; and
 - (xvii) One representative of an automotive dismantler and recycler that dismantles, destroys, or recycles zero emission electric vehicles and that, if applicable, recycles lithium-ion batteries.
- (d) The Governor shall designate the chair or cochair of the Council.
- (e) The Department shall provide staff support to the Council with the assistance of the Maryland Energy Administration and the Maryland Public Service Commission.
- (f) A member of the Council:
- (1) May not receive compensation as a member of the Council; but
 - (2) Is entitled to reimbursement of expenses under the Standard State Travel Regulations, as provided in the State budget.
- (g) The Council shall:
- (1) Develop an action plan to facilitate the successful integration of zero emission electric vehicles into the State's transportation network;
 - (2) Assist in developing and coordinating statewide standards for streamlined permitting and installation of residential and commercial electric vehicle charging and hydrogen refueling stations and supply equipment;
 - (3) Develop a recommendation for a statewide electric vehicle charging and hydrogen refueling infrastructure plan, including placement opportunities for public charging and hydrogen refueling stations;
 - (4) Increase consumer awareness and demand for zero emission electric vehicles through public outreach;
 - (5) Make recommendations regarding monetary and nonmonetary incentives to support zero emission electric vehicle ownership and maximize private sector investment in zero emission electric vehicles;
 - (6) Develop targeted policies to support fleet purchases of zero emission electric vehicles;
 - (7) Develop charging solutions for existing and future multidwelling units;
 - (8) Develop model procurement practices for light-duty vehicles that include an evaluation of the vehicle life cycle costs inclusive of estimated fuel cost over the anticipated life of the vehicle;
 - (9) Encourage local and regional efforts to promote the use of electric vehicles and attract federal funding for State and local zero emission electric vehicle programs;
 - (10) Recommend policies that support zero emission electric vehicle charging and hydrogen refueling from clean energy sources;
 - (11) Recommend a method of displaying pricing information at public charging and hydrogen refueling stations;
 - (12) Establish performance measures for meeting zero emission electric vehicle-related employment, infrastructure, and regulatory goals; and
 - (13) Pursue other goals and objectives that promote the utilization of zero emission electric vehicles in the State.

(h) (1) On or before December 1, 2024, and December 1, 2025, the Council shall submit interim reports of its work and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(2) On or before June 30, 2026, the Council shall submit a final report of its work and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

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§ 2-114

(a) In this section, “transit service” and “transit station” have the meanings stated in § 7–101 of this article.

(b) This section applies only to:

(1) An employee who is:

(i) A State employee who works at a transit station, airport, port facility, or highway rest stop;

(ii) A State employee who provides transit service; or

(iii) Employed under a contract with the State to provide transit service; or

(2) An employer of an employee described in item (1) of this subsection.

(c) (1) The Department shall:

(i) In consultation with stakeholders, develop or identify and implement a training program that includes a curriculum on the identification and reporting of suspected human trafficking; and

(ii) Administer the training program:

1. To all employees and contract employees of the Department; and

2. To the extent feasible, during regular working hours.

(2) The training program shall:

(i) Include a definition of human trafficking; and

(ii) Offer guidance to employees and contract employees on the identification of potential victims of human trafficking and protocols for reporting suspected human trafficking.

(d) (1) Except as provided in paragraph (2) of this subsection, on or before January 1, 2027, and each January 1 thereafter, each employer shall certify to the Department that all the employer’s employees have completed the training program.

(2) An employer shall:

(i) Provide a new employee with the training required under this section within 90 days after the date of hire; and

(ii) To the extent feasible, administer the training program during regular working hours.

(e) Each employer, in consultation with the Department, shall:

(1) Establish a procedure for employees and contract employees to report suspected incidents of human trafficking to the appropriate local agencies, including the designated regional navigator; and

(2) Implement a human trafficking prevention policy for employees and contract employees by providing information on how to:

(i) Recognize potential victims of human trafficking;

(ii) Respond to an individual who may be or is a victim of human trafficking; and

(iii) Connect an individual who may be or is a victim of human trafficking with available resources.

(f) An employer, an employee, or a contract employee may not be held civilly or criminally liable for reporting or responding in good faith to a suspected incident of human trafficking.

(g) To the extent practicable, the Department shall require frequent public service announcements with safety information for human trafficking victims to be made, in both English and Spanish, at transit stations, airports, port facilities, and

highway rest stops.

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§ 2-201

In this subtitle, "Commission" means the Maryland Transportation Commission.

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§ 2-202

There is a Maryland Transportation Commission in the Department.

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§ 2-203

(a) The Commission consists of the following 17 members:

- (1) As ex officio members, the seven regional members of the State Roads Commission; and
- (2) Ten members appointed by the Governor with the advice of the Secretary.

(b) An appointed member may not be an officer or employee of the Department. Each appointed member shall be a resident of this State and have interest and, preferably, experience in at least one of the fields under the jurisdiction of the Department.

(c) (1) Each appointed member serves for a term of 3 years and until his successor is appointed and qualifies. The terms of appointed members shall be staggered as required by the original appointments to the Commission, three of which were made for a 3-year term, four of which were made for a 2-year term, and three of which were made for a 1-year term.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

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§ 2-204

(a) The Governor shall designate one of the appointed members of the Commission as its Chairman.

(b) The Commission shall meet, at a time and place designated by the Commission or its Chairman:

- (1) At least once each month; and
- (2) At any other time that the Secretary requests.

(c) The Secretary shall provide the Commission with the facilities and personnel of the Department that the Secretary considers necessary for the conduct of the business of the Commission.

(d) A member of the Commission is entitled to:

- (1) The per diem compensation provided in the State budget; and
- (2) Reimbursement for expenses incurred in the discharge of his duties, in accordance with the Standard State Travel Regulations of the Department of Budget and Management.

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§ 2-205

(a) (1) The Maryland Transportation Commission shall study the entire transportation system of this State and regularly discuss with the Secretary any matter relating to this State's transportation system.

(2) Each of the seven regional members of the State Roads Commission, who serve as ex officio members of the Maryland Transportation Commission, shall:

- (i) Conduct a continuing survey of the secondary highways, as defined in § 8-101 of this article, in that member's region; and
- (ii) Report on the highway needs and problems of that region to the Maryland Transportation Commission.

(3) The Maryland Transportation Commission may request of the Secretary any information relating to the Department that is needed for the Commission's studies, surveys, and deliberations.

(b) The Commission shall advise and make recommendations to the Secretary and the heads of the units in the Department on all matters that concern transportation policy formation and program execution.

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§ 2-401

In addition to any other power and duty conferred on the Governor by the Constitution and laws of this State, the Governor may:

(1) Contract and do all other things necessary on behalf of this State to secure the full benefits available to it under the federal Highway Safety Act of 1966 and acts amendatory or supplemental to it; and

(2) In so doing, cooperate with local, State, and federal agencies, interested private and public organizations, and individuals to effectuate the purposes of these acts.

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§ 2-402

The Governor is the official of this State responsible for dealing with the federal government as to programs and activities under the federal Highway Safety Act of 1966 and acts amendatory or supplemental to it.

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§ 2-403

Subject to the authority of the Governor, the administration of this State's highway safety program is the responsibility of the Department.

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§ 2-601

(a) In this subtitle the following words have the meanings indicated.

(b) "Director" means the Director of Bicycle and Pedestrian Access.

(c) "Transit facility" has the meaning stated in § 3-101(k) of this article.

(d) "Transportation facility" has the meaning stated in § 3-101(l) of this article.

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§ 2-602

The General Assembly finds that it is in the public interest for the State to include enhanced transportation facilities for pedestrians and bicycle riders as an essential component of the State's transportation system, and declares that it is the policy of the State that:

(1) Access to and use of transportation facilities by pedestrians and bicycle riders shall be considered and best engineering practices regarding the needs of bicycle riders and pedestrians shall be employed in all phases of transportation planning, including highway design, construction, reconstruction, and repair as well as expansion and improvement of other transportation facilities;

(2) The modal administrations in the Department shall ensure that the State maintains an integrated transportation system by working cooperatively to remove barriers, including restrictions on bicycle access to mass transit, that impede the free movement of individuals from one mode of transportation to another;

(3) As to any new transportation project or improvement to an existing transportation facility, the Department shall work to ensure that transportation options for pedestrians and bicycle riders will be enhanced and that pedestrian and bicycle access to transportation facilities will not be negatively impacted by the project or improvement; and

(4) In developing the annual Consolidated Transportation Program, the Department shall:

(i) Ensure that there is an appropriate balance between funding for:

1. Projects that retrofit existing transportation projects with facilities for pedestrians and bicycle riders; and
2. New highway construction projects; and

(ii) In transit-oriented areas within priority funding areas, as defined in § 5-7B-02 of the State Finance and Procurement Article, place increased emphasis on projects that retrofit existing transportation projects with facilities for pedestrians and bicycle riders and increase accessibility for the greatest number of pedestrians and bicycle riders.

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§ 2-603

- (a) There is a Director of Bicycle and Pedestrian Access in the Office of the Secretary.
- (b) (1) The Director shall be appointed by the Secretary with the approval of the Governor.
- (2) The Director shall be a person with experience in transportation planning with specialized knowledge in matters relating to bicycle and pedestrian access to transportation facilities.
- (c) (1) The Director serves at the pleasure of the Secretary and shall report directly to the Secretary.
- (2) Subject to the authority of the Secretary, the Director is responsible for carrying out:
 - (i) The powers and duties vested by law in the Director; and
 - (ii) Those powers and duties vested in the Secretary and delegated to the Director by the Secretary.
- (d) The Director is entitled to the salary provided in the State budget.

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§ 2-604

- (a) The Director shall develop and coordinate policies and plans for the provision, preservation, improvement, and expansion of access to transportation facilities in the State for pedestrians and bicycle riders, including development of a Statewide 20-Year Bicycle-Pedestrian Master Plan that:
 - (1) (i) Identifies short-term and long-range goals that are consistent with the purposes of this subtitle; and
 - (ii) For each identified goal, includes:
 1. Reasonable cost estimates for achieving the goal; and
 2. For purposes of the annual report required under § 3-216 of this article, objective performance criteria against which progress in achieving the goal can be measured;
 - (2) Complies with applicable federal funding requirements;
 - (3) Provides a model to guide political subdivisions of the State in enhancing bicycle and pedestrian access to transportation facilities;
 - (4) Proposes long-term strategies for improving the State's highways to ensure compliance with the most advanced safety standards for pedestrians and bicycle riders; and
 - (5) After consultation with political subdivisions in the State, identifies bicycle-pedestrian priority areas to facilitate the targeting of available funds to those areas of the State most in need.
- (b) The Statewide 20-Year Bicycle-Pedestrian Master Plan shall be reviewed and updated each year that the Maryland Transportation Plan, as described in § 2-103.1 of this title, is revised.
- (c) To carry out the purposes of this subtitle, the Director shall:
 - (1) Participate in the planning of new transportation facilities and improvements to existing transportation facilities;
 - (2) Advise the Secretary on matters concerning bicycle and pedestrian access and any other matter as requested by the Secretary;
 - (3) Initiate a program of systematic identification of and planning for projects related to bicycle and pedestrian transportation that qualify for funds under Federal Highway Administration guidelines;
 - (4) Monitor State transportation plans, proposals, facilities, and services to ensure maximum benefits for pedestrians and bicycle riders in the State; and

(5) Consult regularly with the Bicycle and Pedestrian Advisory Committee established under § 2–606 of this subtitle.

(d) The exercise of the powers and duties of the Director is subject to the authority of the Secretary.

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§ 2-605

Subject to the limitations imposed by this subtitle, the Department, in consultation with the Director, may exercise all powers reasonably necessary to achieve the purposes of this subtitle, including the authority to:

(1) Adopt regulations to implement the provisions of this subtitle;

(2) Apply for and receive grants, gifts, payments, loans, advances, appropriations, property, and services from the federal government, the State, any of their agencies or political subdivisions, or any other public or private person; and

(3) Enter into agreements and contract for:

(i) Any studies, plans, demonstrations, or projects;

(ii) Planning, engineering, and technical services; and

(iii) Any purpose necessary for or incidental to the performance of its duties and the exercise of its powers under this subtitle.

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§ 2-606

(a) The Governor shall appoint a Bicycle and Pedestrian Advisory Committee to provide guidance to State agencies concerning:

(1) Funding of bicycle and pedestrian related programs;

(2) Public education and awareness of bicycling and pedestrian related activities;

(3) Public education and awareness of bicycling and pedestrian safety; and

(4) Any other issue directly related to bicycling and pedestrians.

(b) The Committee shall consist of the following:

(1) One representative each from:

(i) The Department of Transportation;

(ii) The Department of Natural Resources;

(iii) The State Department of Education;

(iv) The Department of State Police;

(v) The Department of Commerce;

(vi) The Maryland Department of Health;

(vii) The Department of Planning;

(viii) The Department of Disabilities; and

(ix) The Maryland–National Capital Park and Planning Commission;

(2) One citizen member from each of the following areas:

(i) The Eastern Shore;

(ii) Western Maryland; and

(iii) Southern Maryland;

(3) Two citizen members from each of the following areas:

(i) The Baltimore metropolitan area; and

(ii) The Washington metropolitan area; and

(4) Up to six citizen members selected to represent the interests of bicyclists, pedestrians, and the disabled community to include:

(i) A representative of individuals who are visually impaired; and

(ii) A representative of individuals who are mobility impaired.

(c) One of the citizen members selected under subsection (b) of this section shall have an expertise in bicycle and pedestrian safety.

(d) The total membership of the Committee may not exceed 22 members.

(e) The Governor shall select a chairman from among the citizen members.

(f) (1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the Committee on October 1, 2001.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(g) The Committee may adopt procedures necessary to ensure the orderly transaction of business.

(h) The Committee shall hold regular meetings as it deems appropriate.

(i) A member of the Committee may not receive compensation but shall be reimbursed for expenses under the Standard State Travel Regulations, as provided for in the State budget.

(j) The Department shall provide staff, administrative support, and operating expenses for the Committee as provided in the State budget.

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§ 2-607

(a) In this section, "Program" means the Maryland Pedestrian Safety Program.

(b) There is a Pedestrian Safety Program within the Department.

(c) The Program is funded by:

(1) The Highway Safety Operating Program of the State Highway Administration; and

(2) Any other moneys accepted for the benefit of the Program from any governmental or private source.

(d) (1) The Secretary shall award grants under the Program to counties, municipalities, and nonprofit organizations to carry out the provisions of this section.

(2) When awarding grants under the Program, the Secretary shall consider any matching fund an applicant proposes to provide.

(e) Counties, municipalities, and nonprofit organizations may apply for grants under the Program for the following purposes:

(1) To educate automobile drivers and pedestrians about methods to increase pedestrian safety;

(2) To enhance efforts to enforce State and local motor vehicle laws that protect the safety of pedestrians;

(3) To design or redesign intersections to increase pedestrian safety and access; and

(4) To enhance safe pedestrian access to transit facilities as defined in § 3-101 of this article.

(f) The Secretary shall establish procedures for counties, municipalities, and nonprofit organizations to apply for grants under the Program.

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§ 2-608

(a) In this section, "Program" means the Kim Lamphier Bikeways Network Program.

- (b) There is a Kim Lamphier Bikeways Network Program in the Department.
- (c) The purpose of the Program is to provide grant support for bicycle network development activities.
- (d) The Department shall establish application and eligibility criteria for the Program.

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§ 2-701

- (a) The General Assembly finds that the State must have sustainable communities in order to:
 - (1) Preserve and protect the State's natural resources; and
 - (2) Achieve the State's economic growth, resource protection, and planning policy in § 5–7A–01 of the State Finance and Procurement Article.
- (b) The General Assembly finds that sustainable communities are places where public and private investments and partnerships achieve:
 - (1) Development of a healthy local economy;
 - (2) Protection and appreciation of historic and cultural resources;
 - (3) A mix of land uses;
 - (4) Affordable and sustainable housing and job options; and
 - (5) Growth and development practices that protect the environment and conserve air, water, and energy resources, encourage walkability and recreational opportunities, and, where available, create access to transit.

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§ 2-702

It is the intent of the General Assembly that the Department shall:

- (1) Consider sustainable communities as it considers annual revisions under the Consolidated Transportation Program in § 2–103.1(b) through (f) of this title; and
- (2) Twice a year consult with the Sustainable Growth Subcabinet established under § 9–1406 of the State Government Article on how the Department may work cooperatively to make mutual investments towards creating and supporting sustainable communities across the State.

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§ 2-703

Subject to the limitations imposed by this subtitle, the Department may exercise all powers reasonably necessary to achieve the purposes of this subtitle, including the authority to:

- (1) Adopt regulations to implement the provisions of this subtitle;
- (2) Apply for and receive grants, gifts, payments, loans, advances, appropriations, property, and services from the federal government and the State, any of the agencies or political subdivisions of the federal government and the State, or other public or private person; and
- (3) Enter into agreements and contract for:
 - (i) Any studies, plans, demonstrations, or projects;
 - (ii) Planning, engineering, and technical services; or
 - (iii) Any purpose necessary for or incidental to the performance of its duties and the exercise of its powers under this subtitle.

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§ 2-802

- (a) (1) In this section the following words have the meanings indicated.

(2) "Bus rapid transit system" means a bus line that operates on at least some portion of roadway dedicated to buses and offers off-board fare collection or another form of high efficiency fare collection if a fare is charged.

(3) "Eligible grantee" means a county or municipal corporation that has:

(i) A bus rapid transit system that operates in the county or municipal corporation; and

(ii) No ongoing or completed facility, as that term is defined in § 10-601(s)(1), (4), (9), (10), or (11) of the Economic Development Article.

(b) (1) Subject to paragraph (2) of this subsection, when a deposit or payment is made in accordance with § 9-120(b)(1)(xi) of the State Government Article into the Bus Rapid Transit Fund established under § 2-802.1 of this subtitle, and there is only one eligible grantee, then the Department shall award a grant to the eligible grantee equal to the amount distributed to the Department under § 9-120(b)(1)(xi) of the State Government Article.

(2) (i) If there are two eligible grantees, and one eligible grantee is Montgomery County, the Department shall distribute \$25,000,000 to Montgomery County and the remaining amount of the deposit or payment under § 9-120(b)(1)(xi) of the State Government Article to the remaining eligible grantee.

(ii) If more than three counties or municipal corporations are eligible grantees, and one eligible grantee is Montgomery County, then the Department shall distribute:

1. Not less than \$20,000,000 to Montgomery County if Montgomery County remains an eligible county; and

2. The total remaining amount of the deposit or payment under § 9-120(b)(1)(xi) of the State Government Article to the remaining eligible grantees based on each eligible grantee's pro rata share of the statewide population.

(iii) If Montgomery County is not an eligible grantee, and more than one county or municipal corporation are eligible grantees, then the Department shall distribute the total amount of the deposit payment under § 9-120(b)(1)(xi) of the State Government Article to the eligible grantees based on each eligible grantee's pro rata share of the statewide population.

(3) (i) Eligible grantees receiving funds in accordance with this subsection and § 2-802.1 of this subtitle may use the grant funds for the:

1. Financing and refinancing of the costs related to the construction, acquisition, improvement, equipping, rehabilitation, and expansion of bus rapid transit system projects;

2. Payment of debt service on bonds issued to finance bus rapid transit system projects;

3. Payment of all reasonable expenses and charges related to bond issuance and borrowing; and

4. Payment of costs relating to the management and operation of bus rapid transit system projects.

(ii) If an eligible grantee uses funds under this section for the payment of debt service on bonds issued to finance bus rapid transit system projects, the eligible grantee shall issue bonds in accordance with an ordinance or resolution which may specify all matters relating to the advertisement, sale, issuance, delivery, and payment of the bonds, including:

1. The forms, dates, and denominations of the bonds;

2. The principal maturities;

3. The methods to be used in determining interest payable on the bonds; and

4. Any provisions for registration, redemption before stated maturity, or the use of facsimile signatures or seals.

(c) The Department:

(1) Shall distribute grants under this section to eligible grantees in a timely manner; and

(2) May not impose any additional conditions on an eligible grantee on receipt of a grant under this section.

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Title 3 — Motor Vehicle Administration

§ 3-101

(a) In this title the following words have the meanings indicated.

(b) "Airport facility":

(1) Has the meaning stated in § 5-101 of this article; and

(2) Includes any one or more or combination of air navigation facilities, as defined in § 5-101 of this article.

(c) "Bonds of prior issues" means:

(1) All "State highway construction bonds, second issue" and "State highway construction bonds, third issue" issued and sold under Article 89B of the Code of 1957; and

(2) All bonds issued and sold under Article 62B of the Code of 1957, evidencing the "Maryland Port Authority Loan of 1958", "Maryland Port Authority Second Loan of 1961", and "Maryland Port Authority Loan of 1967".

(d) "Cost", as applied to any transportation facility, includes the cost of and all expenses incident to the construction, reconstruction, acquisition, improvement, extension, alteration, modernization, planning, maintenance, and repair of the facility, including the cost and expenses of:

(1) All property acquired in connection with it;

(2) Financial, architectural, consulting, engineering, and legal services;

(3) Plans, specifications, surveys, estimates, feasibility reports, and direct and indirect labor, material, equipment, and administrative expenses; and

(4) Financing the facility, including financing charges and interest before, during, and for 1 year after completion of construction.

(e) "Debt service" means the amount annually needed to pay the maturing principal of and interest on bonds, notes, and other evidences of obligation and to meet sinking fund requirements for these purposes.

(f) (1) In this definition, "highway" and "State highway system" have the meanings stated in § 8-101 of this article.

(2) "Highway facility" includes any one or more or combination of projects involving the rehabilitation and reconstruction of highways in the State highway system to meet present and future needs and the development and construction in new locations of new highways necessitated by traffic demands to become parts of the State highway system, including federally aided highway projects partially funded by this State and all incidental property rights, materials, facilities, and structures.

(g) "Outstanding and unpaid" does not include:

(1) Bonds purchased and held in sinking funds by or for the Department; or

(2) If the money for their payment or redemption has been provided:

(i) Matured bonds not presented for payment; or

(ii) Bonds called for redemption but not presented for redemption.

(h) "Port facility" has the meaning stated in § 6-101 of this article.

(i) (1) "Railroad facility" includes any one or more or combination of:

(i) Switches, spurs, tracks, structures, terminals, yards, real property, and other facilities useful or designed for use in connection with the transportation of persons or goods by rail; and

(ii) All other appurtenances, including locomotives, cars, vehicles, and other instrumentalities of shipment or carriage, useful or designed for use in connection with the transportation of persons or goods by rail.

(2) "Railroad facility" does not include any transit facility.

(j) "Refunding" means the retirement and cancellation of bonds, including bonds of prior issues, after their acquisition by or for the Department, whether before, at, or after maturity, either in exchange for other bonds or by payment, purchase, or redemption with the proceeds of the sale of other bonds.

(k) "Transit facility" includes any one or more or combination of tracks, rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports, parking areas, equipment, fixtures, buildings, structures, other real or personal property, and services incidental to or useful or designed for use in connection with the rendering of transit service by any means,

including rail, bus, motor vehicle, or other mode of transportation but does not include any railroad facility.

(l) "Transportation facility" includes any one or more or combination of:

- (1) Airport facilities;
- (2) Highway facilities;
- (3) Port facilities;
- (4) Railroad facilities; and
- (5) Transit facilities.

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§ 3-102

As to bonds of prior issues:

- (1) Every resolution, rule, regulation, form, order, and directive adopted by or relating to the former Maryland Port Authority or adopted by or relating to the State Roads Commission remains in effect until changed by the Department; and
- (2) Every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any other document to the Maryland Port Authority or the State Roads Commission means the Department.

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§ 3-103

(a) (1) In this section the following words have the meanings indicated.

- (2) "Bonds" means bonds, notes, or other evidences of obligation issued by the Department, including both consolidated transportation bonds and county transportation bonds.
- (3) "Code" means the Internal Revenue Code and includes regulations and rulings issued under that Code.
- (4) "Proceeds" means moneys received from the sale of the Department's bonds, and includes any moneys deemed to be proceeds of the Department's bonds under the Code.
- (b) The Secretary, the Treasurer, and the Comptroller shall establish and maintain funds and accounts for the administration, management, investment, and accounting of proceeds, including any investment earnings on proceeds, that may be necessary or appropriate from time to time to comply with the Code and to establish or maintain the exclusion from gross income for federal income tax purposes of interest on the Department's bonds.
- (c) (1) The Secretary and the Treasurer shall manage and invest proceeds, including any investment earnings on proceeds, in a manner so as to maintain the exclusion from gross income for federal income tax purposes of interest on the Department's bonds.
- (2) The Secretary and the Treasurer shall restrict the yields on investments of proceeds if and to the extent necessary to maintain the exclusion from gross income for federal income tax purposes of interest on the Department's bonds.
- (d) The Secretary, the Treasurer, and the Comptroller shall prepare and maintain records of the receipt, deposit, investment, management, disbursement, and application of proceeds, including any investment earnings on proceeds, that may be necessary or appropriate from time to time to comply with the Code and to maintain or verify the exclusion from gross income for federal income tax purposes of interest on the Department's bonds.
- (e) (1) The Secretary, the Treasurer, and the Comptroller shall establish a separate rebate fund to be used to make any payments to the United States with respect to investment earnings on proceeds that may be required from time to time by the Code.
- (2) There may be separate accounts within the rebate fund.
- (3) Amounts deposited to the rebate fund shall be used only for the purpose of making rebate payments to the United States.
- (4) The Secretary, the Treasurer, and the Comptroller shall make payments from the rebate fund as may be required from time to time in order to comply with the Code and to maintain the exclusion from gross income for federal income tax

purposes of interest on the Department's bonds.

(5) Any excess moneys held in the rebate fund with respect to an issue of the Department's bonds after all required rebate payments for that issue have been made, as certified by the Secretary and the Treasurer, shall be applied in compliance with the Code.

(f) The Secretary, the Treasurer, and the Comptroller shall prepare and file from time to time with the appropriate agency of the United States any forms, information, and reports with respect to the Department's bonds and the expenditure and investment of proceeds that may be required under the Code.

(g) As necessary or appropriate from time to time to comply with the Code and to establish or maintain the exclusion from gross income for federal income tax purposes of interest on the Department's bonds, the Secretary, the Treasurer, and the Comptroller shall each:

(1) Take any other or further actions;

(2) Enter into any agreement or covenant regarding the use of proceeds, including any investment earnings on proceeds, the deposit of moneys to the rebate fund and the making of rebate payments; and

(3) Provide certifications of facts and estimates.

(h) This section does not prevent the Board of Public Works and the Department from authorizing the issuance and sale of the Department's bonds the interest on which is not excludable from gross income for federal income tax purposes.

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§ 3-104

(a) (1) In this section the following words have the meanings indicated.

(2) "Credit instrument" means a letter of credit, bond insurance policy, guaranty, line of credit, surety bond, or similar agreement or commitment securing an issue of consolidated transportation bonds or county transportation bonds.

(3) "Credit instrument provider" means an issuer of a credit instrument the unsecured indebtedness of which, or indebtedness insured by which, is rated on the date of issuance of the credit instrument by a nationally recognized rating agency in 1 of its 2 highest rating categories.

(4) "Maximum annual debt service" means, as of any particular date of computation:

(i) With respect to an issue of consolidated transportation bonds, the greatest amount required in the then current or any future calendar year to pay the principal of and interest on the bonds of that issue; and

(ii) With respect to an issue of county transportation bonds, the greatest amount required in the then current or any future fiscal year to pay the principal of and interest on the bonds of that issue.

(b) With respect to an issue of consolidated transportation bonds sold after June 1, 1989, the Secretary may provide in the resolution authorizing the issuance of the bonds that there shall be deposited in the sinking fund maintained under § 3-215(c) of this title only the amounts of the proceeds of the taxes levied and imposed under § 3-215 of this title that may be required from time to time to pay the principal of and interest on the bonds, as and when due, and that holders of bonds of that issue shall have no right to receive payment from any other amounts deposited or maintained in the sinking fund. The Secretary may, at his discretion, determine that:

(1) There shall be deposited with or held for the paying agent for the bonds a credit instrument under which the credit instrument provider is obligated to pay an amount at least equal to the maximum annual debt service on the bonds of that issue; or

(2) The bonds shall be issued without a credit instrument if, in the Secretary's judgment, the absence of a credit instrument will not adversely affect the credit rating of the bonds.

(c) With respect to an issue of county transportation bonds sold after June 1, 1989, the Secretary may provide in the resolution authorizing the issuance of the bonds that there shall be withheld and deposited in the sinking fund maintained under § 3-307(b) of this title from funds allocable to the county under Title 8, Subtitle 4 of this article only the amounts that may be required from time to time to pay debt service on the bonds, as and when due, and that holders of bonds of that issue shall have no right to receive payment from any other amounts deposited or maintained in the sinking fund. The Secretary may, at his discretion, determine that:

(1) There shall be deposited with or held for the paying agent for the bonds a credit instrument under which the credit instrument provider is obligated to pay an amount at least equal to the maximum annual debt service on the bonds of that issue; or

(2) The bonds shall be issued without a credit instrument if, in the Secretary's judgment, the absence of a credit instrument will not adversely affect the credit rating of the bonds.

(d) The sinking fund requirements established for consolidated transportation bonds and county transportation bonds sold before June 1, 1989 shall remain unchanged so long as those bonds are outstanding and unpaid as if this section had not been enacted.

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§ 3-201

By one or more resolutions of the Secretary, the Department may:

(1) Finance the cost of transportation facilities;

(2) Borrow money from time to time for that purpose; and

(3) Evidence the borrowing by the issuance and sale of bonds, notes, or other evidences of obligation on the terms, conditions, and limitations contained in this subtitle.

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§ 3-202

(a) The Department from time to time may issue its bonds on behalf of this State to finance the cost of any one or more or combination of transportation facilities.

(b) The bonds shall be known as "consolidated transportation bonds" and may be issued in any amount as long as the aggregate outstanding and unpaid principal balance of these bonds and bonds of prior issues does not exceed at any one time the sum of \$5,000,000,000.

(c) The preferred method of issuance of the Department's consolidated transportation bonds is by a public, competitive sale.

(d) The Department may issue its consolidated transportation bonds at a private, negotiated sale provided that:

(1) The Secretary determines that extraordinary credit market conditions exist that warrant the use of this method rather than a public, competitive sale; and

(2) The Secretary determines that the terms and conditions, including price, interest rates, and payment dates, that can be achieved by a private negotiated sale are more advantageous to the State.

(e) The maximum outstanding and unpaid principal balance of consolidated transportation bonds and bonds of prior issues as of June 30 for the next fiscal year:

(1) Shall be established each year by the General Assembly in the State budget; and

(2) May not exceed the limit established in subsection (b) of this section.

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§ 3-203

(a) The resolution authorizing the issuance of consolidated transportation bonds shall:

(1) Describe generally the transportation facilities the cost of which is proposed to be financed by the sale of bonds;

(2) State the estimated cost of financing these facilities; and

(3) Determine and specify:

(i) The date or dates of issue;

(ii) The date or dates and amount or amounts of maturities, which need not be in equal principal amounts or consecutive annual installments;

- (iii) The rate or rates of interest payable on the bonds, or the manner of determining the rate or rates of interest, and the date or dates of payment of interest;
 - (iv) The tenor, form or forms, denomination or denominations, manner of execution, and place or places of payment of the principal of and interest on the bonds, which may be at any bank or trust company within or without this State;
 - (v) Whether the bonds are to be issued in coupon or registered form or both and whether provision is to be made for the registration of the principal only of coupon bonds, for the reconversion of fully registered bonds into coupon form, and for the replacement of bonds that are mutilated, lost, or destroyed;
 - (vi) Whether the bonds are to be sold at a public, competitive sale or a private, negotiated sale, as determined by the Secretary;
 - (vii) If the bonds are to be sold at a public sale, the form of notice of sale, which shall outline the terms and conditions of the sale;
 - (viii) The form of advertisement, which shall be published at least once in a journal having a circulation among banks and investment bankers, the publication of which shall be made not less than 10 days before the sale of bonds;
 - (ix) Whether all or any part of the bonds are redeemable before maturity and, if so, the terms, conditions, and prices of redemption; and
 - (x) Any other matter relating to the form, terms, conditions, issuance, sale, and delivery of the bonds.
- (b) (1) The resolution may provide that the Secretary may postpone the time for receipt of proposals for the bonds without republishing the form of advertisement for the bonds.
- (2) (i) The Secretary shall provide notice of the new date and time of sale not less than 24 hours prior to the time proposals are to be submitted, which date may not be more than 30 days after the originally scheduled date of sale.
- (ii) The notice may be given by Munifacts News Service or a similar service or such other method as the Secretary deems appropriate.

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§ 3-204

- (a) (1) Consolidated transportation bonds shall be executed on behalf of the Department by the manual or facsimile signature of the Secretary.
- (2) Other signatures on the bonds may be either manual or facsimile.
- (b) If an individual whose manual or facsimile signature appears on any consolidated transportation bond or coupon ceases to serve in an authorized capacity before the delivery of the bond, the signature nevertheless is as valid and sufficient for all purposes as if the individual had remained in that capacity until delivery of the bond.

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§ 3-205

Notwithstanding any other provision of law or any recitals in the instruments, the bonds, notes, and other evidences of obligation issued under this subtitle are investment securities under the laws of this State.

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§ 3-206

The bonds, notes, and other evidences of obligation issued under this subtitle and their issuance and sale are exempt from the provisions of §§ 8-206 and 8-208 of the State Finance and Procurement Article.

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§ 3-207

Each issue of consolidated transportation bonds shall be approved before sale by resolution of the Board of Public Works.

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§ 3-208

(a) The Department from time to time may issue its refunding bonds for refunding any consolidated transportation bonds or bonds of prior issues.

(b) The powers granted and limitations imposed in this subtitle as to the issuance of consolidated transportation bonds also apply to the issuance of refunding bonds.

(c) The State Treasurer shall segregate and set apart the proceeds of the sale of any refunding bonds in a separate trust fund to be used only to pay the purchase or redemption prices of the bonds to be refunded.

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§ 3-209

Before the preparation of definitive bonds, the Department may issue its interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when the definitive bonds have been executed and are available for delivery.

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§ 3-210

(a) The Department may issue its bond anticipation notes, payable to the bearer or registered holder of the notes out of the first proceeds of the next sale of consolidated transportation bonds.

(b) The resolution authorizing the issuance of bond anticipation notes may provide for the issuance of these notes in series, as funds are required, and for the renewal of these notes at maturity, with or without resale.

(c) The issuance of bond anticipation notes, the details of their issuance, the rights of their holders, and the rights, duties, and obligations of the Department with respect to them are governed by the provisions of this subtitle relating to the issuance of the bonds in anticipation of the sale of which the notes are issued, insofar as those provisions may be applicable.

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§ 3-211

(a) With the approval of the Board of Public Works, the Department may borrow money in anticipation of its receipt of current revenues and evidence the borrowing by issuing its revenue anticipation notes.

(b) The revenue anticipation notes shall be payable, as to both principal and interest, only from current revenues when received and deposited in the Transportation Trust Fund, subject to the prior use and application of the revenues to meet the debt service on all outstanding and unpaid bonds payable from the revenues in the Transportation Trust Fund and to pay all funds due to the political subdivisions of this State.

(c) The procedure for the issuance of revenue anticipation notes is the same as that applicable to the issuance of consolidated transportation bonds, except that these notes may be issued and sold by private negotiation.

(d) A revenue anticipation note may not be issued to mature later than 6 months after the date of its issue.

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§ 3-212

The bonds, notes, and other evidences of obligation issued under this subtitle, their transfer, the interest payable on them, and any income derived from them, including any profit realized in their sale or exchange, shall be exempt at all times from every kind and nature of taxation by this State or by any of its political subdivisions, municipal corporations, or public agencies of any kind.

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§ 3-213

The bonds, notes, and other evidences of obligation issued under this subtitle are not and may not be considered to constitute a debt or a pledge of the faith and credit of the State of Maryland, but shall be payable, as to both principal and interest, only from the proceeds of the tax and other revenues levied, imposed, pledged, or made available for that purpose.

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§ 3-214

The State of Maryland covenants with the holders of all consolidated transportation bonds that the power of the Department to issue or sell general or special obligation bonds, notes, or other evidences of obligation under Articles 62B and 89B of the Code of 1957 has terminated.

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§ 3-215

(a) (1) For the purpose of paying the principal of and interest on consolidated transportation bonds as they become due and payable, there is hereby levied and imposed an annual tax that consists of the taxes specified in this section and, to the extent necessary and except as otherwise provided in this subsection, that shall be used and applied exclusively for that purpose.

(2) The required use and application of the tax under paragraph (1) of this subsection is subject only to the prior use and application of one or all or any combination of the taxes specified in this section to meet the debt service on all of the following bonds while they are outstanding and unpaid and to the payment of which any part of those taxes has been pledged:

(i) Bonds of prior issues; and

(ii) Bonds of any series of county transportation bonds issued under Subtitle 3 of this title.

(b) The tax levied and imposed by this section consists of that part of the following taxes that are retained to the credit of the Department after distributions to the political subdivisions:

(1) The motor fuel tax revenue distributed under §§ 2-1103(2), 2-1103(3), and 2-1104(a)(3) of the Tax – General Article;

(2) The motor fuel tax revenue attributable to the sales and use tax equivalent rate imposed under § 9-306 of the Tax – General Article and distributed under § 2-1103(4) of the Tax – General Article;

(3) The income tax revenue distributed under § 2-614 of the Tax – General Article;

(4) The excise tax imposed on vehicles by Part II of Title 13, Subtitle 8 of this article;

(5) The sales and use tax revenues distributed under § 2-1302.1 of the Tax – General Article; and

(6) The transportation network company impact fee revenues allocated under § 3-216(d)(5)(i)1 of this subtitle.

(c) As long as any consolidated transportation bonds are outstanding and unpaid, and except as provided in § 3-104 of this title, there shall be deposited and maintained in a sinking fund to be maintained by the State Treasurer to secure the payment of the principal of and interest on the bonds, annually or more often, as received, so much of the proceeds of the tax levied and imposed under this section, together with all other funds received by the Department and credited to the Transportation Trust Fund, as are necessary to maintain in the sinking fund a sum equal to the amount required to pay the principal of and interest on the outstanding and unpaid bonds that will become due and payable in the current calendar year and the next succeeding calendar year.

(d) The tax levied and imposed by this section is irrevocably pledged to the payment of the principal of and interest on consolidated transportation bonds as they become due and payable, and no part of the tax or other funds applicable to debt service on the bonds may be repealed, diminished, or applied to any other purpose until:

(1) The bonds and the interest on them have become due and fully paid; or

(2) Adequate and complete provision for payment of the principal and interest has been made.

(e) (1) In this subsection "government obligations" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America.

(2) Adequate and complete provision for payment of the principal and interest of any issue or series of consolidated transportation bonds may be made by the Secretary and the State Treasurer by making a transfer of government obligations from the Transportation Trust Fund to the State Treasurer or to a bank or trust company as escrow fund agent in an amount which, together with the income due thereon, will be sufficient to pay in full when due the maturing principal of and interest on the consolidated transportation bonds.

(3) To the extent that adequate and complete provision has been made for the payment of consolidated transportation bonds under this title those bonds shall no longer be deemed to be outstanding and unpaid under this title.

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§ 3-216

(a) There is a Transportation Trust Fund for the Department.

(b) Except as otherwise expressly provided by statute, there shall be credited to the Transportation Trust Fund for the account of the Department all taxes, fees, charges, and revenues collected or received by or paid, appropriated, or credited to the account of the Department or any of its units in the exercise of their rights, powers, duties, or obligations, including the cash proceeds of the sale of consolidated transportation bonds, notes, or other evidences of obligation issued by the Department, any General Fund appropriations, and the proceeds of any State loan or federal grant made for transportation purposes.

(c) (1) There shall be maintained in the Transportation Trust Fund one or more sinking fund accounts to which shall be credited and from which shall be paid, from the proceeds of the taxes levied and imposed for that purpose or from any other funds of the Department, amounts sufficient at all times to meet the debt service on all bonds of prior issues and consolidated transportation bonds from time to time outstanding and unpaid.

(2) (i) The Gasoline and Motor Vehicle Revenue Account, the Driver Education Account, the Motorcycle Safety Program Account, and the Transportation Network Company Impact Fee Account shall be maintained in the Transportation Trust Fund.

(ii) In each fiscal year, the Department shall budget from federal funds available to the Department, other funds in the Transportation Trust Fund, and any other funds available to the Department, an amount sufficient to fund projects and programs determined by the Secretary to be necessary to achieve the bicycle and pedestrian transportation goals identified for the fiscal year under Title 2, Subtitle 6 of this article.

(d) (1) After meeting its debt service requirements, the Department may use the funds in the Transportation Trust Fund for any lawful purpose related to the exercise of its rights, powers, duties, and obligations.

(2) Expenditures under this subsection shall be made in accordance with any appropriation provided for in any applicable budget bill or supplementary appropriation bill. However, an appropriation proposed to be made to any unit in the Department or proposed to be made for any designated transportation activity, function, or undertaking that has been reduced by the General Assembly may not be restored, for the same purpose as originally proposed, except in an emergency, by the budget amendment procedure of § 7–209 of the State Finance and Procurement Article, or otherwise if the General Assembly in striking or reducing the appropriation, prohibited its restoration. However, except for emergency capital projects, if the General Assembly explicitly reduces in the budget bill an appropriation proposed for a major capital project as defined in § 2–103.1(a)(4) of this article, the appropriation may not be restored for the same purpose as originally proposed by the budget amendment procedure of § 7–209 of the State Finance and Procurement Article or otherwise unless the General Assembly, in striking or reducing the appropriation, expressly authorized its restoration.

(3) For each fiscal year, the Department shall use the funds in the Transportation Trust Fund for the purposes specified in subsection (c)(2)(ii) of this section, which may include construction and maintenance of:

(i) Public bicycle areas as defined in § 21–101(o) of this article;

(ii) Bicycle ways as defined in § 21–101(d) of this article; and

(iii) Sidewalks as defined in § 21–101(w) of this article.

(4) Each year, before the General Assembly considers the proposed Maryland Transportation Plan and the Consolidated Transportation Program, the Department shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on:

(i) The expenditures made toward the attainment of the bicycle and pedestrian transportation goals during the preceding fiscal year under Title 2, Subtitle 6 of this article; and

(ii) The progress made toward attainment of the bicycle and pedestrian transportation goals identified for the fiscal year under Title 2, Subtitle 6 of this article.

(5) (i) The Department shall allocate the funds in the Transportation Network Company Impact Fee Account for the following purposes, in the manner the Department determines is appropriate:

1. Capital needs identified in the assessment conducted under § 7–309 of this article; and
2. Distribution to counties and municipalities for the purposes specified in § 8–408 of this article.

(ii) If any funds remain in the Transportation Network Company Impact Fee Account after the allocations under subparagraph (i) of this paragraph, the Department shall allocate the remaining fund balance to the Locally Operated Transit System Grant Program under § 4–322 of this article.

(e) (1) Except as otherwise provided in this subsection, this section is effective notwithstanding any other provision of law.

(2) Nothing in this section may adversely affect in any way the security of any of the following bonds while they are outstanding and unpaid:

- (i) State highway construction bonds, second issue;
- (ii) State highway construction bonds, third issue;
- (iii) County highway construction bonds; or
- (iv) County highway construction bonds, second issue.

(3) It is the intent of the General Assembly that, as long as any of the bonds listed in paragraph (2) of this subsection are outstanding and unpaid:

(i) The sinking fund requirements established for the payment of the principal of and interest on those bonds shall remain unchanged, as if this section had not been enacted; and

(ii) The taxes and revenues pledged to the payment of the principal of and interest on those bonds as they become due and payable may not be repealed, diminished, or applied to any other purpose until:

1. The bonds and the interest on them have become due and fully paid; or
2. Adequate and complete provision for payment of the principal and interest has been made.

(f) (1) Except as provided in paragraphs (3) and (6) of this subsection, no part of the Transportation Trust Fund may be transferred or diverted to the General Fund of the State unless approved by the General Assembly through legislation passed by a three-fifths majority vote of the full standing committee assigned the legislation in each of the two Houses of the General Assembly and enacted into law.

(2) Except as provided in paragraphs (3) and (6) of this subsection, no part of the Transportation Trust Fund may be transferred or diverted to a special fund of the State, unless approved by the General Assembly through legislation passed by a three-fifths majority vote of the full standing committee assigned the legislation in each of the two Houses of the General Assembly and enacted into law. No part of the Transportation Trust Fund may be transferred or diverted to a special fund of the State pursuant to the provisions of § 7–209(e)(2) of the State Finance and Procurement Article, unless the requirements of this paragraph have been satisfied.

(3) Funds in the Transportation Trust Fund may be used for defense or relief purposes only if:

- (i) The State is invaded by land, sea, or air or a major catastrophe occurs; and
- (ii) The Governor:

1. Proclaims a State of Emergency; and
2. Declares that the use of the funds for defense or relief purposes is necessary for the immediate preservation of the public health or safety.

(4) Before the enactment of legislation under paragraph (1) or (2) of this subsection or the issuance of an emergency declaration under paragraph (3) of this subsection to transfer or divert funds from the Transportation Trust Fund to the General Fund or a special fund, the Treasurer shall advise the Governor and the General Assembly of the potential impact of the transfer or diversion on the credit rating of bonds or other debt instruments issued by the Department.

(5) (i) Before the enactment of legislation under paragraph (1) or (2) of this subsection or the issuance of an emergency declaration under paragraph (3) of this subsection to transfer or divert funds from the Transportation Trust Fund to the General Fund or a special fund, a determination shall be made of the potential impact of the transfer or diversion on the

additional bonds test set forth in the Secretary's resolution and the credit rating of bonds or other debt instruments issued by the Department.

(ii) A transfer or diversion may not occur if it is determined that the transfer or diversion would:

1. Cause the Department to fail the additional bonds test; or
2. Result in a downgrade of the Department's bonds.

(6) This subsection does not apply to a distribution of highway user revenues to counties, municipalities, and Baltimore City under § 8-403 of this article.

(g) (1) This subsection applies only to a bill or an amendment that would:

- (i) Reduce any tax or fee that otherwise would be credited to the Transportation Trust Fund; or
- (ii) Increase transportation aid to local governments by using funds from the Transportation Trust Fund.

(2) When submitting a proposed bill or amendment for introduction in the General Assembly on behalf of the Administration, an executive department, or any other unit of State government, the Governor shall provide to the General Assembly, in accordance with § 2-1257 of the State Government Article, a detailed analysis of the effect the proposed bill or amendment will have on the Transportation Trust Fund and the funding of projects specified in the Consolidated Transportation Program, including an analysis of whether the reduction of available funds will result in the elimination of any project or the alteration of the scope, design, or scheduling of any project.

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§ 3-217

(a) Any funds in the Transportation Trust Fund transferred or diverted from that Fund to the General Fund or a special fund shall be repaid within 5 years after the transfer or diversion as follows:

- (1) At least 10 percent of a transfer or diversion in a fiscal year shall be repaid in the first fiscal year after the transfer or diversion;
- (2) A cumulative total of at least 30 percent of a transfer or diversion in a fiscal year shall be repaid within 2 fiscal years after the transfer or diversion;
- (3) A cumulative total of at least 55 percent of a transfer or diversion in a fiscal year shall be repaid within 3 fiscal years after the transfer or diversion;
- (4) A cumulative total of at least 80 percent of a transfer or diversion in a fiscal year shall be repaid within 4 fiscal years after the transfer or diversion; and
- (5) A cumulative total of 100 percent of a transfer or diversion in a fiscal year shall be repaid within 5 fiscal years after the transfer or diversion.

(b) This section does not apply to a distribution of highway user revenues to counties, municipalities, and Baltimore City under § 8-403 of this article.

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§ 3-301

(a) In this subtitle the following words have the meanings indicated.

- (b) "Bonds" means bonds issued under this subtitle.
- (c) "Highway user revenues" has the meaning stated in § 8-401 of this article.

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§ 3-302

The purposes of this subtitle are to enable the counties of this State to:

- (1) Accelerate programs of road construction and reconstruction;
- (2) Provide local participating funds for federally aided transportation projects;

(3) Make major road repairs as necessary to eliminate damage caused to county roads by severe and unforeseen weather conditions; and

(4) Generally finance the capital cost of transportation facilities.

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§ 3-303

(a) Subject to the limitations of this subtitle, the Department from time to time may:

(1) Borrow money and evidence the borrowing by the issuance and sale of its bonds in substantially the form and manner and subject to the same general provisions and tax exemption applicable to consolidated transportation bonds under §§ 3-203 through 3-207, 3-212, and 3-213 of this title;

(2) Disburse the proceeds of the borrowing pursuant to agreements with participating counties; and

(3) Pay the principal of and interest on the bonds.

(b) The bonds shall be known as "Department of Transportation -- County Transportation Bonds -- First Issue".

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§ 3-304

(a) Subject to the provisions of § 3-307 of this subtitle, any county in this State may participate in the proceeds of the sale of bonds issued under this subtitle.

(b) On the date designated by the Department, a county that desires to participate shall notify the Department of:

(1) Its desire to participate in the proceeds of the next series of bonds to be issued by the Department; and

(2) The proposed amount of its participation.

(c) The Department may extend the date for notification when appropriate.

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§ 3-305

(a) After notification by the county, the Department shall determine the total proceeds of the highway user revenues allocable to the county under Title 8, Subtitle 4 of this article, exclusive of any amounts distributed to any municipalities in the county.

(b) The Department next shall determine the total amount of bonds that it could issue under this subtitle on behalf of the county, with adequate annual debt service coverage, from the annual amount of the highway user revenues so allocated to the county after providing for the debt service on all outstanding and unpaid bonds that have been previously issued on behalf of the county and to which its share of the highway user revenues has been pledged.

(c) After making all necessary determinations, the Department shall notify the county of the amount of bonds of the next series that the Department will issue on behalf of the county. The Department then shall issue and sell that amount of its bonds under this subtitle as a part of the next series of bonds and shall disburse the net proceeds of that amount of the bonds pursuant to an agreement with the county, after deducting the county's proportionate share of the cost of the issuance of the bonds.

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§ 3-306

(a) The Department may not issue bonds on behalf of a county if the county's share of highway user revenues for the latest fiscal year is less than twice its annual debt service on county highway construction bonds and county transportation bonds.

(b) Subject to annual recomputation, the maximum amount of the bonds that the Department may issue on behalf of a county, as computed under this section and § 3-304 of this subtitle, is the limit of participation for the county.

(c) In its discretion, the Department may limit the participation of any county in any series of bonds. In determining the amount of participation of a county, the Department shall consider the highway maintenance and other transportation needs of the county and any other factors that the Department considers appropriate.

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§ 3-307

(a) Before it sells any bonds, the Department and the county shall enter into an agreement as required by this section.

(b) The agreement shall specify that:

(1) The bonds to be issued on behalf of the county will be repaid, with interest, within 15 years after their date of issue;

(2) Each issue of bonds on behalf of the county shall be approved by resolution of the Board of Public Works before they are issued;

(3) Unless the county elects to deposit the amount with the State Comptroller under item (4) of this subsection, and except as provided in § 3-104 of this title, the State Comptroller may withhold and deposit money to the credit of a sinking fund maintained to pay the principal of and interest on the bonds from funds allocable to the county under Title 8, Subtitle 4 of this article, after first providing for sinking fund requirements on outstanding and unpaid county highway construction bonds issued pursuant to Chapter 657 of the Laws of 1953, until an amount equal to the debt service payable in the current fiscal year and the next succeeding fiscal year is accumulated and, thereafter, an amount equal to debt service on the bonds in the succeeding fiscal year, but no part of the funds that have been previously pledged for debt service on outstanding and unpaid bonds of the county, as provided in Title 8, Subtitle 4, may be withheld;

(4) In any year in which any bonds covered by the agreement are outstanding and unpaid, the county may make an annual levy on its taxable basis in the rate and amount sufficient to provide a sum equal to the amount to be withheld by the State Comptroller, as provided in item (3) of this subsection, in which event the State Comptroller may not withhold any more of the highway user revenues of the county than necessary to assure payment of the principal of and interest on the bonds in the current fiscal year and the next succeeding fiscal year;

(5) At regular intervals, the State Comptroller shall pay from the sinking fund to the Department amounts sufficient to pay the principal of and interest on the bonds; and

(6) The county shall use and invest its share of the proceeds of the bonds within the parameters established by the Department and take, or refrain from taking, such other and further actions as may be required of it by the Department to maintain the exemption from federal income taxation of interest on the bonds.

(c) If a county violates its agreement with the Department in a manner that causes the bonds to lose their tax-exempt status, the Department may prohibit the county from participating in the Department's county bond program for 3 years from the date the violation is discovered.

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§ 3-308

In any fiscal year, if the county fails to levy the tax authorized in its agreement with the Department and if the county's share of highway user revenues is insufficient to meet the debt service on bonds in that year, the State Comptroller, notwithstanding the provisions of Title 8, Subtitle 4 of this article on the distribution of highway user revenues, may withhold from the share of highway user revenues payable to municipalities in the county an amount sufficient to pay the debt service on the bonds in that year.

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§ 3-309

Bonds issued under this subtitle are the obligations of the Department and may not be considered to constitute a debt of the county for the purpose of determining its debt limitations.

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§ 3-310

(a) In this section, "government obligations" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America.

(b) Adequate and complete provision for payment of the principal and interest of any issue or series of county transportation bonds may be made by the Secretary and the State Treasurer by making a transfer of government

obligations from the Transportation Trust Fund to the State Treasurer or to a bank or trust company as escrow fund agent in an amount which, together with the income due thereon, will be sufficient to pay in full when due the maturing principal of and interest on the county transportation bonds.

(c) To the extent that adequate and complete provision has been made for the payment of county transportation bonds under this title, those bonds shall no longer be deemed to be outstanding and unpaid under this title.

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§ 3-501

(a) In this subtitle the following words have the meanings indicated.

(b) "Bonds" means bonds issued under this subtitle and includes bonds, notes, or any other evidences of obligation.

(c) "Counties" means the counties of Maryland and includes the Mayor and City Council of Baltimore.

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§ 3-502

The purpose of this subtitle is to authorize the Department and the counties to establish a financing program, as an alternative to Subtitle 3 of this title, that will enable the counties to finance the cost of transportation facilities without the issuance of State or departmental debt.

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§ 3-503

(a) Subject to the limitations of this subtitle, the Department from time to time may:

(1) Issue revenue bonds on behalf of and for the benefit of participating counties;

(2) Loan the proceeds of those bonds to the participating counties for use in paying the counties' cost of transportation facilities; and

(3) Provide for the payment of the principal of and interest on the bonds solely from the revenues pledged for that purpose by the counties participating in an issue of bonds under this subtitle.

(b) The bonds shall be known as "County Transportation Revenue Bonds".

(c) Bonds issued under this subtitle are not "County Transportation Bonds" under Subtitle 3 of this title.

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§ 3-504

(a) A resolution authorizing the issuance of bonds under this subtitle shall determine and specify:

(1) The date or dates of issue;

(2) The date or dates and amount or amounts of maturities, which need not be in equal principal amounts or consecutive annual installments, but a bond may not be issued to mature later than 30 years after the date of its issue;

(3) The rate or rates of interest payable on the bonds, or the manner of determining the rate or rates of interest, and the date or dates of payment of interest;

(4) The tenor, form or forms, denomination or denominations, manner of execution, and place or places of payment of the principal of and interest on the bonds, which may be by any bank or trust company within or without this State;

(5) Whether the bonds are to be issued in coupon, registered or book entry form and whether provision is to be made for the registration of the principal only of coupon bonds, for the reconversion of fully registered bonds into coupon form, and for the replacement of bonds that are mutilated, lost, or destroyed;

(6) Whether the bonds are to be sold at public or private sale, as determined by the Secretary;

(7) If the bonds are to be sold at public sale, the form of notice of sale, which shall outline the terms and conditions of the sale, and the form of advertisement of a summary notice of sale, which shall be published at least once in an appropriate newspaper of general circulation as determined by the Secretary;

(8) Whether all or any part of the bonds are redeemable before maturity and, if so, the terms, conditions, and prices of redemption; and

(9) Any other matter relating to the form, terms, conditions, issuance, sale, and delivery of the bonds.

(b) (1) The resolution may provide that the Secretary may postpone the time for receipt of proposals for the bonds without republishing the form of advertisement for the bonds.

(2) (i) The Secretary shall provide notice of the new date and time of sale not less than 24 hours prior to the time proposals are to be submitted, which date may not be more than 30 days after the originally scheduled date of sale.

(ii) The notice may be given by Munifacts News Service or a similar service or such other method as the Secretary deems appropriate.

(c) (1) Bonds shall be executed by the manual or facsimile signature of the Secretary.

(2) Other signatures on the bonds may be either manual or facsimile.

(d) If an individual whose manual or facsimile signature appears on any bond or coupon ceases to serve in an authorized capacity before the delivery of the bond, the signature nevertheless is as valid and sufficient for all purposes as if the individual had remained in that capacity until delivery of the bond.

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§ 3-505

Notwithstanding any other provision of law or any recitals in the instruments, bonds issued under this subtitle are investment securities under the laws of this State.

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§ 3-506

Bonds issued under this subtitle and their issuance and sale are exempt from the provisions of §§ 8-206 and 8-208 of the State Finance and Procurement Article.

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§ 3-507

Before the preparation of definitive bonds, the Department may issue interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when the definitive bonds have been executed and are available for delivery.

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§ 3-508

(a) The Department may issue bond anticipation notes under this subtitle, payable to the bearer or registered holder of the notes out of the first proceeds of the next sale of bonds.

(b) The resolution authorizing the issuance of bond anticipation notes may provide for the issuance of these notes in series, as funds are required, and for the renewal of these notes at maturity, with or without resale.

(c) The issuance of bond anticipation notes, the details of their issuance, the rights of their holders, and the rights, duties, and obligations of the Department with respect to them are governed by the provisions of this subtitle relating to the issuance of the bonds in anticipation of the sale of which the notes are issued, insofar as those provisions may be applicable.

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§ 3-509

Bonds issued under this subtitle, their transfer, the interest payable on them, and any income derived from them, including any profit realized in their sale or exchange, shall be exempt at all times from every kind and nature of taxation by this State or by any of its political subdivisions, municipal corporations, or public agencies of any kind.

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§ 3-510

(a) Bonds under this subtitle may be authorized by trust agreement between the Department and a corporate trustee, which may be any trust company, or bank having trust powers, within or without the State. Any such trust agreement shall describe the source or sources of revenue to be pledged to pay debt service on the bonds and may contain:

- (1) Subject to then existing agreements with bondholders or noteholders, provisions pledging or assigning all or any part of the revenues of the participating counties, mortgages or loans made by the participating counties or the security therefor, the proceeds of any bonds issued under this subtitle, or any combination of these and any other assets of the participating counties to secure payment of bonds;
 - (2) Provisions protecting and enforcing rights and remedies of bondholders, including restrictions on the rights of holders, and covenants setting forth duties of or restrictions on the Department and the participating counties;
 - (3) Provisions appointing one or more trust companies or banks with trust powers to act as depositaries of the proceeds of any bonds or notes. Any depositary bank or trust company incorporated in the State may furnish indemnifying bonds or pledge securities, as required by the Department;
 - (4) Provisions as to custody, safeguarding, application, and investment of funds credited pursuant to this subtitle;
 - (5) Provisions establishing and controlling all aspects of reserve funds, including debt service reserve funds;
 - (6) Provisions for the payment of debt service on bonds and refunding bonds, including redemption premiums and interest; or
 - (7) Any other provisions deemed reasonable and proper for the security of bondholders.
- (b) A trust agreement may provide that the bonds may be sold either at public or private sale and that the maturity of the bonds may not exceed 30 years after their date of issue.

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§ 3-511

The Department may issue bonds under this subtitle:

- (1) Without obtaining the consent of any instrumentality, agency, or unit of this State; and
- (2) Without any proceedings or the happening of any conditions or things other than those specifically required by this subtitle.

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§ 3-512

- (a) The bonds shall be payable solely from the revenues received by the Department from the participating counties for that purpose.
- (b) The revenues of the State and the Department are not pledged, and may not be used, to pay the principal of or interest on the bonds.
- (c) The Transportation Trust Fund established by § 3-216 of this title is not pledged, and may not be used, to pay the principal of or interest on the bonds.

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§ 3-513

- (a) Bonds issued under this subtitle are not debt of the State or the Department.
- (b) Bonds issued under this subtitle are not and may not be considered to constitute a debt or a pledge of the faith and credit of the State of Maryland or the Department.
- (c) All bonds issued under this subtitle shall contain a statement on their face to the effect that:
 - (1) Neither the State nor the Department is obligated to pay the principal of or the interest on them; and
 - (2) Neither the faith and credit nor the taxing power of the State or the Department is pledged to the payment of the principal of or the interest on them.

(d) Bonds issued under this subtitle are obligations of the participating counties.

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§ 3-514

(a) Subject to § 3-515 of this subtitle, the Department may allow any county in this State to participate in an issue of bonds under this subtitle.

(b) On the date designated by the Department, a county that desires to participate shall notify the Department of:

- (1) Its desire to participate in the proceeds of the next series of bonds to be issued under this subtitle;
- (2) The proposed amount of its participation; and
- (3) A description of the revenues to be pledged by the county to pay debt service on the bonds.

(c) The Department may extend the date for notification when appropriate.

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§ 3-515

(a) After notification by the county, the Department shall determine the total amount of bonds that it should issue under this subtitle on behalf of participating counties, giving consideration to the amount of revenues from each county available to pay debt service on the bonds.

(b) (1) After making all necessary determinations, the Department shall notify the counties of the amount of bonds of the next series that the Department will issue on behalf of the counties.

(2) The Department shall then issue and sell that amount of bonds under this subtitle as a part of the next series of bonds and shall disburse the net proceeds of that amount of the bonds pursuant to appropriate agreements with the participating counties, after deducting the counties' proportionate share of the cost of the issuance of the bonds and the appropriate share of the Department's costs of administering the program established under this subtitle which is attributable to each bond issue.

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§ 3-516

(a) Counties which can demonstrate an ability to pay their proportionate share of debt service on the bonds may participate in the program only after:

- (1) The county's participation in the program has been approved by a local ordinance or resolution enacted after public notice and public hearings as required in accordance with State and local public laws, charters, or ordinances; and
- (2) A list of projects which may be undertaken under the local program has been available for review by the public at the public hearing.

(b) The obligations undertaken under this subtitle by participating counties, the borrowing which they represent, any pledge of the full faith and credit of the participating counties or any other guarantee of the participating counties, and the programs or projects being financed are subject to:

- (1) Any referendum requirements of the charter or other local law of the counties; and
- (2) Any limitation of the charter or local law on the rate of taxation or the aggregate amount of taxes that may be levied within the counties.

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§ 3-517

(a) Before it sells any bonds under this subtitle, the Department shall enter into an agreement with each participating county as required by this section.

(b) The agreement shall:

- (1) Specify that the bonds to be issued on behalf of the county will be repaid by the county under such terms and conditions as the Department and the counties deem appropriate;

- (2) Describe the source and nature of revenues the county will pledge to the repayment of the bonds, which revenues may include highway user revenues under § 8-401 of this article or any other revenues of the county; and
- (3) Describe any other terms or conditions that the Department deems necessary or appropriate to assure prompt and full repayment of the bonds.
- (c) The Department may pledge or assign all or a portion of its rights under agreements made pursuant to this section to guarantee repayment of bonds.
- (d) (1) In order to enhance the security or the marketability of the bonds, a county may agree with the Department to pledge any moneys that the county is entitled to receive from the county's share of highway user revenues, but a county may not pledge moneys that are pledged or dedicated to another purpose by State law.
- (2) In the event of such pledge, the State Comptroller and the State Treasurer may cause in accordance with the terms of such agreement such moneys to be paid to the Department or any trustee designated by the Department.

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§ 3-518

- (a) Counties may borrow the proceeds of bonds issued under this subtitle and enter into agreements with the Department evidencing the counties' obligation to repay such loans, pursuant to such terms and conditions as the Department and the counties deem appropriate.
- (b) A county may enter into any agreement necessary or appropriate to allow it to participate in a bond issue under this subtitle.
- (c) An agreement authorized by this subsection may have such provisions, terms, and conditions, and may be of such duration, as the county by ordinance or resolution may determine.
- (d) Except as provided in subsection (f) of this section, any payment obligation in an agreement authorized by this section may be either:
- (1) A general obligation of the county to which its full faith and credit and unlimited taxing power is pledged and which may not be subject to annual appropriation by the county; or
- (2) Any other obligation which the county is authorized to undertake.
- (e) A payment obligation in an agreement authorized by this section may be undertaken by a county pursuant to a public or private sale, with or without public bidding.
- (f) If a State constitutional provision limits a county in undertaking a payment obligation described in this section or requires a county to comply with certain procedures prior to undertaking a payment obligation described in this section, the county may provide that the payment obligation:
- (1) Is a limited obligation of the county repayable from assets and revenues as provided in the agreement; or
- (2) Is subject to annual appropriation by the county.
- (g) The obligations undertaken under this subtitle by participating counties, the borrowing which they represent, any pledge of the full faith and credit of the participating counties or any other guarantee of the participating counties, and the programs or projects being financed are not subject to any requirement of charter or local law as to the form or public sale of bonds or obligations of the counties.

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§ 3-519

- (a) The Department may from time to time issue revenue refunding bonds under this subtitle for:
- (1) Refunding any bonds issued under this subtitle, including the payment of any redemption premium on the bonds and any interest accrued or to accrue to the date of redemption of the bonds; and
- (2) Refunding any bonds issued under Subtitle 3 of this title.
- (b) This issuance of refunding bonds under this section, the details of their issuance, the rights of their holders, and the rights, duties, and obligations of the Department with respect to them are governed by the provisions of this subtitle relating to revenue bonds, insofar as those provisions may be applicable, except that the issuance of such refunding

bonds and the obligations with respect to them are not subject to the provisions of § 3-516 of this subtitle.

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§ 3-601

(a) In order to utilize to the greatest extent possible the benefits of available financial resources relating to transportation purposes, including federal grants, loans, transportation facility revenue sources, and other programs, the Department from time to time may issue its bonds and otherwise borrow funds, as provided in this subtitle, to finance the costs of transportation facilities.

(b) The Department may apply for any financial assistance in support of projects deemed appropriate by the Secretary.

(c) The Department may undertake the following actions and do all things necessary and appropriate consistent with such actions to utilize the available resources specified in subsection (a) of this section:

(1) Pledge and use existing and anticipated federal funds paid to or expected to be paid to the Department for transportation purposes for the payment of the principal of and interest on the Department's bonds or other debt obligations issued under this subtitle to finance the costs of transportation facilities; and

(2) (i) Borrow funds from the federal government or its agencies, and evidence such borrowing with a promissory note or other evidence of obligation;

(ii) Borrow funds from a nongovernment lender if the loan is guaranteed by the federal government or its agencies; and

(iii) 1. Use the proceeds of the loans described in items (i) and (ii) of this paragraph in connection with transportation facilities including use of the proceeds to pay the costs of financing transportation facilities and the payment of debt service on the Department's bonds issued in connection with such transportation facilities;

2. Repay the loans with revenues attributable to the transportation facilities being financed; and

3. Pledge revenues attributable to the transportation facilities being financed in order to secure the Department's obligations to the federal government or its agencies or a nongovernment lender in connection with the loans.

(d) If the Department intends to pledge any future federal aid from any source to support repayment of bonds issued under this subtitle:

(1) The aggregate outstanding and unpaid principal amount of debt issued under this subtitle or Title 4, Subtitle 3 of this article that is secured by a pledge of future federal aid may not exceed \$1,000,000,000 as of June 30 of any fiscal year, provided that the proceeds may be used only for:

(i) Designing and constructing the Baltimore Red Line;

(ii) Procuring zero-emission buses consistent with § 7-406 of the Transportation Article and constructing related infrastructure, including bus maintenance facilities;

(iii) Developing and constructing the Southern Maryland Rapid Transit Corridor;

(iv) Designing and constructing improvements to the Maryland Route 2 and Route 4 corridor, including the Thomas Johnson Bridge;

(v) Designing and constructing improvements to the Maryland Route 90 corridor;

(vi) Designing and constructing improvements to the Interstate 81 corridor; or

(vii) Major rehabilitation of the existing light rail system, including replacement light rail vehicles and related station and maintenance facility improvements;

(2) The date of maturity may not be later than 15 years after the date of issue; and

(3) No part of the tax levied under § 3-215 of this title may be repealed, diminished, or applied to any other purpose until:

(i) The bonds issued under this subtitle and interest on them have become due and fully paid; or

(ii) Adequate and complete provision for payment of the principal and interest has been made.

(e) (1) By resolution of the Secretary, the Department may:

(i) Borrow funds to finance the costs of transportation facilities;

- (ii) Evidence the borrowing by the issuance and sale of revenue-backed bonds; and
 - (iii) Pledge and use a dedicated revenue source, which may include revenues attributable to the transportation facilities being financed, for the payment of the principal of and interest on the Department's revenue-backed bonds described in this subsection.
- (2) Payment of the principal of or interest on revenue-backed bonds issued under this subtitle may not be supported directly or indirectly by State tax revenues pledged to meet debt service on Consolidated Transportation Bonds as prescribed under § 3-215 of this title.

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§ 3-602

- (a) Bonds issued by the Department under this subtitle shall be known as "special transportation project revenue bonds".
- (b) A resolution authorizing the issuance of special transportation project revenue bonds shall:
- (1) Describe generally the transportation facilities to be financed by the sale of bonds;
 - (2) State the estimated cost of financing these transportation facilities; and
 - (3) With respect to the bonds, specify:
 - (i) The date of issue;
 - (ii) The date of each maturity, which may not be later than 30 years after the date of issue;
 - (iii) The amount of each maturity, which need not be in equal principal amounts or consecutive annual installments;
 - (iv) The rate of interest payable on the bonds, or the manner of determining the rate of interest, and the date or dates of payment of interest;
 - (v) The tenor, form, denomination, manner of execution, and place of payment of the principal of and interest on the bonds, which may be at any bank or trust company within or without the State;
 - (vi) Whether the bonds are to be issued in coupon, registered or book entry form and whether provision is to be made for the registration of the principal only of coupon bonds, for the reconversion of fully registered bonds into coupon form, and for the replacement of bonds that are mutilated, lost, or destroyed;
 - (vii) Whether the bonds are to be sold at public or private sale, as determined by the Secretary;
 - (viii) If the bonds are to be sold at public sale:
 - 1. The form of notice of sale, which shall outline the terms and conditions of the sale; and
 - 2. The form of advertisement of a summary notice of sale, which shall be published at least once in an appropriate newspaper of general circulation as determined by the Secretary;
 - (ix) Whether all or any part of the bonds are redeemable before maturity and any terms, conditions, and prices of redemption; and
 - (x) Any other matter relating to the form, terms, conditions, issuance, sale, and delivery of the bonds.
- (c) (1) The resolution may provide that the Secretary may postpone the time for receipt of proposals for the bonds without republishing the form of advertisement for the bonds.
- (2) (i) The Secretary shall provide notice of the new date and time of sale not less than 24 hours prior to the time proposals are to be submitted, which date may not be more than 30 days after the originally scheduled date of sale.
- (ii) The notice may be given by TM3 News Service or a similar service or any other method that the Secretary deems appropriate.
- (d) (1) Special transportation project revenue bonds shall be executed on behalf of the Department by the manual or facsimile signature of the Secretary.
- (2) Other signatures on the bonds may be either manual or facsimile.
- (3) If an individual whose manual or facsimile signature appears on any bond or coupon ceases to serve in an authorized capacity before the delivery of the bond, the signature nevertheless is as valid and sufficient for all purposes as if the

individual had remained in that capacity until delivery of the bond.

(e) Forty-five days before each issuance of bonds under this section, the Department must report the proposed issuance to the Legislative Policy Committee for review and comment.

(f) Each issue of special transportation project revenue bonds shall be approved before sale by resolution of the Board of Public Works.

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§ 3-603

(a) Notwithstanding any other provision of law or any recitals in the instruments, the bonds, notes, and other evidences of obligation issued under this subtitle are investment securities under the laws of this State.

(b) The bonds, notes, and other evidences of obligation issued under this subtitle and their issuance and sale are exempt from the provisions of §§ 8-206 and 8-208 of the State Finance and Procurement Article.

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§ 3-604

(a) The Department from time to time may issue its refunding bonds for refunding any special transportation project revenue bonds.

(b) The powers granted and limitations imposed in this subtitle as to the issuance of special transportation project revenue bonds also apply to the issuance of refunding bonds.

(c) The State Treasurer shall segregate the proceeds of the sale of any refunding bonds in a separate trust fund to be used only to pay the purchase or redemption prices of the bonds to be refunded.

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§ 3-605

(a) Before the preparation of definitive bonds, the Department may issue its interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when the definitive bonds have been executed and are available for delivery.

(b) The Department may issue its bond anticipation notes, payable to the bearer or registered holder of the notes out of the first proceeds of the next sale of special transportation project revenue bonds.

(c) The resolution authorizing the issuance of bond anticipation notes may provide for the issuance of these notes in series, as funds are required, and for the renewal of these notes at maturity, with or without resale.

(d) The issuance of bond anticipation notes, the details of issuance, the rights of their holders, and the rights, duties, and obligations of the Department with respect to the bond anticipation notes are governed by the provisions of this subtitle relating to the issuance of the bonds in anticipation of the sale of which the notes are issued.

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§ 3-606

(a) (1) Bonds issued under this subtitle may be secured by a trust agreement between the Department and a corporate trustee, which may be any trust company or bank having trust powers within or without the State.

(2) The trust agreement may pledge or assign:

(i) All or any part of the existing and anticipated federal funds paid to or expected to be paid to the Department for transportation purposes; or

(ii) Revenue from a dedicated revenue source, which may include revenues attributable to the transportation facilities being financed.

(3) The trust agreement may not pledge or assign any State tax revenues pledged to meet debt service on Consolidated Transportation Bonds as prescribed under § 3-215 of this title.

(b) Any trust agreement or bond authorizing resolution may:

- (1) Contain provisions for the protection and enforcement of the rights and remedies of bondholders as are considered reasonable and proper, including covenants setting forth the duties of the Department as to the financing or development of any transportation facility, the extension, enlargement, improvement, maintenance, operation, repair, and insurance of the transportation facility, and the custody, safeguarding, and application of money;
 - (2) Provide for the employment of consulting engineers in connection with the construction or operation of any transportation facility;
 - (3) Set forth the rights and remedies of the bondholders and of the trustee;
 - (4) Restrict the individual right of action by bondholders; and
 - (5) Contain any other provisions that the Department considers reasonable and proper for the security of the bondholders.
- (c) All expenses incurred in carrying out the trust agreement may be treated as a part of the cost of the operation of the transportation facility in connection with which the bonds have been issued.
 - (d) The proceeds of the sale of bonds shall be paid to the trustee under the trust agreement securing the bonds and shall be disbursed in the manner and under the restrictions, if any, provided in the trust agreement.
 - (e) Any bank or trust company incorporated under the laws of this State that acts as depository of the proceeds of the bonds or of revenues may furnish any indemnifying bonds or pledge any securities that the Department requires.

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§ 3-607

- (a) The bonds, notes, and other evidences of obligation issued under this subtitle, their transfer, the interest payable on them, and any income derived from them, including any profit realized in their sale or exchange, shall be exempt from taxation by this State or by any of its political subdivisions, municipal corporations, or public agencies.
- (b) The bonds, notes, and other evidences of obligation issued under this subtitle are not and may not be considered to constitute a debt or a pledge of the faith and credit of the State of Maryland, but shall be payable, as to both principal and interest, only from the proceeds of the revenues pledged or made available under this subtitle for this purpose.
- (c) The Department's pledge of revenues and funds to secure its bonds, notes, and other evidences of obligation issued under this subtitle, shall be valid and binding against any person having a claim against the Department, and shall have priority over any such claim, regardless of whether the person has notice of the Department's pledge.
- (d) Notwithstanding any other provision of law, the Department is only required to file or record in the records of the Department any resolution, trust agreement, or other instrument that creates a lien on, a security interest in, or an assignment of:
 - (1) Any revenues;
 - (2) Any rights to receive revenues; or
 - (3) Any moneys or securities in the funds and accounts pledged to the bonds, notes, or other evidence of obligation of the Department.

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Title 4 — Registration of Vehicles

§ 4-101

- (a) In this title the following words have the meanings indicated.
- (b) "Authority" means the Maryland Transportation Authority.
- (c) "Cost", as applied to any transportation facilities project, includes the cost of and all expenses incident to the construction, reconstruction, acquisition, improvement, extension, alteration, modernization, planning, maintenance, and repair of the project, including the cost and expenses of:
 - (1) All property acquired in connection with it;

- (2) Financial, architectural, consulting, engineering, and legal services;
- (3) Plans, specifications, surveys, estimates, feasibility reports, and direct and indirect labor, material, equipment, and administrative expenses; and
- (4) Financing the project, including financing charges and interest before, during, and for 1 year after completion of construction.
- (d) "Outstanding and unpaid" does not include:
 - (1) Bonds purchased and held in sinking funds by or for the Authority; or
 - (2) If the money for their payment or redemption has been provided:
 - (i) Matured bonds not presented for payment; or
 - (ii) Bonds called for redemption but not presented for redemption.
- (e) "Refunding" means the retirement and cancellation of bonds, including revenue bonds of prior issues, after their acquisition by or for the Authority, whether before, at, or after maturity, either in exchange for other bonds or by payment, purchase, or redemption with the proceeds of the sale of other bonds.
- (f) "Resolution", as used with respect to the Authority, means a resolution adopted by the affirmative vote of a majority of the appointed members of the Authority and concurred in by the Chairman.
- (g) "Revenue bonds of prior issues" means:
 - (1) "State of Maryland Bridge and Tunnel Revenue Bonds" dated as of October 1, 1954;
 - (2) "State of Maryland Northeastern Expressway Revenue Bonds" dated as of January 1, 1962;
 - (3) "State of Maryland Bridge and Tunnel Revenue Bonds":
 - (i) "(Series 1968)" dated as of October 1, 1968; and
 - (ii) "(Series 1975)" dated as of July 1, 1975; and
 - (4) Any other revenue bonds issued under the same provisions of law that authorized the issuance of the bonds listed in this subsection.
- (h) "Transportation facilities project" includes:
 - (1) The Susquehanna River Bridge, the Harry W. Nice/Thomas "Mac" Middleton Potomac River Bridge, the William Preston Lane, Jr. Memorial Chesapeake Bay Bridge and parallel Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, the Fort McHenry Tunnel, the Francis Scott Key Bridge, and the John F. Kennedy Memorial Highway, together with their appurtenant causeways, approaches, interchanges, entrance plazas, toll stations, and service facilities;
 - (2) A vehicle parking facility located in a priority funding area as defined in § 5-7B-02 of the State Finance and Procurement Article;
 - (3) Any other project for transportation facilities that the Authority authorizes to be acquired or constructed; and
 - (4) Any additions, improvements, or enlargements to any of these projects, whenever authorized.
- (i) "Transportation facility" has the meaning stated in § 3-101 of this article.
- (j) "Vehicle parking facility" means a controlled entrance and exit building, structure, surface lot, and other facility for parking vehicles, for which fees or charges are established for the use of the facility.

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§ 4-102

The exercise of the powers granted by this title is in all respects for the benefit of the people of this State and for the improvement of their health and living conditions, and the activities of the Authority and the operation and maintenance of its projects constitute essential governmental functions.

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§ 4-201

There is a Maryland Transportation Authority.

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§ 4-202

- (a) The Secretary of Transportation is the Chairman of the Authority.
- (b) (1) In addition to the Chairman, the Authority consists of eight members appointed by the Governor with the advice and consent of the Senate.
- (3) Of the appointed members:
 - (i) One shall have expertise in structural engineering;
 - (ii) One shall have expertise in transportation planning;
 - (iii) One shall have expertise in land use planning; and
 - (iv) One shall have expertise in finance.
- (4) The appointed members of the Authority shall reflect the racial, gender, and geographic diversity of the population of the State.
- (c) (1) Each appointed member serves for a term of 4 years and until a successor is appointed and qualifies.
- (2) The terms of the appointed members are staggered as required by the terms provided for members of the Authority on January 1, 2007.
- (3) An appointed member may not serve more than three consecutive terms.
- (4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.
- (d) A member of the Authority is entitled to:
 - (1) The compensation provided in the State budget; and
 - (2) Reimbursement for expenses, in accordance with the Standard State Travel Regulations of the Department of Budget and Management.

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§ 4-203

- (a) The Authority is entitled to the staff provided in the State budget.
- (b) The Secretary shall provide the Authority with the personnel of the Department that the Secretary considers necessary for performance of the maintenance and other functions required of the Authority to meet its obligations with respect to its transportation facilities projects.

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§ 4-204

- (a) Acting on behalf of the Department, the Authority has those powers and duties relating to the supervision, financing, construction, operation, maintenance, and repair of transportation facilities projects as are granted to it by this title or any other provisions of law.
- (b) The Authority has general supervision over all transportation facilities projects.
- (c) The Authority shall finance, construct, operate, repair, and maintain in good order all transportation facilities projects.

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§ 4-205

- (a) Subject to § 4–306 of this title and in addition to the powers otherwise specifically granted by law, the Authority has the powers described in this section.
- (b) The Authority may acquire, hold, and dispose of property in the exercise of its powers and performance of its duties.
- (c) (1) Subject to the limitations described in paragraph (2) of this subsection, the Authority may make any contracts and agreements necessary or incidental to the exercise of its powers and performance of its duties.

(2) Not less than 45 days before entering into any contract or agreement to acquire or construct a revenue-producing transportation facilities project, subject to § 2–1257 of the State Government Article, the Authority shall provide, to the Senate Budget and Taxation Committee, the House Committee on Ways and Means, and the House Appropriations Committee, for review and comment, and to the Department of Legislative Services, a description of the proposed project, a summary of the contract or agreement, and a financing plan that details:

(i) The estimated annual revenue from the issuance of bonds to finance the project; and

(ii) The estimated impact of the issuance of bonds to finance the project on the bonding capacity of the Authority.

(d) (1) Subject to paragraph (2) of this subsection, the Authority may employ and fix the compensation of attorneys, consulting engineers, accountants, construction and financial experts, superintendents, managers, and any other agents and employees that it considers necessary to exercise its powers and perform its duties. The compensation established by the Authority for executive management positions shall be consistent with the compensation of comparable positions in the Department of Transportation. The compensation established by the Authority shall be reported to the General Assembly each year as part of the Authority's presentation of its budget.

(2) The expense of employing these persons may be paid only from revenues or from the proceeds of revenue bonds issued by the Authority.

(e) The Authority may apply for and receive grants from any federal agency for the planning, construction, operation, or financing of any transportation facilities project and may receive aid or contributions of money, property, labor, or other things of value from any source, to be held, used, and applied for the purposes for which the grants, aid, and contributions are made.

(f) The Authority may adopt rules and regulations to carry out the provisions of this title.

(g) The Authority may do anything else necessary or convenient to carry out the powers granted in this title.

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§ 4-206

Subject to Title 12 of the Real Property Article and Ch. 608, Acts of 1976, the Authority may condemn property for any transportation facilities project authorized to be financed with revenue bonds of prior issues.

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§ 4-207

Except for water and sewer charges imposed by this State or any of its agencies or political subdivisions, the Authority, its activities, and the property it owns or controls are exempt from all taxes, assessments, and charges, whether federal, State, or local, now or subsequently levied or imposed.

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§ 4-208

(a) (1) There is a Maryland Transportation Authority Police Force.

(2) Subject to subsection (b) of this section, a Maryland Transportation Authority police officer has all the powers granted to a peace officer and a police officer of this State.

(b) (1) A Maryland Transportation Authority police officer may exercise the powers described in subsection (a)(2) of this section on property owned, leased, or operated by or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, and Maryland Port Administration.

(2) (i) This paragraph does not apply to a highway as defined in § 8–101 of this article or other public property or waterway open for public conveyance.

(ii) For purposes of establishing perimeter security subject to the requirements of paragraph (3) of this subsection, a Maryland Transportation Authority police officer may exercise the powers described in subsection (a)(2) of this section:

1. Within 500 feet of property described in paragraph (1) of this subsection; and

2. On or within 500 feet of any other property owned, leased, operated by, or under the control of the Department.

(3) A Maryland Transportation Authority police officer may exercise the powers described in paragraph (2) of this subsection, if:

(i) The Chairman of the Maryland Transportation Authority, with the approval of the Governor, determines on the basis of specific and articulable facts that the exercise of the powers is reasonable to protect against actual or threatened physical injury or damage to State employees or State property or assets and provides notice of the exercise of the powers to the:

1. Chief of police, if any, or the chief's designee, in a municipal corporation;
2. Chief of police or the chief's designee in a county with a county police department;
3. Sheriff or the sheriff's designee in a county without a police department;
4. Police Commissioner or the Police Commissioner's designee in Baltimore City;
5. Secretary of Natural Resources or the Secretary's designee on any property owned, leased, operated by, or under the control of the Department of Natural Resources;
6. Secretary of State Police or the Secretary's designee; or
7. Secretary of a principal department that maintains a police force or the secretary's designee if the department would be affected by the actions of the Maryland Transportation Authority Police Force of this subsection; or

(ii) Ordered to do so by the Governor pursuant to a proclamation or declaration by the Governor of a state of emergency under Title 14 of the Public Safety Article.

(4) The police officer may not exercise these powers on any other property unless:

- (i) Engaged in fresh pursuit of a suspected offender;
- (ii) Specially requested or permitted to do so in a political subdivision by its chief executive officer or its chief police officer; or
- (iii) Ordered to do so by the Governor.

(5) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any federal, State, or local law enforcement agency, or any other federal police or federal protective service.

(c) (1) In consultation with the Secretary of State Police and the Maryland Police Training and Standards Commission, the Secretary of Transportation shall adopt standards, qualifications, and prerequisites of character, training, education, human and public relations, and experience for Maryland Transportation Authority police officers, including standards for the performance of their duties.

(2) To the extent practicable, the Secretary of Transportation shall adopt standards that are similar to the standards adopted for the Department of State Police.

(3) Standards adopted on or after July 1, 1974, on minimum hiring qualifications of Maryland Transportation Authority police officers may not affect the status of any individual who was a qualified toll facilities police officer on that date.

(d) The Authority shall adopt rules and regulations governing the operation and conduct of the Maryland Transportation Authority Police Force and of Maryland Transportation Authority police officers. These rules and regulations shall be consistent with the standards established by the Secretary.

(e) The Maryland Transportation Authority Police Force shall provide police services to the Authority, to the Maryland Aviation Administration, and to the Maryland Port Administration.

(f) (1) Any person who was a member in good standing, as of July 1, 1977, of the Maryland Aviation Administration Police Force of the Department and subsequently an airport police employee of the State Police, shall become a member of the Maryland Transportation Authority Police Force, and shall continue as such without diminution in salary, except for shift differential, until retirement, resignation, or termination, and shall be paid in accordance with the Maryland Transportation Authority Police Force pay plan.

(2) Each employee described in paragraph (1) of this subsection shall remain a member of the Baltimore City fire and police employees retirement system. The Authority shall reimburse the City for the employer's cost of the pension coverage.

(g) (1) Any person who is a member in good standing, as of July 1, 1998, of the Maryland Port Administration Police Force of the Department shall become a member of the Maryland Transportation Authority Police Force and shall continue as such without diminution in salary until retirement, resignation, or termination of employment, and shall be paid in accordance with the Maryland Transportation Authority Police Force plan.

(2) Each employee described in paragraph (1) of this subsection may elect to join the Law Enforcement Officers' Pension System under the provision of Title 26 of the State Personnel and Pensions Article.

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§ 4-209

As to revenue bonds, including revenue bonds of prior issues, and transportation facilities projects:

(1) Every resolution, rule, regulation, form, order, and directive adopted by or relating to the State Roads Commission remains in effect until changed by the Maryland Transportation Authority; and

(2) Every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any other document to the State Roads Commission means the Maryland Transportation Authority.

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§ 4-210

(a) Each year, the Authority shall develop and adopt a 6-year financial forecast for the operations of the Authority.

(b) In accordance with § 2-1257 of the State Government Article, the Authority shall submit to the General Assembly:

(1) A draft of the financial forecast on submission of the budget bill to the presiding officers of the General Assembly; and

(2) The financial forecast as approved by the Authority on or before September 1 of each year.

(c) The financial forecast shall include the following components:

(1) A schedule of operating expenses;

(2) A schedule of revenues, including concessions income, investment income, other income, and transfers from the Department;

(3) A schedule of toll revenues, including the average toll per vehicle, the average toll increase, the number of paid vehicles, and the toll revenue by toll facility by fiscal year;

(4) A schedule of planned bond issuances, including a detailed summary of bonds issued to fund the capital program and bonds issued to fund capitalized interest;

(5) A schedule of debt service in each fiscal year for each bond issuance of all debt issued by the Authority, including debt service estimates of planned bond issuances; and

(6) A summary schedule for the Authority that includes:

(i) The total cash balance;

(ii) The amount of the cash balance that is encumbered;

(iii) The annual cash surplus or deficit;

(iv) Revenues;

(v) Transfers to the Department from the Authority;

(vi) Transfers to the Authority from the Department;

(vii) Bond sales;

(viii) Expenditures for debt service;

(ix) Operating expenses;

(x) Capital expenses;

(xi) Maintenance and operations expense reserve accounts;

(xii) Forecasted bond interest rates;

(xiii) Total bonds outstanding; and

(xiv) Financial coverage ratios, including the ratio of total cash to toll revenues, the debt service coverage ratio, and the rate covenant compliance ratio.

(d) The financial forecast shall include, for each of the components specified in subsection (c) of this section:

(1) Actual information for the last full fiscal year; and

(2) Forecasts of the information for each of the 6 subsequent fiscal years, including the current fiscal year, the fiscal year for the proposed budget, and the next 4 subsequent fiscal years.

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§ 4-211

For purposes of the Open Meetings Act, a project site visit or educational field tour may not be considered a meeting of the Authority if no organizational business is conducted.

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§ 4-212

(a) (1) In this section the following words have the meanings indicated.

(2) "Advisory Group" means the Chesapeake Bay Bridge Reconstruction Advisory Group.

(3) "Chesapeake Bay Bridge" means the William Preston Lane, Jr. Memorial Chesapeake Bay Bridge and parallel Chesapeake Bay Bridge.

(b) There is a Chesapeake Bay Bridge Reconstruction Advisory Group in the Department.

(c) The Advisory Group consists of the following members:

(1) The Secretary of Transportation, or the Secretary's designee;

(2) The State Highway Administrator, or the Administrator's designee;

(3) The Executive Director of the Authority, or the Executive Director's designee;

(4) Two citizen members appointed by the Anne Arundel County Council;

(5) Two citizen members appointed by the County Commissioners of Queen Anne's County; and

(6) The following members appointed by the Governor:

(i) Three citizen members who live in Anne Arundel County and are familiar with issues faced by commuters who cross the Chesapeake Bay Bridge; and

(ii) Three citizen members who live in Queen Anne's County and are familiar with issues faced by commuters who cross the Chesapeake Bay Bridge.

(d) (1) The term of an appointed member is 3 years.

(2) The terms of the appointed members are staggered as required by the terms provided for members of the Advisory Group on July 1, 2020.

(3) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(4) An appointed member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) From among its members, the Advisory Group shall elect a chair each year.

(f) The Authority shall provide staff for the Advisory Group.

(g) A member of the Advisory Group:

(1) May not receive compensation as a member of the Advisory Group; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(h) The Advisory Group shall:

- (1) Adopt bylaws;
- (2) Provide the Authority with an independent, citizen-informed perspective on the Authority's operations at the Chesapeake Bay Bridge; and
- (3) (i) Assist the Authority in:
 1. Assessing potential concerns about activity relating to the Chesapeake Bay Bridge; and
 2. Educating the general public about activity relating to the Chesapeake Bay Bridge; and(ii) Work collaboratively with the Authority and provide pertinent input related to traffic and customer service issues.
- (i) The Advisory Group is a public body and is subject to Title 3 of the General Provisions Article.
- (j) Any entity that conducts a traffic capacity study pertaining to the Chesapeake Bay Bridge and U.S. Route 50 between Interstate 97 and Maryland Route 404 shall report its findings and recommendations to the Advisory Group.
- (k) (1) The Advisory Group shall report its activities and recommendations quarterly to the Authority.
- (2) On or before July 1, 2021, and each July 1 thereafter, the Advisory Group shall report its activities and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

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§ 4-301

By one or more resolutions, the Authority may:

- (1) Finance the cost of transportation facilities projects;
- (2) Borrow money from time to time for that purpose; and
- (3) Evidence the borrowing by the issuance and sale of revenue bonds, notes, or other evidences of obligation on the terms, conditions, and limitations contained in this subtitle.

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§ 4-302

(a) Except as provided in § 4-306(b) of this subtitle, without limiting the power of the Authority to issue additional revenue bonds under the provisions of law that authorize the issuance of revenue bonds of prior issues, the Authority from time to time may issue its revenue bonds to finance the cost of any one or more or combination of transportation facilities projects.

(b) As to revenue bonds of any issue, the Authority may determine:

- (1) The date or dates of issue;
- (2) The date or dates and amount or amounts of maturity, which need not be in equal principal amounts or consecutive annual installments, but a bond may not be issued to mature later than 40 years after the date of its issue;
- (3) The rate or rates of interest payable on the bonds, or the manner of determining the rate or rates of interest, and the date or dates of payment of interest;
- (4) The tenor, form or forms, denomination or denominations, manner of execution, and place or places of payment of the principal of and interest on the bonds, which may be at any bank or trust company within or without this State;
- (5) Whether the bonds are to be issued in coupon or registered form or both and whether provision is to be made for the registration of the principal only of coupon bonds, for the reconversion of fully registered bonds into coupon form, and for the replacement of bonds that are mutilated, lost, or destroyed;
- (6) Whether all or any part of the bonds are redeemable before maturity and, if so, the terms, conditions, and prices of redemption; and
- (7) Any other matter relating to the form, terms, conditions, issuance, sale, and delivery of the bonds.

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§ 4-303

(a) (1) Revenue bonds issued under this subtitle shall be executed on behalf of the Authority by the manual signature of at least one authorized individual.

(2) Other signatures on the bonds may be either manual or facsimile.

(b) If an individual whose manual or facsimile signature appears on any bond or coupon issued under this subtitle ceases to serve in an authorized capacity before the delivery of the bond, the signature nevertheless is as valid and sufficient for all purposes as if the individual had remained in that capacity until delivery of the bond.

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§ 4-304

Notwithstanding any other provision of law or any recitals in the instruments, the revenue bonds, notes, and other evidences of obligation issued under this subtitle are investment securities under the laws of this State.

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§ 4-305

The revenue bonds, notes, and other evidences of obligation issued under this subtitle and their issuance and sale are exempt from the provisions of §§ 8-206 and 8-208 of the State Finance and Procurement Article, and the Authority may sell them at either public or private sale in the manner and for the price that it determines.

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§ 4-306

(a) Except as provided in subsection (b) of this section, revenue bonds may be issued by the Authority:

(1) Without obtaining the consent of any instrumentality, agency, or unit of this State; and

(2) Without any proceedings or the happening of any conditions or things other than those specifically required by this subtitle.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, revenue bonds secured by toll revenue may be issued in any amount as long as the aggregate outstanding and unpaid principal balance of the revenue bonds secured by toll revenue and revenue bonds of prior issues does not exceed \$4,000,000,000 on June 30 of any year.

(ii) The maximum aggregate amount of revenue bonds that may be outstanding and unpaid under subparagraph (i) of this paragraph shall be reduced by the amount of:

1. Any loan extended to the State under the federal Transportation Infrastructure Finance and Innovation Act; and

2. Any line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act, to the extent the State draws on the line of credit.

(2) Except as otherwise provided in this section and § 4-205 of this title, without the approval of the General Assembly, the Authority may issue bonds to refinance all or any part of the cost of a transportation facility project for which the Authority previously issued bonds authorized under this subtitle.

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§ 4-307

(a) Subject to the provisions of §§ 4-306(b), 4-320, and 4-321 of this subtitle, if by reason of increased construction costs, error in estimates, or otherwise, the proceeds of the revenue bonds of any issue are less than the amount required for the purpose for which the bonds are authorized, additional revenue bonds may be issued in a similar manner to provide the amount of the deficiency.

(b) The additional bonds shall be deemed to be of the same issue and shall be entitled to payment from the same fund, without preference or priority, as the bonds first issued. If the proceeds of the additional bonds exceed the amount required, the excess shall be deposited to the credit of any reserve fund for the bonds or, if so provided in the trust agreement securing the bonds, may be applied to the cost of any additional project.

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§ 4-308

(a) The Authority from time to time may issue its revenue refunding bonds for:

- (1) Refunding any bonds issued under this subtitle or any revenue bonds of prior issues, including the payment of any redemption premium on the bonds and any interest accrued or to accrue to the date of redemption of the bonds;
- (2) Constructing improvements or extensions to or enlargements of any transportation facilities project; and
- (3) Paying all or any part of the cost of any additional transportation facilities project.

(b) The issuance of revenue refunding bonds, the details of their issuance, the rights of their holders, and the rights, duties, and obligations of the Authority with respect to them are governed by the provisions of this subtitle relating to revenue bonds, insofar as those provisions may be applicable.

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§ 4-309

Before the preparation of definitive bonds, the Authority may issue its interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when the definitive bonds have been executed and are available for delivery.

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§ 4-310

(a) The Authority may issue its bond anticipation notes, payable to the bearer or registered holder of the notes out of the first proceeds of the next sale of bonds issued under this subtitle.

(b) The resolution authorizing the issuance of bond anticipation notes may provide for the issuance of these notes in series, as funds are required, and for the renewal of these notes at maturity, with or without resale.

(c) The issuance of bond anticipation notes, the details of their issuance, the rights of their holders, and the rights, duties, and obligations of the Authority with respect to them are governed by the provisions of this subtitle relating to the issuance of the bonds in anticipation of the sale of which the notes are issued, insofar as those provisions may be applicable.

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§ 4-311

(a) (1) Revenue bonds issued under this subtitle may be secured by a trust agreement between the Authority and a corporate trustee, which may be any trust company or bank having trust powers within or without this State.

(2) The trust agreement may pledge or assign all or any part of the revenues of the Authority or of any transportation facilities project, but may not mortgage any part of any transportation facilities project.

(b) Any trust agreement or bond authorizing resolution may:

(1) Contain any provisions for the protection and enforcement of the rights and remedies of bondholders as are considered reasonable and proper, including covenants setting forth the duties of the Authority as to the financing or development of any transportation facilities project, the extension, enlargement, improvement, maintenance, operation, repair, and insurance of the project, and the custody, safeguarding, and application of money;

(2) Provide for the employment of consulting engineers in connection with the construction or operation of any transportation facilities project;

(3) Set forth the rights and remedies of the bondholders and of the trustee;

(4) Restrict the individual right of action by bondholders; and

(5) Contain any other provisions that the Authority considers reasonable and proper for the security of the bondholders, including:

(i) Covenants to restrict or prohibit the construction or operation of competing transportation facilities of the same mode; and

(ii) Covenants relating to the issuance of additional parity bonds on stated conditions consistent with the requirements of this subtitle.

(c) All expenses incurred in carrying out the trust agreement may be treated as a part of the cost of the operation of the transportation facilities project in connection with which the bonds have been issued.

(d) The proceeds of the sale of bonds shall be paid to the trustee under the trust agreement securing the bonds and shall be disbursed in the manner and under the restrictions, if any, provided in the trust agreement.

(e) Any bank or trust company incorporated under the laws of this State that acts as depository of the proceeds of the bonds or of revenues may furnish any indemnifying bonds or pledge any securities that the Authority requires.

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§ 4-312

(a) (1) Notwithstanding the provisions of Section 3, § 20 and Section 4, § 16 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may continue to be charged on the John F. Kennedy Memorial Highway and any project constructed under the provisions of Section 3 (Bridge, Tunnel, and Motorway Revenue Bonds) of Chapter 608 of the Acts of the General Assembly of 1976.

(2) As to all or any part of any transportation facilities project, the Authority may:

(i) Fix, revise, charge, and collect rentals, rates, fees, tolls, and other charges and revenues for its use or for its services; and

(ii) Contract with any person who desires its use for any purpose and fix the terms, conditions, rentals, rates, fees, tolls, or other charges or revenues for this use.

(3) (i) Before the Authority adopts an increase in tolls, fees, or other charges on any part of a fixed toll transportation facilities project or adopts an increase in mileage rate ranges, pricing periods, toll zones, fees, or other charges on a variably priced toll transportation facilities project, the Authority shall provide an opportunity for public review and comment on the proposed increase at one or more meetings held at a time and place of convenience to the public in each county in which the increase is proposed to be implemented.

(ii) At least 10 working days before the start of the first meeting under subparagraph (i) of this paragraph, the Authority shall provide to the public on the Authority's official website the proposed increase in tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges and information and studies used in its analysis to justify the proposed increase.

(iii) For a period of at least 10 working days after the last scheduled meeting for public review and comment under subparagraph (i) of this paragraph, the Authority shall provide the public with an opportunity to submit additional written comments on the proposal.

(iv) Within 10 days after the close of the written comment period under subparagraph (iii) of this paragraph, the Authority shall provide to the public on its official website and to the members of the Authority a summary and analysis of the comments received from the public on the proposal.

(4) Before the Authority votes on any proposal to increase tolls, fees, or other charges on any part of a fixed toll transportation facilities project or votes on an increase in mileage rate ranges, pricing periods, toll zones, fees, or other charges on any part of a variably priced toll transportation facilities project, the Authority shall:

(i) Provide in writing to all of the members of the Authority and, on request, to the public any recommendation of the Authority regarding the proposal;

(ii) For a period of at least 10 working days after making any recommendation on the proposal, provide an opportunity for public review and written comment on the recommendation;

(iii) Provide to the public on its official website:

1. Any recommendation of the Authority regarding the proposal; and

2. The time, place, and date of the meeting at which the Authority will vote on the proposal; and

(iv) Provide to each member of the Authority and provide to the public on its official website a summary and analysis of any public comments received under item (ii) of this paragraph by the Authority regarding the Authority's recommendation.

(5) (i) At any meeting in which a recommendation to increase tolls, fees, or other charges on a fixed toll transportation facilities project or a recommendation to increase mileage rate ranges, pricing periods, toll zones, fees, or other charges on a variably priced transportation facilities project is scheduled for consideration, the Authority shall provide the public a reasonable amount of time to comment on the recommendation before the Authority votes on the recommendation.

(ii) If the Authority amends its recommendation after receiving public comment at the meeting under subparagraph (i) of this paragraph and then votes on the amended recommendation at that meeting, the Authority is not required to provide an additional opportunity for public comment under paragraph (4) of this subsection.

(6) (i) If the Authority determines that it must increase tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges within a time period or in a manner that will not permit compliance with paragraphs (3) and (4) of this subsection to remain in compliance with the provisions of any trust agreement, escrow deposit agreement, or resolution that provides for the payment of bonds issued by the Authority, or to ensure that unforeseen circumstances do not adversely affect the continuity of operations at one or more transportation facilities projects, the Authority shall determine that an emergency status exists.

(ii) If the Authority determines that an emergency status exists under subparagraph (i) of this paragraph, the Authority shall adopt temporary adjustments to tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges that shall take effect immediately on adoption by the Authority or on the effective date established by the Authority.

(iii) If the Authority adopts any temporary adjustments to tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges under subparagraph (ii) of this paragraph, the Authority shall:

1. Provide notice to the public on the Authority's official website of any temporary adjustment adopted under subparagraph (ii) of this paragraph; and
2. Commence the public notice and comment procedures under paragraphs (3) and (4) of this subsection immediately.

(iv) An emergency status determination may not exceed 300 days and may be subject to one or more additional conditions imposed by the Authority.

(v) When the emergency status expires, the temporary adjustments adopted under subparagraph (ii) of this paragraph shall end.

(b) The rentals, rates, fees, tolls, and other charges and revenues designated as security for any bonds issued under this subtitle shall be fixed and adjusted from time to time, either with respect to a particular transportation facilities project or in respect of the aggregate of the charges and revenues from other transportation facilities projects under the control of the Authority, as may be specified by law or in any applicable resolution or trust agreement, so as to provide funds that, together with any other available revenues, are sufficient as long as the bonds are outstanding and unpaid to:

- (1) Pay the costs of maintaining, repairing, and operating the transportation facilities project or projects financed in whole or in part by one or more series of outstanding and unpaid bonds, to the extent that payment is not otherwise provided;
- (2) Pay the principal of and the interest on these bonds as they become due and payable;
- (3) Create reasonable reserves that are anticipated will be needed for these purposes; and
- (4) Provide funds for paying the cost of replacements, renewals, and improvements.

(c) (1) Except as otherwise provided in this subsection, the rentals, rates, fees, tolls, and other charges and revenues are not subject to supervision or regulation by any instrumentality, agency, or unit of this State or any of its political subdivisions.

(2) This subtitle does not permit the exercise of any power or the undertaking of any activity that would conflict with the provisions and limitations of the federal Urban Mass Transportation Act of 1964.

(3) Tolls for the use of the bridge carrying the John F. Kennedy Memorial Highway over the Susquehanna River may not be less than the comparable tolls charged for the use of the Susquehanna River Bridge.

(4) Prior to fixing or revising tolls on any part of any transportation facilities project, the Authority shall provide, in accordance with § 2-1257 of the State Government Article, to the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Ways and Means Committee information on the proposed toll charges, including:

- (i) The annual revenues generated by the toll charges;

- (ii) The proposed use of the revenues; and
- (iii) The proposed commuter discount rates.

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§ 4-313

(a) (1) All rentals, rates, fees, tolls, and other charges and revenues derived from any transportation facilities project shall be set aside in a fund known as the "Transportation Authority Fund", except to the extent that they are pledged under an applicable trust agreement to secure either:

(i) Revenue bonds issued under this subtitle if the trust agreement or bond authorizing resolution expressly provides that this section does not apply to those bonds; or

(ii) Revenue bonds of prior issues.

(2) The Transportation Authority Fund shall be pledged to and charged with the payment of:

(i) The interest on bonds issued under this subtitle as it falls due;

(ii) The principal of the bonds as it falls due;

(iii) The necessary charges of paying agents for paying principal and interest; and

(iv) The redemption price or purchase price of bonds retired by call or purchase as provided in the bond authorizing resolution or trust agreement.

(b) (1) The pledge is valid and binding from the time it is made.

(2) Rentals, rates, fees, tolls, and other charges and revenues or other money so pledged and later received by the Authority immediately shall be subject to the lien of the pledge without physical delivery or any further act.

(3) The lien of the pledge is valid and binding as against all parties having any claims of any kind in tort, contract, or otherwise against the Authority, whether or not these parties have notice of the pledge.

(4) Notwithstanding any law to the contrary, neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded other than in the records of the Authority.

(c) (1) Any amount set aside in the Transportation Authority Fund that is not needed to provide for the payment of the items specified in subsections (a)(2) and (b) of this section may be transferred, upon the recommendation of the Secretary and after the approval of the Board of Public Works, to the Transportation Trust Fund to be used as appropriated by the General Assembly unless prohibited by any applicable resolution or trust agreement.

(2) The use and disposition of money to the credit of the Transportation Authority Fund is subject to the provision of the applicable bond authorizing resolution or trust agreement.

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§ 4-314

(a) Without in any way limiting or restricting its effect or application, this subtitle is intended to authorize the Authority to finance any one or more or any combination of transportation facilities projects by any one or more or combination of issues or series of bonds secured by the pledge of the net or gross or any combination of the net or gross rentals, rates, fees, tolls, and other charges and revenues derived from any transportation facilities project or combination of projects designated by any bond authorizing resolution or trust agreement securing the bonds.

(b) However, all funds collected from rentals, rates, fees, tolls, and other charges and revenues which are not needed to meet the costs which they are required to meet under § 4-312 of this subtitle or any trust agreement and are not needed to meet obligations of the Transportation Authority Fund, may be used in the discretion of the Secretary to provide adequate and complete payment of all principal and interest on all bonds issued in connection with the John F. Kennedy Memorial Highway and any project constructed under the provisions of Section 3 (Bridge, Tunnel, and Motorway Revenue Bonds) of Chapter 608, of the Acts of the General Assembly of 1976. All such remaining funds thereafter remaining may be transferred, upon the recommendation of the Secretary and after the approval of the Board of Public Works, to the Transportation Trust Fund and may be used for any purpose to which funds in the Transportation Trust Fund may be applied.

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§ 4-315

All money that is received by the Authority as proceeds from the sale of revenue bonds, notes, or other evidences of obligation under this subtitle and by way of rentals, rates, fees, tolls, and other charges and revenues derived from any transportation facilities project or combination of projects and that is designated by any authorizing resolution or trust agreement as security for the bonds, notes, or other evidences of obligation shall be deemed to be trust funds to be held and applied only as provided in this subtitle.

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§ 4-316

Except to the extent restricted by the trust agreement, the trustee or any holder of revenue bonds issued under this subtitle or of any of the coupons appertaining to the bonds may:

- (1) Bring a suit, action, mandamus, or other proceeding at law or in equity to protect and enforce any right under the laws of this State or under the bond authorizing resolution or trust agreement; and
- (2) Enforce and compel the performance of all duties required by this subtitle or by the trust agreement to be performed by the Authority or by any of its officers, including the fixing, charging, and collecting of rentals, rates, fees, tolls, and other charges and revenues.

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§ 4-317

All public officers and public agencies of this State and its political subdivisions, all banks, trust companies, savings and loan associations, investment companies, and others carrying on a banking business, all insurance companies, insurance associations, and others carrying on an insurance business, all personal representatives, guardians, trustees, and other fiduciaries, and all other persons may legally and properly invest funds, including capital in their control or belonging to them, in revenue bonds, notes, and other evidences of obligation issued under this subtitle. These bonds, notes, and other evidences of obligation may legally and properly be deposited with and received by any State or municipal officer or any agency or political subdivision of this State for any purpose for which the deposit of bonds or other obligations of this State is authorized by law.

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§ 4-318

The revenue bonds, notes, and other evidences of obligation issued under this subtitle, their transfer, the interest payable on them, and any income derived from them, including any profit realized in their sale or exchange, shall be exempt at all times from every kind and nature of taxation by this State or by any of its political subdivisions, municipal corporations, or public agencies of any kind.

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§ 4-319

(a) The revenue bonds, notes, and other evidences of obligation issued under this subtitle are not and may not be considered to constitute a debt or a pledge of the faith and credit of the State of Maryland, but shall be payable only from the funds from or revenues provided by this subtitle for that purpose.

(b) All revenue bonds, notes, and other evidences of obligation issued under this subtitle shall contain a statement on their face to the effect that:

- (1) This State is not obligated to pay the principal of or the interest on them except from revenues; and
- (2) Neither the faith and credit nor the taxing power of this State is pledged to the payment of the principal of or the interest on them.

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§ 4-320

If the Authority intends to pledge any future federal aid from any source to support repayment of any debt instrument issued under this subtitle:

- (1) The aggregate principal amount of debt issued under this subtitle or Title 3, Subtitle 6 of this article that is secured by a pledge of future federal aid may not exceed \$750,000,000;
- (2) The date of maturity may not be later than 12 years after the date of issue;
- (3) Notwithstanding § 3-215(d) of this article, if future federal aid is insufficient to pay the principal of and interest on the bonds issued under this subtitle when due, the tax levied under § 3-215 of this article, to the extent the proceeds of such tax are not necessary to provide the sinking fund required under § 3-215(c) of this article, is irrevocably pledged to the payment of the principal of and interest on the bonds issued under this subtitle as they become due and payable;
- (4) The lien of the pledge under item (3) of this subsection shall at all times be subordinate to the lien of the pledge of such tax under § 3-215(d) of this article to the payment of principal of and interest on consolidated transportation bonds; and
- (5) No part of the tax levied under § 3-215 of this article may be repealed, diminished, or applied to any other purpose until:
 - (i) The bonds issued under this subtitle and interest on them have become due and fully paid; or
 - (ii) Adequate and complete provision for payment of the principal and interest has been made.

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§ 4-321

(a) In this section, "Intercounty Connector" means the east–west multimodal highway in Montgomery and Prince George's counties between Interstate 270 and Interstate 95/U.S. Route 1, as described in the 2005 – 2010 Consolidated Transportation Plan.

(b) The State and the Authority shall finance the Intercounty Connector as provided in this section.

(c) The Authority shall:

(1) Issue not more than an aggregate principal amount of \$750,000,000 in bonds secured by a pledge of future federal aid; and

(2) Issue revenue bonds under this subtitle that are not secured by a pledge of future federal aid.

(d) The Governor shall transfer from the Transportation Trust Fund to the Authority for the Intercounty Connector \$22,000,000 in fiscal 2005 and \$38,000,000 in fiscal 2006.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(1) From the Transportation Trust Fund, at least \$30,000,000 each year for fiscal years 2007 through 2010;

(2) From the General Fund or general obligation bonds, an aggregate appropriation by fiscal year 2014 equal to \$264,913,000, as follows:

(i) \$53,000,000 for fiscal year 2007;

(ii) \$55,000,000 for fiscal year 2010;

(iii) At least \$80,000,000 for fiscal year 2011; and

(iv) The remaining balance for fiscal year 2012, fiscal year 2013, or fiscal year 2014; and

(3) At least \$10,000,000 federal aid from any source in amounts as deemed prudent.

(f) (1) In addition to other amounts provided to finance the Intercounty Connector under this section, the Authority may:

(i) Issue bond anticipation notes for the Intercounty Connector secured by a pledge of a line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act as authorized under § 4–320.1 of this subtitle; and

(ii) Use up to an amount approved by the U.S. Department of Transportation from a loan or line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act.

(2) (i) Subject to subparagraph (ii) of this paragraph, in addition to amounts transferred to the Authority under subsections (d) and (e)(1) of this section, the Governor may transfer up to \$75,000,000 from the Transportation Trust Fund to the Authority for the Intercounty Connector.

(ii) Any amounts transferred from the Transportation Trust Fund under subparagraph (i) of this paragraph shall be repaid by the Authority to the Transportation Trust Fund from General Fund appropriations to the Authority.

(g) (1) On or before December 1 of each year until completion of construction of the Intercounty Connector, in accordance with § 2-1257 of the State Government Article, the Authority shall submit a report on the status of the Intercounty Connector to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means.

(2) The report required under this subsection shall include:

(i) An update on the progress of the project and a comparison of the actual progress to the project schedule provided to the committees in January 2005;

(ii) The revised estimate of the total project cost of the project and a statement of the reasons for any cost savings or cost overruns, relative to the estimate of \$2,447,000,000 provided to the committees in January 2005;

(iii) A description of any changes to the financing plan for the project, including the impact of cost savings or cost overruns, and, consistent with the intent of the General Assembly to limit the overall amount of debt used for financing the Intercounty Connector, the specific identification of sources of funds that may be applied to address any cost overruns;

(iv) Planned expenditures by year, categorized by planning and engineering, right-of-way acquisitions, and construction;

(v) Funding sources by year, categorized by:

1. Grant Anticipation Revenue Vehicle bond issuances;

2. Transfers from the Transportation Trust Fund;

3. Transfers from the General Fund;

4. Federal funds;

5. Authority cash reserves;

6. Authority revenue bond issuances;

7. Draws on a loan or line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act;

8. Bond anticipation notes; and

9. Any other revenue source;

(vi) A schedule of debt service for the Grant Anticipation Revenue Vehicle bond issuances and Authority revenue bond issuances; and

(vii) Financing assumptions, including maturities of bond issuances and forecasted interest rates.

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§ 4-322

(a) (1) There is a Locally Operated Transit System Grant Program.

(2) The Department shall administer the program.

(b) (1) The purpose of the program is to provide funds to locally operated transit systems in the State.

(2) A locally operated transit system may use program funds for:

(i) Capital expenses;

(ii) Operating expenses;

(iii) Planning expenses; and

(iv) Any other eligible expense, as determined by the Department.

(3) Program funds may be sourced from:

(i) Federal public transportation programs, including:

1. The Urbanized Area Formula Program under 49 U.S.C. § 5307;
2. Formula Grants for Rural Areas under 49 U.S.C. § 5311;
3. The Intercity Bus Program under 49 U.S.C. § 5311(f);
4. Planning and Technical Assistance Funds under 49 U.S.C. §§ 5303 and 5304;
5. The Bus and Bus Facilities Formula Program under 49 U.S.C. § 5339; and
6. The State Large Urban Program; and

(ii) State public transportation programs, including:

1. State Transit Operating and Capital Matching Funds;
2. The State Americans with Disabilities Act Program; and
3. The Statewide Special Transportation Assistance Program.

(c) For fiscal year 2026 and each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation from the Transportation Trust Fund of at least \$80,533,314 to the program for statewide program operations.

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§ 4-401

If the Authority considers it necessary or desirable to insure the proper operation and maintenance of any transportation facilities project, it may designate, establish, limit, and control the entrances and exits of the project and may prohibit entrance or exit from any undesignated point.

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§ 4-402

After study, the Authority shall erect signs at each approach to the Baltimore Harbor Tunnel Throughway to warn motorists of a delay in the flow of traffic through the tunnel, so that they may choose an alternate route.

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§ 4-403

The Authority may not permit any person to locate railroad tracks on any part of the John F. Kennedy Memorial Highway.

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§ 4-404

(a) The Authority shall construct any gasoline service facilities that it finds to be needed on the John F. Kennedy Memorial Highway.

(b) The Authority may require a gasoline service facility located on the John F. Kennedy Memorial Highway to sell a blend of fuel that is at least 5% biodiesel fuel or other biofuel approved by the U.S. Environmental Protection Agency as a fuel or fuel additive or approved under the EPA Renewable Fuels Standard 2 Program.

(c) The Authority shall regulate the prices of fuel products sold on the highway to the extent necessary to achieve reasonable costs to patrons.

(d) The lessee of any service station established under this section shall accept in payment for products sold and services rendered those credit cards that the Authority directs.

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§ 4-405

(a) For the purpose of providing information to the driving public on the availability of gas, food, lodging, or camping facilities, the Authority may place along interstate highways specific information or business signs as defined in the

applicable federal standards.

(b) In implementing this program, the Authority shall conform with the provisions of § 8-605(d) of this article, and shall utilize the rules and regulations adopted by the State Highway Administration under that subsection.

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§ 4-406

The Authority shall rename the Harry W. Nice Memorial Bridge as the Harry W. Nice/Thomas “Mac” Middleton Bridge.

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§ 4-407

(a) This section applies to:

- (1) Caroline County;
- (2) Cecil County;
- (3) Dorchester County;
- (4) Kent County;
- (5) Queen Anne's County;
- (6) Somerset County;
- (7) Talbot County;
- (8) Wicomico County; and
- (9) Worcester County.

(b) A State agency, including the Authority, may not construct any toll road, toll highway, or toll bridge in the counties enumerated in this section without the express consent of a majority of the governments of the affected counties.

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Title 5 — Licenses

§ 5-101

(a) In this title the following words have the meanings indicated.

(b) “Administration” means the Maryland Aviation Administration.

(c) (1) “Aeronautics” means the science and art of flight.

(2) “Aeronautics” includes:

- (i) Transportation by aircraft;
- (ii) The operation, construction, repair, or maintenance of aircraft, aircraft power plants, and their accessories;
- (iii) The repair, packing, and maintenance of parachutes;
- (iv) The design, acquisition, establishment, construction, extension, operation, improvement, repair, regulation, or maintenance of airports, airport facilities, and air navigation facilities; and
- (v) Instruction in flying and related ground subjects.

(d) (1) “Air navigation facility” means any facility that is used in, available for use in, or designed for use in the aid of air navigation.

(2) “Air navigation facility” includes any one or more or combination of structures, mechanisms, lights, beacons, markers, communication systems, and other instrumentalities or devices useful or designed for use as an aid or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft or the safe and efficient operation or maintenance of an airport or airport facility.

- (e) "Aircraft" means any device used or designed for navigation of or flight in the air.
- (f) "Airport" means any area established for the landing and taking off of aircraft, including any appurtenant airport facilities.
- (g) "Airport facility" includes any one or more or combination of:
- (1) Lands, airfield improvements, terminal area improvements, general aviation facilities, air cargo facilities, general site improvements, utilities, roads, streets, parking lots, and other facilities useful or designed for use in connection with the operation of an airport; and
 - (2) All other appurtenances and equipment useful or designed for use in the handling of air carrier service, general aviation activities, and other related activities.
- (h) "Airport hazard" means any structure, tree or other vegetation, or use of land that:
- (1) Obstructs the airspace required for the landing and taking off of aircraft at an airport;
 - (2) Is hazardous to the landing or taking off of aircraft at an airport; or
 - (3) Interferes with communication between an airport and aircraft.
- (i) "Commission" means the Maryland Aviation Commission.
- (j) "Executive Director" means the Executive Director of the Maryland Aviation Administration.
- (k) "Operate aircraft" means to navigate, pilot, or otherwise use aircraft in the air or on land or water.
- (l) "Police officer" means any State or local officer authorized to make arrests for violations of State or local laws.
- (m) "Structure" means any object constructed or placed on or above the ground, including any building, fence, derrick, haystack, pole, wire, tower, or smokestack.

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§ 5-102

- (a) The purpose of this title is to further the public interest and aeronautical progress by:
- (1) Promoting safety in and protecting aeronautics;
 - (2) Cooperating to promote uniformity of aeronautics laws and regulations in the several states, consistent with federal aeronautics laws and regulations;
 - (3) Granting powers to the Administration and imposing duties on it to enable this State to perform properly its functions relating to aeronautics and to exercise effectively its jurisdiction over persons and property, assist in the development of a statewide system of airports and airport facilities, cooperate with and assist the political subdivisions of this State and others engaged in aeronautics, and encourage and develop aeronautics;
 - (4) Establishing only those regulatory provisions that are essential, so that persons may engage in any aspect of aeronautics with the least possible restriction, consistent with the safety, health, welfare, and the rights of others; and
 - (5) Providing for cooperation:
 - (i) With federal authorities in developing a national system of civil aviation; and
 - (ii) With the political subdivisions of this State in developing and coordinating aeronautics in this State.
- (b) (1) The acquisition of any property under this title, the planning, acquisition, establishment, construction, improvement, maintenance, equipping, and operation of airports, airport facilities, and air navigation facilities, whether separately by this State or by a political subdivision or jointly by this State with any political subdivision, and the exercise of any other powers granted by this title are public and governmental functions, exercised for a public purpose, as matters of public necessity.
- (2) All property and privileges acquired and used by or on behalf of this State or a political subdivision under this title are acquired and used for public and governmental purposes, as matters of public necessity.

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§ 5-103

- (a) The law of this State defines and governs all crimes, torts, and other wrongs committed in flight over this State.
- (b) All contractual and other legal relations entered into by any person while in flight over this State have the same effect as if entered into on the land or water beneath.

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§ 5-104

(a) Except where granted to and assumed by the federal government under a constitutional grant from the people of this State, sovereignty in the space above the lands and waters of this State rests in this State.

(b) The ownership of the space above the lands and waters of this State is vested in the owner of the surface beneath, subject to:

- (1) The right of flight described in § 5-1001 of this title; and
- (2) The zoning and related powers set forth in Subtitles 5 through 8 of this title.

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§ 5-105

If a political subdivision has the power to appropriate money, it annually may impose a tax in the political subdivision and appropriate an amount sufficient to carry out its powers and duties under this title.

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§ 5-106

Notwithstanding any other provision of State or local law, the establishment of a commercial use airport in the sixth election district of Queen Anne's County is prohibited.

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§ 5-201

(a) There is a Maryland Aviation Commission.

(b) The Commission shall:

- (1) Establish policies directed toward the Maryland Aviation Administration's ability to improve and promote the role of the Baltimore–Washington International Thurgood Marshall Airport as an airport of service to the Washington–Baltimore metropolitan area;
- (2) Approve regulations for the operation of the State–owned airports prior to their adoption by the Executive Director;
- (3) Direct the Administration in developing and implementing airport management policy for all State–owned airports;
- (4) Approve major capital projects, as defined in § 2–103.1(a)(4) of this article, at any State–owned airport prior to the submission of those projects to the Governor and General Assembly for approval;
- (5) Exercise those powers granted to the Commission by this title or by any other provision of law; and
- (6) In carrying out the provisions of this subtitle:
 - (i) Consider information and advice from:
 - 1. The air carrier industry;
 - 2. The airport concessionaire industry;
 - 3. The airline support services industry;
 - 4. Citizen advisory groups;
 - 5. Airport employees or their representatives;
 - 6. Local government;
 - 7. Citizens from communities near airports; and

8. Other Maryland communities that have, or are predicted to have, potentially adverse health or community impacts from airport infrastructure and economic growth decisions; and

(ii) Consider the aviation, economic, business, environmental, health, and community-related impacts or any other impacts the Commission finds relevant to the decisions of the Commission or the Administration.

(c) (1) The Commission shall consist of 13 voting members:

(i) 12 appointed by the Governor with the advice and consent of the Senate:

1. Two of whom shall be recommended by the Anne Arundel County Senate Delegation; and

2. Two of whom shall be recommended by the Howard County Senate Delegation; and

(ii) The Secretary of Transportation, who shall be the Chairman of the Commission.

(2) The Secretary of Commerce shall serve as a nonvoting ex officio Commission member.

(d) (1) Subject to the provisions of paragraph (3) of this subsection, the Governor may not appoint to the Commission:

(i) An officer or employee of the State, except as provided in subsection (c) of this section;

(ii) A representative of any entity whose principal activities are related to the operation of State-owned airports;

(iii) A person employed by any entity whose principal activities are related to the operation of State-owned airports; or

(iv) A member of the General Assembly.

(2) In appointing the 12 members of the Commission, the Governor shall take into consideration:

(i) Both the geographic and ethnic representation of the State such that all segments of the population of the State to the extent possible are represented on the Commission; and

(ii) The experience of an appointee in the aviation and airport industries such that some Commission members have directly relevant experience.

(3) Notwithstanding paragraph (1) of this subsection, a member of any State board, commission, or authority may be appointed a member of the Maryland Aviation Commission. Any person so appointed who is compensated by the State is not entitled to any compensation or other emolument, except expenses incurred in connection with attendance at hearings, meetings, field trips, and working sessions, for any services rendered as a Commissioner.

(e) (1) Each appointed member serves for a term of 3 years and until a successor is appointed and qualifies.

(2) The terms of the members are staggered as required by the terms provided for members of the Commission on October 1, 1994.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(f) (1) The Commission shall meet at a time and place designated by the Chairman of the Commission.

(2) The Commission shall meet as often as its duties require, but not less than quarterly.

(3) (i) Attendance by five members shall constitute a quorum.

(ii) No formal action may be taken by the Commission except by an affirmative vote of a majority of the entire Commission.

(g) Except as provided under subsection (d)(3) of this section, members of the Commission appointed by the Governor are entitled to the compensation and expenses provided for in the State budget. Members of the Commission are subject to the provisions of § 8–501 of the State Government Article.

(h) (1) Each member of the Commission shall receive an orientation session to educate the member on the Commission's responsibilities under subsection (b) of this section.

(2) (i) Members appointed to the Commission before October 1, 2023, shall receive the orientation as a group within a reasonable time on or after October 1, 2023.

(ii) Members appointed to the Commission on or after October 1, 2023, shall receive the orientation on an individual basis within a reasonable time following appointment.

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§ 5-202

There is a Maryland Aviation Administration in the Department.

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§ 5-203

(a) The exercise of the powers and duties of the Administration is subject to the authority of the Secretary and, where applicable, to the authority of the Maryland Transportation Authority.

(b) By regulation or directive, the Secretary or, where applicable, the Maryland Transportation Authority may require that the exercise of any power or duty of the Administration be subject to the prior approval of the Secretary or the Maryland Transportation Authority, as the case may be.

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§ 5-204

(a) In addition to the specific powers granted and duties imposed by this title, the Administration has the powers and duties set forth in this section.

(b) The Administration has general supervision over aeronautics in this State.

(c) The Administration shall:

(1) Encourage, foster, and assist in the development of aeronautics in this State;

(2) Encourage the establishment of airports, airport facilities, and air navigation facilities; and

(3) Cooperate with and assist the federal government, any political subdivision of this State, and any other person in the development of aeronautics, and coordinate the aeronautical activities of these bodies and persons.

(d) With the approval of the Secretary, the Administration may:

(1) Recommend necessary legislation to advance the interests of this State in aeronautics;

(2) Represent this State in aeronautics matters before any agency of this or any other state or of the federal government;

(3) Participate on behalf of this State or any political subdivision or citizen of this State as party plaintiff or defendant or as intervenor in any controversy that involves the interest of this State in aeronautics; and

(4) Adopt rules and regulations for the functioning and administration of the Administration.

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§ 5-205

Any political subdivision may cooperate with the Administration in the development of aeronautics and aeronautics facilities in this State.

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§ 5-206

(a) The Administration may confer or hold joint hearings with any federal agency in connection with any matter that:

(1) Arises under this title; or

(2) Relates to the sound development of aeronautics.

(b) To the extent practicable, the Administration:

(1) May use the cooperation, services, records, and facilities of federal agencies in the administration and enforcement of this title; and

(2) Shall furnish to federal agencies its cooperation, services, records, and facilities.

(c) Any police officer who is informed of an aeronautics accident in this State shall:

(1) Report the accident to the Administration and to the appropriate federal agency; and

(2) To the extent practicable, preserve, protect, and prevent the removal of the component parts of any aircraft involved in the accident until the Department of State Police or the appropriate federal agency institutes an investigation.

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§ 5-207

(a) In this section, "State airway" means any route designated by the Administration as a route suitable for air navigation above the land or waters of this State.

(b) (1) Subject to paragraph (2) of this subsection, the Administration may:

(i) Designate, design, and establish, expand, or modify a State airways system that best serves the interest of this State; and

(ii) As required in the public interest, chart the system and arrange for publication and distribution of maps, charts, notices, and bulletins relating to the airways.

(2) A State airway may not be established, expanded, or modified unless, after a hearing open to interested parties, the Administration finds that such action is necessary to the safety and advancement of aeronautics in this State.

(c) The State airways system:

(1) Shall be supplementary to and coordinated in design and operation with the federal airways system; and

(2) May include any type of publicly or privately owned air navigation facility conforming to federal safety standards.

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§ 5-208

(a) (1) The Administration may perform any act, issue and amend any order, adopt and amend any general or special rule, regulation, or procedure, and establish any minimum standard consistent with this title and necessary:

(i) To perform its duties and carry out the provisions of this title;

(ii) To protect the general public safety, the safety of persons who operate, use, or travel in aircraft, the safety of persons who receive instructions in flying or ground subjects that relate to aeronautics, or the safety of persons and property on land or water; or

(iii) To develop and promote aeronautics in this State.

(2) The Administration may adopt rules and regulations by which a person engaging in aeronautics may be required to establish financial responsibility for any damage or injury that might be caused by the person.

(3) (i) The Administration shall adopt rules and regulations requiring the use of security identification badges in airports consistent with any airport security program regulations adopted under this section.

(ii) After notice and opportunity for a hearing as provided under § 5-210 of this subtitle, the Administration may order a civil penalty not exceeding \$1,000 for the misuse of a security identification badge in violation of an airport security program adopted under subparagraph (i) of this paragraph.

(b) (1) A rule or regulation adopted by the Administration may not apply to any airport, airport facility, or air navigation facility that is owned or operated by the United States.

(2) A rule, regulation, order, or standard of the Administration may not be inconsistent with or contrary to federal law.

(c) Copies of all rules, regulations, and standards shall be filed in accordance with the Administrative Procedure Act and the State Documents Law and shall be made available to the public.

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§ 5-209

(a) The Executive Director or any officer or employee of the Administration designated by the Executive Director may conduct investigations, inquiries, and hearings as to:

- (1) Any matter covered by this title or by a rule, regulation, or order of the Administration; or
 - (2) Any aeronautics accident in this State.
- (b) Hearings shall be:
- (1) Open to the public; and
 - (2) Except as provided in § 5–210 of this subtitle, held on such notice as the Executive Director considers advisable.
- (c) The Executive Director or his designee may:
- (1) Administer oaths;
 - (2) Certify to all official acts; and
 - (3) Issue subpoenas and orders for the attendance and testimony of witnesses and the production of papers, books, and documents.
- (d) (1) If a person fails to comply with any subpoena or order issued under this section, the Executive Director or his designee may invoke the aid of a court of competent jurisdiction.
- (2) The court may order that person to obey the subpoena or order or to give evidence about the matter in question.

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§ 5-210

- (a) (1) If the Administration issues an order directing compliance with a specific requirement or if the Administration denies, suspends, or revokes a license, certificate, or other approval, the order or the denial, suspension, or revocation, as the case may be, shall state the reasons for the Administration's action and shall specify the acts to be done or requirements to be met before approval by the Administration will be given, the license, certificate, or other approval granted or restored, or the order modified or changed.
- (2) Orders issued by the Administration shall be served on the affected persons by personal service or certified mail, return receipt requested, bearing a postmark from the United States Postal Service.
- (b) (1) If notice and opportunity for hearing are required under any provision of this title:
- (i) The order or other action of the Administration shall specify, on not less than 21 days' notice, the time and place of hearing or the time within which the affected person may request a hearing; and
 - (ii) The order or other action becomes effective on expiration of the time for exercising the opportunity for hearing, unless a hearing is held or requested within the time provided, in which case the order or other action is suspended until the Administration, after the hearing or on default by the affected person, affirms, disaffirms, or modifies the order or other action.
- (2) The Administration shall conduct the hearing at or near its principal office.
- (c) Any person aggrieved by an order of the Administration or by the grant, denial, suspension, or revocation of any license, certificate, or other approval may appeal as provided by the Administrative Procedure Act.

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§ 5-211

An officer or employee of the Department may not be required to testify in any suit, action, or other proceeding that involves aircraft, either:

- (1) With respect to any fact ascertained in or information gained by reason of his official capacity; or
- (2) As an expert witness.

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§ 5-213

- (a) The Administration may make any contract necessary for or incidental to the performance of its duties and the exercise of its powers under this title.

(b) Subject to the provisions of Division II of the State Finance and Procurement Article, if the planning, acquisition, construction, improvement, maintenance, or operation of any airport facility is financed with federal money, the Administration may contract as required by the federal authorities acting under federal law.

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§ 5-215

The Administration may make available its engineering and other technical services, with or without charge, to any person for the planning, acquisition, construction, improvement, or operation of an airport, airport facility, or air navigation facility.

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§ 5-216

Every rule, regulation, form, order, and directive adopted by or relating to the former State Aviation Commission of Maryland or the Director of Aeronautics remains in effect until changed by the Executive Director or the Secretary. Every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any other document to the State Aviation Commission of Maryland or the Director of Aeronautics means the Administration or the Executive Director, respectively.

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§ 5-217

(a) An agent or employee of the Administration or member of the Commission may not:

- (1) Contract with the Administration for the delivery of goods or services at any State-owned airport;
- (2) Have any direct or indirect interest in a contract with the Administration concerning the delivery of goods or services at any State-owned airport; or
- (3) Have any direct or indirect interest in the sale or purchase by the Administration of any property, except for employee participation in programs established by Subtitle 12 of this title.

(b) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

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§ 5-301

(a) In this subtitle the following words have the meanings indicated.

(b) "Commercial use airport" means any publicly or privately owned airport at which:

- (1) Landing or tie down fees are charged;
- (2) Aviation fuel or oil is sold;
- (3) Space is rented;
- (4) Goods or services are sold; or
- (5) Any other activity is carried on for remuneration.

(c) "Public use airport" means any publicly or privately owned airport that is open to flight operations by the public.

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§ 5-302

(a) This subtitle does not apply to any airport owned or operated by the United States.

(b) To the extent necessary and in accordance with any reasonable classification, the Administration from time to time shall exempt any other class of airports from any requirement of a rule or regulation adopted under this subtitle, if the application of the requirement would be an undue burden on the class and is not required in the interest of public safety.

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§ 5-303

- (a) The Administration may adopt rules and regulations providing for the approval of airport sites and the issuance of certificates of approval.
- (b) If the Administration provides for the approval of airport sites, any political subdivision or other person desiring or planning to construct or establish an airport may apply to the Administration for approval of the site before its acquisition or before construction or establishment of the proposed airport.
- (c) On receipt of an application under this section, the Administration shall issue a certificate of approval, with reasonable promptness and without charge, if it is satisfied that:
- (1) The site is adequate for the proposed airport;
 - (2) The proposed airport will meet minimum standards of safety, which may not be more stringent than those standards, if any, recommended by the Federal Aviation Administration for similar airports;
 - (3) Safe air traffic patterns can be worked out for the proposed airport and for all existing airports and approved airport sites in its vicinity; and
 - (4) The intended operator of the proposed airport has complied with the requirements of this title on environmental noise control.
- (d) (1) The Administration may approve a site subject to any reasonable condition that it considers necessary to fulfill any purpose of this subtitle.
- (2) Unless sooner revoked by the Administration, the approval remains in effect until a license or registration for an airport on the approved site is issued under this subtitle.
- (e) After notice to the holder of a certificate of approval and opportunity for hearing, the Administration may revoke an approval if it reasonably determines that:
- (1) The site has been abandoned as an airport site;
 - (2) There has been a failure within the time required or, if no time has been required, within a reasonable time, to develop the site as an airport or to comply with the conditions of the approval;
 - (3) Because of a change of physical or legal conditions or circumstances, the site is no longer usable for the purposes for which the approval was granted; or
 - (4) The intended operator of the proposed airport has failed to comply with the requirements of this title on environmental noise control.

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§ 5-304

- (a) (1) The Administration may adopt rules and regulations providing for:
- (i) The licensing of commercial use airports and public use airports; and
 - (ii) The annual renewal of airport licenses.
- (2) For an airport license, the Administration may charge a license fee of not more than:
- (i) \$25 for each original license; and
 - (ii) \$10 for each renewal.
- (b) If the Administration provides for the licensing of these airports, a person may not operate a commercial use airport or a public use airport unless the person has an airport license as required by the rules and regulations of the Administration.
- (c) On receipt of an application for an original license under this section and payment of the required fee, the Administration shall issue the appropriate license, with reasonable promptness, if it is satisfied that:
- (1) The site is adequate for the airport;
 - (2) The airport meets minimum standards of safety, which may not be more stringent than those standards, if any, recommended by the Federal Aviation Administration for similar airports;
 - (3) Safe air traffic patterns have been worked out for the airport and for all existing airports and approved airport sites in its vicinity; and

(4) The airport operator has complied with the requirements of this title on environmental noise control.

(d) (1) The Administration may issue an airport license or renewal subject to any reasonable condition that it considers necessary to fulfill any purpose of this subtitle.

(2) Before renewal of an airport license and at any other reasonable time, the Administration may require that the airport operator provide the Administration with a list, by serial number and description, of all aircraft, based at the airport for which renewal is sought and the names and addresses of their owners.

(e) (1) The Administration may suspend an airport license pending a hearing if it reasonably determines that:

(i) A condition exists that endangers the lives or property of persons using the airport or that endangers the occupants of the land near the airport; and

(ii) It is in the interest of public safety and the general welfare to stop use of the airport.

(2) After notice to the licensee and opportunity for hearing, the Administration may revoke or refuse to renew an airport license if it reasonably determines that:

(i) The site has been abandoned as an airport;

(ii) There has been a failure to comply with the conditions of the license or renewal;

(iii) Because of a change of physical or legal conditions or circumstances, the airport has become unsafe or unusable for the purposes for which the license or renewal was issued; or

(iv) The airport operator has failed to comply with the requirements of this title on environmental noise control.

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§ 5-305

(a) In connection with an application for approval of a proposed airport site or for an airport license, the Administration on its own motion may, and on request shall, hold a public hearing as provided in § 5-210 of this title.

(b) If the Administration holds a hearing before issuance or renewal of a commercial use airport license, the license applicant shall pay all of the reasonable costs of the hearing up to \$100.

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§ 5-306

(a) (1) The Administration may adopt rules and regulations providing for the registration of airports not required to be licensed under this subtitle.

(2) Registration under this section shall be without charge unless the airport is used to base aircraft that do not belong to the registrant, in which event the Administration may charge a registration fee of not more than:

(i) \$10 for each original registration; and

(ii) \$5 for each renewal.

(b) On payment of the required fee, the Administration shall issue a registration certificate subject to any reasonable condition that it considers necessary to fulfill any purpose of this subtitle.

(c) Each registration certificate is renewable annually on payment of the required fee.

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§ 5-401

In this subtitle, “establish or operate” includes plan, acquire, construct, equip, maintain, alter, enlarge, improve, reconstruct, repair, regulate, protect, or police.

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§ 5-402

This subtitle does not limit any right, power, or authority of this State or a political subdivision to regulate any airport hazard by zoning.

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§ 5-404

(a) With the approval of the Secretary, the Administration may establish or operate on behalf of and in the name of this State any airport, airport facility, or air navigation facility within or without this State.

(b) These airports and facilities shall be established and operated out of funds available for that purpose under Titles 3 and 4 of this article.

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§ 5-405

(a) With the approval of the Secretary, the Administration may acquire, by gift, purchase, lease, condemnation, or otherwise, any property, including any easement in airport hazards or in land outside the boundaries of an airport or airport site, for the purposes of establishing or operating an airport, airport facility, or air navigation facility, if the acquisition is necessary:

- (1) To permit the safe and efficient operation of an airport;
- (2) To permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards; or
- (3) To prevent the establishment of airport hazards.

(b) The Administration may acquire, in like manner, any existing airport, airport facility, or air navigation facility. However, it may not acquire any airport, airport facility, or air navigation facility owned or controlled by a political subdivision of this or any other state without the consent of the political subdivision.

(c) Any condemnation proceedings under this section shall be instituted and maintained in the name of this State and conducted under Title 12 of the Real Property Article.

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§ 5-406

(a) With the approval of the Secretary, the Administration may sell, lease, or otherwise dispose of any property that it acquires under this subtitle.

(b) The Administration shall dispose of its property in accordance with the laws of this State governing the disposition of State property generally.

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§ 5-407

Any power granted by this subtitle to the Administration may be exercised by the Administration jointly with the federal government, any other state, or any political subdivision or agency of this or any other state.

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§ 5-408

(a) In its operation of an airport, airport facility, or air navigation facility owned or controlled by this State, the Administration, with the approval of the Secretary and subject to the direction of the Commission, may contract, lease, or otherwise arrange with any person to:

- (1) Provide the person with services furnished by the Administration or its agents at the airport or facility; or
- (2) Grant to the person the privilege of:
 - (i) Using or improving for commercial purposes any part of the airport or facility; or
 - (ii) Supplying services, facilities, goods, commodities, or other things at the airport or facility.

(b) (1) For the privileges granted, the Administration may establish any terms and conditions and fix any charges, rentals, or fees that:

- (i) Are reasonable and uniform for the same class of privilege or service;

(ii) Are established with due regard to the property and improvements used and the expenses of operation to this State; and

(iii) Do not deprive the public of its rightful, equal, and uniform use of any part of the airport or facility.

(2) The Administration shall monitor the charges, fees, or prices of any goods or services offered to the public by persons granted the privilege under this section. Every contract, lease, or other arrangement shall provide that charges, fees, or prices:

(i) May not be increased without the prior approval of the Administration; and

(ii) Are to be reasonable. In determining reasonableness the Administration shall consider the charges, fees, or prices for the same goods or services at comparable airports.

(3) The Administration shall:

(i) Monitor the employment practices under Title 20, Subtitle 6 of the State Government Article of persons granted privileges under this section; and

(ii) Refer for investigation all alleged violations of § 20–606 of the State Government Article to the Commission on Civil Rights, the Equal Employment Opportunity Commission, or any appropriate State or federal administrative body.

(c) (1) In this subsection, “commercial activity” means the sale, merchandising, marketing, or promotion of any goods or services.

(2) Commercial activity is permitted at an airport operated by the Administration only when expressly authorized by and in a manner prescribed by the Administration.

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§ 5-409

(a) With the approval of the Secretary and subject to the direction of the Commission, the Administration may, consistent with the provisions of Division II of the State Finance and Procurement Article, contract, lease, or otherwise arrange with any person to grant to the person the privilege of operating, as agent of this State or otherwise, any airport or airport facility owned or controlled by this State.

(b) A contract, lease, or other arrangement made under this section may be for any term not exceeding 10 years and for the consideration that the Administration determines.

(c) The Administration may not authorize any person:

(1) To operate the airport or facility other than as a public airport or facility; or

(2) To make any contract, lease, or other arrangement in the operation of the airport or facility that the Administration itself could not make under § 5-408 of this subtitle.

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§ 5-410

This State has a lien on any personal property to enforce the payment of any charge for any repair, improvement, storage, or care of that property made or furnished by the Administration or its agents in the operation of an airport, airport facility, or air navigation facility owned or controlled by this State. The Administration may enforce the lien under Title 16 of the Commercial Law Article.

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§ 5-411

(a) The Administration may accept, receive, receipt for, disburse, and spend any federal or other public or private money made available to accomplish, wholly or partly, any of the purposes of this subtitle.

(b) All federal money accepted under this section shall be accepted and spent by the Administration on the terms and conditions that the federal government requires.

(c) In accepting federal money under this section, the Administration has the same authority to contract on behalf of this State as that granted to the Administration under § 5-422 of this subtitle for federal money accepted on behalf of a political

subdivision, consistent with the provisions of Division II of the State Finance and Procurement Article.

(d) Unless otherwise required by the person from whom the money was received, all money received by the Administration under this section is subject to § 3-216 of this article on the Transportation Trust Fund.

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§ 5-412

(a) Except as otherwise provided by law, the Administration shall operate and administer all State-owned airports.

(b) Notwithstanding any other provision of law, the Administration may not enter into a contract for the provision of services at a State-owned airport that would result in the termination of State employees unless:

(1) The contract and all supporting information have been submitted to the Legislative Policy Committee for its review and comment; and

(2) Written comment from the Legislative Policy Committee has been received or 45 days have elapsed after the Legislative Policy Committee has received the contract.

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§ 5-413

(a) Any person who is or becomes a full-time employee of the Maryland Aviation Administration Fire Rescue Service on or before September 30, 1993 shall remain or become a member of the Baltimore City Fire and Police Employees Retirement System. The Administration shall reimburse the City for the employer's cost of the pension coverage.

(b) (1) Notwithstanding any public local or other law, the operator of a taxicab authorized and licensed to operate in a political subdivision of this State may, without being required to obtain an additional permit or license from any other political subdivision:

(i) Transport passengers to Baltimore–Washington International Thurgood Marshall Airport from the political subdivision in which the taxicab is authorized and licensed to operate; and

(ii) After transporting passengers to the airport from that political subdivision, pick up passengers at the airport and transport them to the political subdivision on its return trip.

(2) (i) In this paragraph, "nonairport taxicab operator" means a person authorized and licensed to operate a taxicab in a political subdivision of this State who is not employed by, or under contract with, an entity that holds a contract with the Administration to provide taxicab services at Baltimore–Washington International Thurgood Marshall Airport.

(ii) A nonairport taxicab operator may not solicit commercial passengers at Baltimore–Washington International Thurgood Marshall Airport, including in or at the terminal building, vestibules, sidewalks, roadways, and parking lots.

(iii) Except as provided in subparagraph (iv) of this paragraph, a nonairport taxicab operator shall immediately depart the terminal after dropping off a commercial passenger.

(iv) A nonairport taxicab operator may park at the operator's expense in a public parking lot when not transporting commercial passengers to Baltimore–Washington International Thurgood Marshall Airport.

(v) A nonairport taxicab operator who violates this paragraph is subject to a civil fine not exceeding \$500.

(c) The Administration may not begin construction of the new parallel transport runway, identified in the Airport Master Plan as runway 10 R/28L, until:

(1) The Administration:

(i) 1. Reviews the current airport noise zone and abatement procedures, such reviews to include an examination and an evaluation of runway curfews; and

2. Updates the noise zone as proposed by the Administration on February 25, 1987;

(ii) Adopts the proposed noise assistance programs for residential areas within the airport noise zone including, but not limited to:

1. Extension of the voluntary acquisition program;

2. In cooperation with the Board of Airport Zoning Appeals established by Subtitle 5 of this title, strengthening of zoning permit procedures as necessary; and

3. Establishment of a homeowner assistance program; and

(iii) Implements a pilot program of homeowner assistance in fiscal year 1988; and

(2) The State Highway Administration completes construction of the following highway projects required in conjunction with airport improvements:

(i) Hammonds Ferry Road/Poplar Avenue intersection improvements;

(ii) MD 170/Poplar Avenue intersection;

(iii) Poplar Avenue widening;

(iv) MD 176 widenings;

(v) MD 176/Hammonds Ferry Road intersection;

(vi) Nursery Road/MD 295 interchange; and

(vii) MD 3/MD 176 interchange (auxiliary lane).

(d) The international terminal at Baltimore-Washington International Thurgood Marshall Airport shall be named the Governor William Donald Schaefer International Terminal.

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§ 5-414

(a) There is a Citizens Committee for the Enhancement of Communities Surrounding Baltimore-Washington International Thurgood Marshall Airport.

(b) (1) The Citizens Committee consists of 12 members who are appointed by the Secretary after recommendation by the members of the legislative delegation from legislative districts 12A, 12B, 13, and 32 as follows:

(i) Two members of the Citizens Committee shall be recommended by each of the delegates representing district 32;

(ii) One member of the Citizens Committee shall be recommended by the delegates representing district 12A;

(iii) One member of the Citizens Committee shall be recommended by the delegate representing district 12B;

(iv) One member of the Citizens Committee shall be recommended by the delegates representing district 13; and

(v) Three members of the Citizens Committee shall be recommended by the senator representing district 32.

(2) The members shall be representatives of community associations that are either wholly or partially situated:

(i) In the certified noise zone that was adopted under § 5-806 of this title and effective March 23, 1998, for Baltimore-Washington International Thurgood Marshall Airport; or

(ii) In a border extending 2 miles outside of the certified noise zone.

(c) (1) The term of a member of the Citizens Committee is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Citizens Committee on October 1, 2001.

(3) At the end of a term, a member continues to serve until a successor is appointed.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(d) From among the members of the Citizens Committee, the Secretary shall appoint a chairman.

(e) (1) The Citizens Committee shall meet regularly at the call of the chairman.

(2) The Secretary, or the Secretary's designee, shall meet with the Citizens Committee at least quarterly.

(f) A member of the Citizens Committee may not receive compensation or other reimbursement for expenses.

(g) The Citizens Committee shall:

- (1) Evaluate issues of livability in the communities located in the area described in subsection (b)(2) of this section and the unique impacts on livability in these communities arising from their close proximity to Baltimore-Washington International Thurgood Marshall Airport;
 - (2) Develop projects designed to address transportation issues that affect livability in the communities; and
 - (3) Make recommendations to the Secretary for the funding of projects designed to address transportation issues that affect livability in the communities.
- (h) (1) The Secretary shall consider the recommendations of the Citizens Committee.
- (2) The Secretary may make grants-in-aid, under § 2-103(i)(2) of this article, to fund transportation related projects recommended by the Citizens Committee.
- (3) (i) The Secretary shall identify in the annual budget for the Department an amount designated for the grants-in-aid authorized under this subsection.
- (ii) In making a budget designation under this paragraph, the Secretary shall consider the number of aircraft operations at Baltimore-Washington International Thurgood Marshall Airport for the most recent available calendar year.
- (iii) A budget amount designated under this paragraph shall include an amount equal to at least one dollar for every takeoff and landing of an aircraft that occurs at Baltimore-Washington International Thurgood Marshall Airport for the most recent available calendar year.
- (i) Staff support for the Citizens Committee shall be provided by the Department.

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§ 5-415

- (a) In this section, "Fire Rescue Service" means the Maryland Aviation Administration Fire Rescue Service.
- (b) Subject to subsections (c) and (e) of this section, the Fire Rescue Service may charge an ambulance transport fee to an individual if the Fire Rescue Service transports the individual to a hospital from property owned by the Administration or property subject to a mutual aid agreement to which the Administration is a party.
- (c) The Fire Rescue Service may not:
- (1) Question an individual about ability to pay an ambulance transport fee at the time that ambulance transportation is requested or provided; or
 - (2) Fail to provide ambulance transportation and emergency medical services because of an individual's actual or perceived inability to pay an ambulance transport fee.
- (d) The Administration may procure the services of a third party billing company to administer an ambulance transport fee program under this section.
- (e) Before the Fire Rescue Service may charge an ambulance transport fee under this section, the Administration shall adopt regulations to:
- (1) Set the amount of the ambulance transport fee; and
 - (2) Administer the collection of the ambulance transport fee, including regulations governing:
 - (i) A waiver of the ambulance transport fee in the event of financial hardship;
 - (ii) The acceptance of reduced payments by commercial insurers and other third-party payors, including Medicare and Medicaid; and
 - (iii) A requirement that each individual receiving an ambulance transport provide financial information, including the individual's insurance coverage, and assign insurance benefits to the Administration.
- (f) The Administration shall deposit the fees collected under this section in the Transportation Trust Fund.

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§ 5-416

- (a) As provided in this section, a political subdivision of this State, whether acting alone or jointly with another political subdivision, may:

- (1) Establish or operate any airport, airport facility, or air navigation facility; and
- (2) For this purpose, use any suitable property owned or controlled by the political subdivision.

(b) An airport or facility may be established under this section:

- (1) By a county, only within its boundaries or the boundaries of any other county with which it is acting jointly; and
- (2) By Baltimore City or a municipal corporation, either within or without its boundaries.

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§ 5-417

(a) A political subdivision may acquire, by purchase or, if unable to agree on terms, by condemnation, any property, including any air right or interest, needed to establish or operate an airport, airport facility, or air navigation facility.

(b) Any condemnation of property under this section shall be under the law by which the political subdivision may condemn property for public purposes other than street purposes or, if it has no such law, under Title 12 of the Real Property Article.

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§ 5-418

(a) Any political subdivision that acquires, leases, controls, or sets apart any property for an airport, airport facility, or air navigation facility may:

- (1) Establish and operate the airport or facility;
- (2) Lease or grant to any person, on the terms and conditions it considers proper, any right or interest in the airport or facility;
- (3) Fix any charges, rentals, or fees for the use of the airport or facility and for any right or interest granted to any person under this section; and
- (4) Delegate any of its powers under this section to any suitable officer or agency of the political subdivision and, for this purpose, create any new agency or unit.

(b) The costs and expenses incurred in connection with any act performed under this section shall be the responsibility of the political subdivision.

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§ 5-419

(a) Any political subdivision that has general taxing power in its jurisdiction may:

- (1) Issue its bonds in the amounts, at the rates of interest, and with the serial maturities that the governing body of the political subdivision determines by resolution, order, or ordinance; and
- (2) Use the proceeds from the sale of the bonds to acquire sites and construct, enlarge, alter, or improve airports, airport facilities, and air navigation facilities.

(b) (1) The principal of and interest on the bonds issued by a political subdivision under this section shall be secured by the full faith and credit of the political subdivision. For the payment of the principal of and interest on the bonds as they become due and payable, the political subdivision annually shall levy a general tax on all of the assessable property subject to taxation in its jurisdiction.

(2) A political subdivision may not issue any bonds under this section in an amount that, together with the aggregate amount of all other bonded indebtedness of the political subdivision, exceeds a total of 4 percent of the total assessed valuation of the real property located in the political subdivision and 10 percent of the total assessed valuation of personal property and operating real property described in § 8-109(c) of the Tax - Property Article located in the political subdivision.

(c) This section supersedes any other general or local law to the extent of any conflict. No part of this section may be deemed to be impliedly repealed or superseded by any subsequent legislation if such construction reasonably can be avoided.

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§ 5-420

(a) The powers granted to political subdivisions by this subtitle include the power to acquire any property, including air rights or interests, for an airport, airport facility, or air navigation facility to be maintained by any common carrier of passengers or freight by air.

(b) If a political subdivision contracts with a common carrier of passengers or freight by air to acquire an airport, airport facility, or air navigation facility and to sell the acquired property to the common carrier, the political subdivision may:

- (1) Borrow money not exceeding the amount of the purchase price under the contract; and
- (2) Use the money to acquire the property, by purchase, condemnation, or otherwise.

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§ 5-421

(a) With the approval of the Secretary, the Administration may grant or lend money to:

- (1) Any political subdivision or any authority created under State law to assist in the establishment or operation of an airport that is or is to be owned or controlled wholly or in part by the political subdivision or authority; or
- (2) Any other person to assist in the establishment or operation of any privately owned airport made available for use by the public.

(b) When awarding loans and grants under this section, the Administration shall give priority to publicly owned airports.

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§ 5-422

(a) (1) With the approval of the Secretary, the Administration may act as agent of any political subdivision to:

- (i) Accept, receive, receipt for, disburse, or spend any federal or other public or private money made available to finance, wholly or partly, the establishment or operation of an airport, airport facility, or air navigation facility; and
- (ii) Contract for and supervise the establishment or operation of the airport or facility.

(2) Each political subdivision may designate the Administration as its agent for any purpose of this subsection.

(b) All federal money accepted under this section shall be accepted and transferred or spent by the Administration on the terms and conditions that the federal government requires.

(c) Any political subdivision and, with the approval of the Secretary, the Administration, as principal for this State, may contract with each other, the federal government, or any other person to the extent required for a grant or loan of federal money for an airport, airport facility, or air navigation facility.

(d) (1) All money received by the Administration under this section:

- (i) Shall be deposited in the State Treasury; and
- (ii) Unless otherwise required by the person from whom the money was received, shall be kept in a separate fund designated for the purpose for which the money was made available and shall be held by this State in trust for that purpose.

(2) This money is not part of the Transportation Trust Fund and is not subject to § 3-216 of this article.

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§ 5-426

(a) After holding a public hearing, the governing body of any publicly owned airport in this State may adopt regulations for:

(1) The parking of motor vehicles at the airport, including provision of a uniform system for accessible parking for individuals with disabilities to enhance the safety of people with disabilities in conformity with:

- (i) The "Uniform System for Parking for Persons With Disabilities" (23 C.F.R. Part 1235);

(ii) The "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" (Appendix A to 28 C.F.R. Part 36 and 36 C.F.R. Part 1191.1); and

(iii) 14 C.F.R. Part 382.23(a);

(2) The movement of traffic at the airport;

(3) Safety at the airport; and

(4) The preservation of order at the airport.

(b) All regulations adopted under this section shall be posted conspicuously in a public place at the airport.

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§ 5-427

(a) Any person who violates a parking regulation adopted and posted under § 5-426 of this subtitle is subject to a fine not exceeding \$50. A violation of a parking regulation is not a misdemeanor.

(b) Any person who violates any other rule or regulation adopted and posted under § 5-426 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

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§ 5-501

(a) In this subtitle the following words have the meanings indicated.

(b) "Board" means the Board of Airport Zoning Appeals.

(c) "Substantially alter" includes reconstruct, rebuild, replace, or substantially change or repair.

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§ 5-502

(a) Subject to the provisions of this subtitle, the Administration may adopt airport zoning regulations to protect the aerial approaches of any airport owned by this State.

(b) (1) The Administration shall compile in one file an accurate copy of this subtitle, Subtitle 6 of this title, and all airport zoning regulations adopted under this subtitle.

(2) This file shall be kept at all times in the office of the Administration and shall be open to public inspection at all times during regular office hours.

(c) (1) If there is any conflict between any airport zoning regulation adopted under this subtitle and any other regulation applicable to the same area, the more stringent limitation or requirement governs.

(2) The provisions of all airport zoning regulations adopted under this subtitle are severable. If any provision of the regulations or its application is held invalid, the invalidity does not affect any other provision or application that can be given effect notwithstanding the invalidity.

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§ 5-503

(a) As to each airport, in the establishment of airport zoning districts or the adoption or amendment of its airport zoning regulations, the Administration shall consider, among other things, to the extent that they affect and in order to promote the public health, safety, order, or security, the following:

(1) The character of the flying operations conducted or expected to be conducted at the airport;

(2) The surrounding terrain;

(3) The height of existing structures and trees or other vegetation in the vicinity;

(4) The feasibility of lowering or removing existing structures or trees or other vegetation in the vicinity;

(5) As to the aerial approaches necessary for safe flying operations at the airport, the opinion of the federal agency charged with fostering civil aeronautics;

- (6) The risks associated with aerial traffic at the airport;
 - (7) The type, size, weight, and load capacity of aircraft that use or might use the airport;
 - (8) The weather conditions generally prevailing in the vicinity;
 - (9) The size and layout of the landing area of the airport; and
 - (10) The present and future needs of the inhabitants of this State with reference to the use of the airport for public transportation.
- (b) An airport zoning regulation adopted under this subtitle may not:
- (1) Require the removal or alteration of any structure that, as it existed when the regulation was adopted, did not conform to the regulation; or
 - (2) Otherwise interfere with the continuance of any nonconforming use.
- (c) Except as otherwise provided in this subtitle, an airport zoning district or airport zoning regulation adopted under this subtitle may not apply to any property located more than 3 miles beyond the outer perimeter of any airport.

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§ 5-504

- (a) A person may not, in violation of this subtitle or any regulation adopted under it:
- (1) Establish or construct any new structure;
 - (2) Make any new use of any existing structure or land;
 - (3) Substantially alter any existing structure or use of land; or
 - (4) As to any tree or other vegetation:
 - (i) Plant or replant any of such a height as to be an airport hazard;
 - (ii) Allow any to grow to such a height as to be an airport hazard; or
 - (iii) Even if it is nonconforming, allow any that is an existing airport hazard to grow any higher.
- (b) If any person violates any provision of this section, the Administration, in addition to any other remedy, may institute any appropriate judicial action to prevent, restrain, correct, or abate the unlawful action or condition.

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§ 5-505

- (a) Unless he has an appropriate permit issued by the Administration, a person may not, in any airport zoning district:
- (1) Substantially alter any nonconforming structure or use; or
 - (2) Undertake or allow any activity prohibited by § 5-504(a) of this subtitle.
- (b) (1) Before any work that requires a permit under this section is started on an operation or project and before any growth that requires a permit under this section is allowed of a tree or other vegetation, the owner of the land or structure shall obtain a permit from the Administration.
- (2) The application for a permit shall be accompanied by the plats, drawings, and other information necessary to enable the Administration to determine if the proposed operation or project will comply with every applicable airport zoning regulation.
- (c) (1) Except as otherwise provided in paragraph (3) of this subsection, the Administration may not issue a permit unless every airport zoning regulation applicable to the airport zoning district in which the land or structure is located will be complied with fully.
- (2) The Administration shall issue a permit as a matter of right for the replacement or alteration of a nonconforming use or structure, except that the Administration may not issue any permit that will allow a structure or tree or other vegetation to be higher than or to be a greater hazard to air navigation than it was when the applicable airport zoning regulation was adopted.

(3) The Administration may issue a permit to any person acting on behalf of the Administration or any federal agency on land owned by the State or the federal government if the proposed activity complies with all applicable federal aviation regulations.

(d) The Administration may condition any permit so as to require the owner of the land or structure to which the permit applies to install, operate, and maintain at his expense the markers and lights necessary to indicate to aircraft the presence of an airport hazard.

(e) If the Administration disapproves an application:

(1) The Administration shall notify the applicant in writing of its reasons for the disapproval; and

(2) If the Board of Airport Zoning Appeals is authorized to grant a variance from the applicable regulation, the applicant may appeal to the Board as provided in § 5-507 of this subtitle.

(f) A local agency may not issue a use permit or a permit for any construction, reconstruction, extension, repair, or alteration within an airport zoning district until the applicant has been issued an airport zoning permit by the Administration.

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§ 5-506

(a) There is a Board of Airport Zoning Appeals in the Department.

(b) (1) The Board consists of 10 members appointed by the Governor with the advice of the Secretary and the advice and consent of the Senate.

(2) Of the members of the Board:

(i) Three shall be residents of Anne Arundel County;

(ii) Three shall be residents of Baltimore County;

(iii) Two shall be residents of Howard County; and

(iv) Two, including the Chairman, shall be residents of a county other than those counties specified in items (i), (ii), and (iii) of this paragraph.

(3) The Governor shall designate one of the members of the Board as its Chairman.

(c) (1) Each member serves for a term of 4 years and until his successor is appointed and qualifies. The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 1982.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(d) The Department may employ the personnel necessary to enable the Board to exercise its powers and perform its duties properly.

(e) A member or employee of the Board is entitled to the compensation provided in the State budget. A member of the Board also is entitled to reimbursement for expenses, in accordance with the Standard State Travel Regulations of the Department of Budget and Management.

(f) The Board has the powers and duties set forth in § 5-507 of this subtitle and shall comply with all the applicable provisions of Subtitle 6 of this title.

(g) The Board shall sit in panels as follows:

(1) If an application for a variance or an appeal to the Board concerns property located in Anne Arundel County or Howard County, the Board panel shall consist of all members except those who are from Baltimore County; and

(2) If an application for a variance or an appeal to the Board concerns property located in Baltimore County, the Board panel shall consist of all members except those who are from Anne Arundel County and Howard County.

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§ 5-507

(a) In a case of practical difficulty or unnecessary hardship, the Board, after public notice and hearing, may grant a specific variance from the airport zoning regulations adopted under this subtitle.

(b) Any person who desires to use his property in a manner prohibited by an airport zoning regulation adopted under this subtitle may apply to the Board for a variance from the regulation.

(c) On application for a variance, the Board shall act as a fact finding body and, among other things, shall consider any testimony or evidence presented regarding:

(1) The rules, regulations, restrictions, guides, and standards set forth in this subtitle and in the airport zoning regulations that the Administration adopts;

(2) The existing or proposed height, width, and use of the structure or tree or other vegetation for which the variance is requested;

(3) Whether the structure or tree or other vegetation will create or become an airport hazard;

(4) Whether issuance of the permit will result in endangering the public health, safety, security, or order; and

(5) The impact of the proposed variance upon the surrounding community.

(d) The Board may condition any variance so as to require the owner of the land or structure to which the variance applies to install, operate, and maintain at his expense the markers and lights necessary to indicate to aircraft the presence of an airport hazard.

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§ 5-508

An appeal may be taken from a decision of the Board to a court of competent jurisdiction in the county in which the airport is located. The appeal shall be taken in the manner set forth in § 5-615 of this title.

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§ 5-509

(a) In this section, "district" means the land area established for Baltimore-Washington International Thurgood Marshall Airport delineated by and contained within a circle the radius of which is 4 miles from a point the Maryland grid coordinates of which are E893,909.99 -- N490,279.30.

(b) (1) Except as otherwise provided in this subtitle, a structure may not be erected, altered, or maintained and a tree or other vegetation may not be allowed to grow or be maintained at a height greater than the height limit established for the district.

(2) The Administration shall adopt regulations establishing the maximum height limit any structure, tree, or other vegetation may be allowed to grow or be maintained in the district, consistent with applicable federal aviation regulations.

(3) The Administration shall file in the land records of Anne Arundel County, Baltimore County, and Howard County a map depicting the district established by this section.

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§ 5-510

Except as provided in this subtitle, a person may not use any land located within any airport zoning district created under this subtitle for any:

(1) Transformer station;

(2) High-tower transmission line;

(3) Manufacturing establishment or other use that produces smoke that would interfere with the safe use of the airport;

(4) Rifle range or private landing field that would interfere with the health, safety, or general welfare of the public in the use of the airport;

(5) Plant or business of any kind that emits smoke, gases, or odors that would interfere with the health, safety, or general welfare of the public in the use of the airport;

(6) Business or structure of any kind that may be detrimental to the health, safety, or general welfare of the public in the use of the airport; or

(7) Use that would:

- (i) Create electrical interference with radio communication between the airport and aircraft;
- (ii) Make it difficult for airmen to distinguish between airport lights and other lights;
- (iii) Cause glare in the eyes of airmen using the airport;
- (iv) Impair visibility in the vicinity of the airport; or
- (v) Otherwise endanger the landing, taking off, or maneuvering of aircraft.

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§ 5-511

Any person who violates any provision of this subtitle or of any rule or regulation adopted by the Administration under this subtitle is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$500 for each day or part of a day that the violation continues.

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§ 5-601

(a) In this subtitle the following words have the meanings indicated.

- (b) "Airport" means any airport licensed by the Administration.
- (c) "Substantially alter" includes reconstruct, rebuild, replace, or substantially change or repair.

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§ 5-602

An airport hazard endangers the lives and property of the users of an airport and of the occupants of land in its vicinity, and it also reduces, in effect, the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport. It is, therefore, in the interest of public health, safety, and general welfare that the political subdivisions of this State be authorized to adopt zoning regulations, as provided in this subtitle, and to acquire property, by purchase, grant, lease, or condemnation, in order to eliminate airport hazards.

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§ 5-603

This subtitle does not apply to Baltimore County or to any part of any airport or property located in Baltimore County.

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§ 5-604

(a) Subject to the provisions of this subtitle, each political subdivision of this State may adopt, under its police power, airport zoning regulations to protect the aerial approaches of:

- (1) Any airport not owned by this State and located in the political subdivision; and
 - (2) Subject to § 5-609 of this subtitle, any airport owned by the political subdivision and located wholly or partly outside of the political subdivision.
- (b) If a political subdivision has or adopts a general zoning ordinance regulating the height of buildings, any airport zoning regulations adopted under this subtitle for all or a part of the same area may be made a part of the general zoning regulations and administered and enforced with them. However, the general zoning regulations may not limit the effectiveness or scope of any regulation adopted under this subtitle.

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§ 5-605

(a) (1) By appropriate action of their respective governing bodies, any two or more political subdivisions may agree to create a joint board and delegate to it the power granted by this subtitle to adopt and enforce airport zoning regulations for any airport located wholly or partly in any one or more of the political subdivisions.

(2) If a joint board is created under this section, it may exercise the powers granted by this subtitle to a political subdivision or its legislative body to the extent that these powers have been delegated to it by the political subdivision and subject to the rules, restrictions, guides, and standards established by the governing bodies of the political subdivisions that created it.

(b) Each joint board shall consist of:

(1) Two representatives of each political subdivision that creates the joint board, appointed by the chief executive officer of the political subdivision; and

(2) One additional member, who shall be the chairman, elected by a majority of the appointed members.

(c) (1) Each member of a joint board serves for a term of 4 years and until his successor is appointed and qualifies.

(2) On written charges and after a public hearing, the respective appointing authority may remove any member of a joint board for cause.

(3) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(d) (1) Each joint board shall adopt rules for the conduct of its business.

(2) Meetings of a joint board shall be held at the call of the chairman or a majority of the joint board. All meetings of the board shall be open to the public.

(3) Each joint board shall keep minutes of its proceedings, showing the absence, vote, or failure to vote of each member on each question, and records of its examinations and other official actions. These minutes and records shall be filed immediately in the office of the joint board and shall be a public record.

(e) (1) At a meeting of a joint board, the chairman or, in his absence, the acting chairman may administer oaths and issue subpoenas and orders for the attendance of witnesses and the production of papers, books, and documents.

(2) If a person fails to comply with any subpoena or order issued under this subsection, the chairman or acting chairman may invoke the aid of a court of competent jurisdiction. The court may order that person to obey the subpoena or order or to give evidence about the matter in question.

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§ 5-606

(a) Regulations adopted under this subtitle shall divide the area surrounding the airport to which they apply into districts of the number, shape, and size that the political subdivision considers best suited for the purposes of this subtitle. Within each district, the political subdivision may regulate and restrict the height of structures and trees or other vegetation and the purposes for which land may be used.

(b) All regulations shall be uniform throughout the district to which they apply. However, regulations in one district may differ from those for other districts.

(c) As to each airport, in the establishment of districts or in the adoption or amendment of its airport zoning regulations, the political subdivision shall consider, among other things, to the extent that they affect and in order to promote the public health, safety, order, or security, the following:

(1) The character of the flying operations conducted or expected to be conducted at the airport;

(2) The surrounding terrain;

(3) The height of existing structures and trees or other vegetation in the vicinity;

(4) The feasibility of lowering or removing existing structures or trees or other vegetation in the vicinity;

(5) As to the aerial approaches necessary for safe flying operations at the airport, the opinion of the federal agency charged with fostering civil aeronautics;

(6) The risks associated with aerial traffic at the airport;

(7) The type, size, weight, and load capacity of aircraft that use or might use the airport;

(8) The weather conditions generally prevailing in the vicinity;

(9) The size and layout of the landing area of the airport; and

(10) The present and future needs of the inhabitants of this State with reference to the use of the airport for public transportation.

(d) An airport zoning regulation adopted under this subtitle may not:

(1) Require the removal or alteration of any structure that, as it existed when the regulation was adopted, did not conform to the regulation; or

(2) Otherwise interfere with the continuance of any nonconforming use.

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§ 5-607

(a) Subject to the provisions of this subtitle, the legislative body of a political subdivision shall provide for the manner in which airport zoning regulations and boundaries of airport zoning districts are to be adopted, amended, enforced, and repealed.

(b) (1) Airport zoning regulations and boundaries of airport zoning districts are not effective until there has been a public hearing at which interested parties and the public have an opportunity to be heard.

(2) At least 15 days' notice of the time and place of the hearing shall be published in a newspaper of general circulation in each of the political subdivisions in which the airport is or will be located.

(c) (1) Any regulation and boundary may be amended or repealed from time to time. However, if the owners of at least 20 percent of the area included in a proposed change sign a protest against the change, the change is not effective unless approved by two thirds of all the members of the joint board or of the legislative body of the political subdivision, as the case may be.

(2) Subsection (b) of this section on public hearings and notices applies to all changes made under this subsection, and, if the change is in a boundary of any airport zoning district, notice of the hearing also shall be posted within that district, at the place that the zoning authorities designate.

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§ 5-608

(a) (1) For purposes of this subtitle, the legislative body of the political subdivision shall appoint an airport zoning commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced.

(2) A zoning board of appeals of the political subdivision may be designated as the airport zoning commission.

(b) The commission shall make a preliminary report and hold a public hearing on it before submitting its final report. The legislative body may not hold its public hearings or take any action until it receives the final report of the commission.

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§ 5-609

(a) If an airport owned by a political subdivision is located wholly or partly outside of the political subdivision, the adoption of airport zoning regulations under this subtitle is subject to this section.

(b) Before any airport zoning regulation or amendment adopted under this section is effective, it shall be submitted to and approved by:

(1) The governing body of each other political subdivision in which any part of the airport is located; or

(2) If one is created under § 5-605 of this subtitle, a joint board of the political subdivisions in which any part of the airport is located.

(c) (1) Within 60 days after a regulation is submitted to it under this section, the joint board or governing body shall either:

(i) Approve the regulation; or

(ii) By written notice specifying its reasons, disapprove the regulation.

(2) If a joint board or governing body fails to disapprove a regulation as provided in paragraph (1) of this subsection, the regulation is deemed to be approved by it. The approval or disapproval of a joint board or governing body, as the case may be, is final and binding.

(3) A regulation is effective only if approved by the joint board or governing body of each political subdivision in which any part of the airport is located.

(d) If an airport zoning regulation adopted by a political subdivision under this section conflicts with any airport zoning or other regulation of any other political subdivision, the regulation adopted under this section governs.

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§ 5-610

(a) The legislative body of a political subdivision that adopts airport zoning regulations under this subtitle may:

- (1) Delegate the duty of administering and enforcing the regulations to any administrative agency under its jurisdiction; or
- (2) Create a new administrative agency to perform this duty.

(b) The duties of the administrative agency include receiving applications for and deciding whether or not to issue permits applied for under § 5-611 of this subtitle.

(c) The administrative agency may not be or include any member of the board of appeals, and it may not exercise any of the powers delegated to the board of appeals.

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§ 5-611

(a) To facilitate the enforcement of airport zoning regulations adopted under this subtitle, a political subdivision may establish a system and adopt rules and regulations for the granting of permits to:

- (1) Establish or construct any new structure;
- (2) Make any new use of any existing structure or land;
- (3) Substantially alter any existing structure or use of land; or
- (4) As to any tree or other vegetation:
 - (i) Plant or replant any of such a height as to be an airport hazard;
 - (ii) Allow any to grow to such a height as to be an airport hazard; or
 - (iii) Even if it is nonconforming, allow any that is an existing airport hazard to grow any higher.

(b) (1) Whether or not a permit system is established under subsection (a) of this section, before any work is started to substantially alter any nonconforming structure and before any growth described in subsection (a) of this section is allowed of a tree or other vegetation, a permit shall be obtained from the administrative agency authorized to administer and enforce the zoning regulations.

(2) The administrative agency shall issue a permit as a matter of right for the replacement or alteration of a nonconforming use or structure, except that the agency may not issue any permit that will allow a structure or tree or other vegetation to be higher than or to be a greater hazard to air navigation than it was when the applicable airport zoning regulation was adopted.

(c) If the administrative agency grants a permit under this section that does not have to be issued as a matter of right, it may condition the permit so as to require the owner of the land or structure to which the permit applies to install, operate, and maintain at his expense the markers and lights necessary to indicate to aircraft the presence of an airport hazard.

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§ 5-612

(a) Airport zoning regulations adopted under this subtitle shall provide for a board of appeals with the power:

- (1) To hear and decide appeals in all cases in which it is alleged that there is error in any decision of the administrative agency in the enforcement of this subtitle or of any ordinance or other legislation adopted under this subtitle;
- (2) If required by an ordinance or other legislation adopted under this subtitle, to hear and decide special exceptions to the terms of the ordinance or other legislation; and

(3) To hear, decide, and, in proper cases, grant specific variances from the zoning regulations adopted under this subtitle, subject to the rules, regulations, restrictions, guides, and standards established under this subtitle.

(b) A zoning board of appeals of the political subdivision may be designated as the board of appeals. In all other cases, subsection (c) of this section applies.

(c) (1) Except as provided in subsection (b) of this section, the board of appeals shall consist of five appointed members.

(2) Each member of the board of appeals serves for a term of 4 years and until his successor is appointed and qualifies. However, of the original appointees, one is to serve a 1-year term, one is to serve a 2-year term, one is to serve a 3-year term, and two are to serve a 4-year term.

(3) On written charges and after a public hearing, the respective appointing authority may remove any member of the board of appeals for cause.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(d) (1) The board of appeals shall adopt rules and regulations in accordance with any ordinance adopted under this subtitle.

(2) Meetings of the board shall be held at the call of the chairman and at any other time that the board determines. All meetings of the board shall be open to the public.

(3) The board shall keep minutes of its proceedings, showing the absence, vote, or failure to vote of each member on each question, and records of its examinations and other official actions. These minutes and records shall be filed immediately in the office of the board and shall be a public record.

(e) (1) At a meeting of the board of appeals, the chairman or, in his absence, the acting chairman may administer oaths and issue subpoenas and orders for the attendance of witnesses and the production of papers, books, and documents.

(2) If a person fails to comply with any subpoena or order issued under this subsection, the chairman or acting chairman may invoke the aid of a court of competent jurisdiction. The court may order that person to obey the subpoena or order or to give evidence about the matter in question.

(f) The concurring vote of a majority of the members of the board is sufficient to exercise any of its powers under this subtitle.

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§ 5-613

(a) (1) Appeals to the board of appeals may be taken by any aggrieved person or by any officer or agency of the political subdivision affected by any decision of the administrative agency.

(2) An appeal shall be taken within 30 days of the decision by filing, with the administrative agency from which the appeal is taken and with the board, a notice of appeal specifying the grounds for the appeal. The agency immediately shall send to the board the papers that constitute the record on which the action appealed from was taken.

(b) (1) An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative agency certifies to the board that, because of the facts stated in the certificate, a stay in its opinion would cause imminent peril to life or property.

(2) If the agency certifies as provided in paragraph (1) of this subsection, the proceedings may not be stayed other than by a restraining order granted by the board of appeals or by a court of record. On application and notice to the administrative agency, a restraining order may be granted for good cause shown.

(c) (1) The board shall:

(i) Set a reasonable time for hearing the appeal;

(ii) Give public notice of the hearing;

(iii) Give notice to the parties in interest; and

(iv) Decide the appeal within a reasonable time.

(2) Any party may appear at the hearing in person or by his agent or attorney.

(d) In compliance with this subtitle, the board:

(1) May reverse, affirm, or modify the decision appealed from; and

(2) For this purpose:

(i) May make any order, requirement, decision, or determination that it considers proper; and

(ii) Has all the powers of the administrative agency from which the appeal is taken.

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§ 5-614

(a) The legislative body of a political subdivision may authorize the board of appeals in cases of practical difficulty or unnecessary hardship to grant specific variances from the airport zoning regulations adopted under this subtitle, subject to the rules, regulations, restrictions, guides, and standards established by the legislative body.

(b) If the board is authorized to grant variances, any person who desires to use his property in a manner prohibited by an airport zoning regulation adopted under this subtitle may apply to the board for a variance from the regulation.

(c) The board may condition any variance so as to require the owner of the land or structure to which the variance applies to install, operate, and maintain at his expense the markers and lights necessary to indicate to aircraft the presence of an airport hazard.

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§ 5-615

(a) Any aggrieved person or any officer or agency of the political subdivision may appeal from a decision of the board of appeals to a court of competent jurisdiction.

(b) If, at the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a commissioner to take the evidence that the court directs and report to the court with his findings of fact and conclusions of law. These findings and conclusions constitute a part of the proceedings on which the determination of the court shall be made.

(c) The court may:

(1) Reverse, affirm, or modify the decision brought up for review; and

(2) If necessary, order further proceedings by the board of appeals.

(d) It is not necessary to join the board of appeals as a party.

(e) An appeal under this subtitle has preference over all other civil actions and proceedings.

(f) An appeal may be taken to the Appellate Court of Maryland from any decision of the court of record reviewing the decision of the board of appeals.

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§ 5-616

(a) A political subdivision that owns, controls, or operates an airport may acquire, by purchase, grant, lease, or condemnation, any property, including any air right or interest, needed to eliminate an airport hazard, to protect the aerial approaches to the airport, or to effectuate the purpose of this subtitle, if:

(1) A nonconforming use, structure, or tree or other vegetation is an airport hazard, and it is necessary or desirable to remove, lower, or otherwise terminate it;

(2) Because of constitutional limitations, the aerial approaches to the airport cannot be made or kept safe by airport zoning regulations adopted under this subtitle;

(3) It is advantageous to make and keep aerial approaches to the airport safe by the acquisition of property rather than by airport zoning regulations; or

(4) Any zoning regulation or any action of a zoning authority interferes with the use or enjoyment of private property or otherwise infringes on private property rights so much that it would be taking of private property without the just

compensation required by the Constitution of the United States or the Maryland Constitution.

(b) Any condemnation of property under this section shall be under the law by which the political subdivision may condemn property for public purposes other than street purposes or, if it has no such law, under Title 12 of the Real Property Article.

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§ 5-617

(a) (1) Each political subdivision, by action of its legislative body, may provide for the enforcement of this subtitle and of any rule, regulation, or ordinance or other legislation adopted under it.

(2) In addition to any other remedy, the political subdivision or its proper agency may institute or cause to be instituted any appropriate legal, equitable, or criminal action to enforce any provision of this subtitle or of any rule, regulation, or ordinance or other legislation adopted under this subtitle.

(b) Any person who violates any provision of this subtitle or of any rule, regulation, or ordinance or other legislation adopted by a political subdivision under this subtitle is guilty of a misdemeanor and on conviction:

(1) Is subject to the punishment of fine or imprisonment or both provided for by the political subdivision; or

(2) If the political subdivision does not provide for any punishment, is subject to a fine of not more than \$500 for each day or part of a day that the violation continues.

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§ 5-701

(a) An obstruction to air navigation:

(1) Interferes with the public right of freedom of transit in air commerce;

(2) Endangers the lives and property of those using the airspace for transportation; and

(3) Endangers the lives and property of the occupants of land in this State.

(b) The public health, safety, and welfare require regulation of the erection and maintenance of obstructions to air navigation.

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§ 5-702

(a) The Administration shall adopt rules and regulations to govern the erection and maintenance of obstructions to air navigation.

(b) These rules and regulations shall incorporate the Federal Aviation Administration obstruction standards except to the extent that, after public hearing, the Executive Director finds any part of the federal standards to be detrimental to the general public safety, the safety of persons operating, using, or traveling in aircraft, or the safety of persons and property on land or water.

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§ 5-703

Except as provided in § 5-704 of this subtitle, a person may not build any structure, permit any structure to be built, or permit any object to grow to a height that, in violation of any rule or regulation adopted under this subtitle, constitutes an obstruction to air navigation at or near any licensed public use airport, as that term is defined in § 5-301 of this title.

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§ 5-704

(a) Except as to the land area subject to jurisdiction of the Board of Airport Zoning Appeals as established under Subtitle 5 of this title, a political subdivision or a joint board established under Subtitle 6 of this title may grant any variance to a rule or regulation adopted under this subtitle, if the variance will not endanger the public health, safety, and welfare.

(b) Unless the legislative body of the political subdivision or the joint board provides otherwise, any person who desires a maximum height variance may apply for the variance in accordance with the local procedure for requesting a variance to the comprehensive zoning regulations of the political subdivision.

(c) If an application for a variance is made, the political subdivision or joint board shall notify the Administration of the application at least 10 days before any hearing is held on it.

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§ 5-705

The Administration, political subdivision, or joint board may require the owner of any structure or other object that exceeds the height limitations permitted by the rules and regulations adopted under this subtitle to install, operate, and maintain at his expense the markers and lights necessary to indicate to aircraft the presence of the obstruction.

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§ 5-706

This subtitle does not require any change in the height or location of any structure or other object in existence or any structure under construction before July 1, 1976.

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§ 5-707

If there is any conflict between any regulation adopted under this subtitle with any other regulation applicable to the same area, the more stringent limitation or requirement governs.

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§ 5-801

(a) In this subtitle the following words have the meanings indicated.

(b) "Airport" means any airport licensed by the Administration.

(c) "Cumulative noise exposure" means a calculated or measured value for the exposure to aircraft noise in a 24-hour period at a given location.

(d) "Impacted land use area" means an area within a noise zone occupied by a land use with a limit for cumulative noise exposure that is less than the actual cumulative noise exposure in that area.

(e) "Limit for cumulative noise exposure" means the maximum cumulative noise exposure for a given land use that is compatible with that land use.

(f) "Noise zone" means an area of land surrounding an airport within which the cumulative noise exposure is equal to or greater than the lowest limit for cumulative noise exposure established by the Executive Director.

(g) "Substantially alter" includes reconstruct, rebuild, replace, or substantially change or repair.

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§ 5-802

The purpose of this subtitle is to:

(1) Provide a positive basis for abatement of existing noise problems in communities near airports and to prevent new noise problems; and

(2) Protect the health and general welfare of the occupants of land near airports.

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§ 5-804

(a) With the endorsement of the Secretary and the Secretary of the Environment and after a public hearing following 60 days' notice, the Executive Director shall adopt regulations that establish limits for cumulative noise exposure for residential and other land uses on the basis of the noise sensitivity of a given land use.

(b) In adopting limits under this section, the Executive Director shall:

(1) Consider:

(i) The general health and welfare;

(ii) The rights of property owners;

(iii) Accepted scientific and professional standards; and

(iv) The recommendations of the Federal Aviation Administration and Environmental Protection Agency; and

(2) Set the limits at the most restrictive level that, through the application of the best available technology at a reasonable cost and without impairing the safety of flight, is consistent with attaining the environmental noise standards adopted by the Maryland Department of Health.

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§ 5-805

(a) (1) Each airport operator, including each person intending to operate a proposed airport, shall assess the noise environment created by the operation and projected future use of the airport.

(2) The assessment method shall follow the procedures that the Executive Director establishes for calculating or measuring cumulative noise exposure.

(3) The assessment shall delineate any noise zone and identify any impacted land use area.

(b) (1) If an impacted land use area exists within a noise zone, the airport operator shall develop a noise abatement plan to reduce the size of or eliminate the impacted land use area by altering the coverage of the noise zone through the application of the best available technology, at a reasonable cost and without impairing safety of flight.

(2) The plan may include:

(i) A development of runway and flight path use to reduce adverse noise impact;

(ii) Establishment of noise abatement glide slopes;

(iii) Establishment of noise abatement flight and ground procedures;

(iv) Restrictions on operations of noisy aircraft;

(v) Restrictions on noisy maintenance operations;

(vi) Relocation of runways; and

(vii) Acquisition of property to reduce the size of or eliminate an impacted land use area.

(c) (1) Unless required earlier as part of an environmental impact study or by the Executive Director, an assessment of the noise environment for each airport and any noise abatement plan required by this section shall be submitted to the Executive Director for approval by July 1 of each fifth year after July, 1976.

(2) Before the Executive Director approves any assessment or plan, the Executive Director shall furnish it to the chief executive officer and the zoning board of any affected political subdivision and give them an opportunity to comment.

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§ 5-806

(a) (1) As to each noise abatement plan the Executive Director approves, the airport operator shall:

(i) Begin to carry out the plan within 6 months of its approval; and

(ii) Except as provided in paragraph (2) of this subsection, fully carry out the plan within 18 months of its approval.

(2) The Executive Director may grant a delay of up to 2 years to carry out the plan fully if the Executive Director finds that, despite the good faith efforts of the operator, the operator cannot comply with the schedule required by this subsection.

(b) After notice and a public hearing, the Executive Director shall certify and publish, as a noise zone for purposes of Parts III and IV of this subtitle, any noise zone that results from an approved assessment or an approved plan.

(c) On application by the airport operator or an affected political subdivision, the Executive Director shall consider any adjustment to an approved plan or noise zone that is needed to reflect potential operational changes, changes in adjoining land uses, or other factors. Adjustments may be made only by recertification of the noise zone by the Executive Director, after notice and a public hearing.

(d) Before any hearing under this section, the Executive Director shall give the chief executive officer and zoning board of any affected political subdivision an opportunity to comment. After certification of a noise zone, the Administration shall notify them of the certified noise zone.

(e) The Executive Director may adopt rules and regulations for monitoring compliance with approved plans.

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§ 5-807

The Executive Director may help to develop and carry out any noise abatement plan required by this subtitle. His help may include technical and financial aid.

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§ 5-810

(a) For airports not owned by this State, within 180 days after the Executive Director certifies and publishes a noise zone under Part II of this subtitle, each political subdivision that has a noise zone wholly or partly within its jurisdiction shall adopt, under its police power, noise zone regulations establishing local noise zones. These noise zones may not be less restrictive than the noise zone certified by the Executive Director.

(b) The political subdivision shall identify the noise zones established under this section on each zoning map, comprehensive plan, and other appropriate document.

(c) (1) If a political subdivision has or adopts a general zoning ordinance, any noise zone regulations adopted under this section for all or a part of the same area may be made a part of the general zoning regulations and administered and enforced with them.

(2) The legislative body of a political subdivision that adopts noise zone regulations under this section may delegate the duty of administering and enforcing the regulations to any administrative agency under its jurisdiction. However, the administrative agency may not be or include any member of the board of appeals.

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§ 5-811

(a) If a political subdivision fails to adopt noise zone regulations as required by this part, the Administration shall adopt, administer, and enforce appropriate regulations for any noise zone wholly or partly within the jurisdiction of the subdivision.

(b) An appeal from a decision of the Administration may be made in the manner provided in §§ 5-814 and 5-816 of this subtitle.

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§ 5-812

(a) Unless a person has an appropriate permit issued by the political subdivision, the person may not, in a noise zone established under this part:

- (1) Establish or construct any new structure;
- (2) Make any new use of any existing structure or land; or
- (3) Substantially alter any existing structure or use of land.

(b) A political subdivision may not grant a permit if the proposed action would enlarge the size of or create an impacted land use area.

(c) Before a political subdivision acts on any permit application, the political subdivision shall notify the Administration of the application and give the Administration an opportunity to comment.

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§ 5-813

(a) The legislative body of a political subdivision may provide for a board of appeals with the power:

(1) To hear and decide appeals in all cases in which it is alleged that there is error in any decision of the political subdivision or its administrative agency in the enforcement of this part or of any ordinance or other legislation adopted under this part; and

(2) To hear, decide, and, in proper cases, grant specific variances from noise zone regulations adopted under this part, subject to § 5-815 of this subtitle.

(b) A zoning board of appeals of the political subdivision may be designated as the board of appeals. In all other cases, subsection (c) of this section applies.

(c) (1) Except as provided in subsection (b) of this section, the board of appeals shall consist of five appointed members.

(2) Each member of the board of appeals serves for a term of 4 years and until his successor is appointed and qualifies. However, of the original appointees, one is to serve a 1-year term, one is to serve a 2-year term, one is to serve a 3-year term, and two are to serve a 4-year term.

(3) On written charges and after a public hearing, the respective appointing authority may remove any member of the board of appeals for cause.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(d) (1) The board of appeals shall adopt rules and regulations in accordance with any ordinance adopted under this subtitle.

(2) Meetings of the board shall be held at the call of the chairman and at any other time that the board determines. All meetings of the board shall be open to the public.

(3) The board shall keep minutes of its proceedings, showing the absence, vote, or failure to vote of each member on each question, and records of its examinations and other official actions. These minutes and records shall be filed immediately in the office of the board and shall be a public record.

(e) (1) At a meeting of the board of appeals, the chairman or, in his absence, the acting chairman may administer oaths and issue subpoenas and orders for the attendance of witnesses and the production of papers, books, and documents.

(2) If a person fails to comply with any subpoena or order issued under this subsection, the chairman or acting chairman may invoke the aid of a court of competent jurisdiction. The court may order that person to obey the subpoena or order or to give evidence about the matter in question.

(f) The concurring vote of a majority of the members of the board is sufficient to exercise any of its powers under this part.

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§ 5-814

(a) (1) Appeals to the board of appeals may be taken by the Administration, by any aggrieved person, or by any officer or agency of the political subdivision affected by any decision of the administrative agency.

(2) An appeal shall be taken within 30 days of the decision by filing, with the administrative agency from which the appeal is taken and with the board, a notice of appeal specifying the grounds for the appeal. The agency immediately shall send to the board the papers that constitute the record on which the action appealed from was taken.

(3) Before the hearing, the agency also shall send a copy of the decision to the Administration and give it an opportunity to comment.

(b) (1) An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative agency certifies to the board that, because of the facts stated in the certificate, a stay in its opinion would cause imminent peril to life or property.

(2) If the agency certifies as provided in paragraph (1) of this subsection, the proceedings may not be stayed other than by a restraining order granted by the board of appeals or by a court of record. On application and notice to the administrative agency, a restraining order may be granted for good cause shown.

(c) (1) The board shall:

(i) Set a reasonable time for hearing the appeal;

(ii) Give public notice of the hearing;

(iii) Give notice to the parties in interest; and

(iv) Decide the appeal within a reasonable time.

(2) Any party may appear at the hearing in person or by his agent or attorney.

(d) In compliance with this part, the board may:

(1) Reverse, affirm, or modify, the decision appealed from; and

(2) For this purpose:

(i) May make any order, requirement, decision, or determination that it considers proper; and

(ii) Has all the powers of the administrative agency from which the appeal is taken.

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§ 5-815

(a) Subject to the provisions of this subtitle, the board of appeals may grant specific variances from noise zone regulations adopted under this part, if the design of a proposed structure or the repair, replacement, or change of a structure or use of land provides for sound insulation adequate to insure that interior noise levels resulting from airport operations will not exceed those levels that would occur if the structure or land use were outside of the noise zone.

(b) Any person who desires to use his property in a manner prohibited by a noise zone regulation adopted under this part may apply to the board for a variance from the regulation.

(c) The board may condition any variance so as to require the owner of any structure or land use to which the variance applies to construct the proposed structure or to repair, replace, or change the structure or use of land at his expense in a way that meets the requirements of subsection (a) of this section.

(d) When reviewing a request for a variance under the airport noise zone regulations, the board shall consider any facts and circumstances relevant to the request for variance, including any testimony or evidence presented regarding possible impacts on the surrounding community of the grant or denial of the proposed variance.

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§ 5-816

(a) The Administration, any aggrieved person, or any officer or agency of the political subdivision may appeal from a decision of the board of appeals to a court of competent jurisdiction.

(b) If, at the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a commissioner to take the evidence that the court directs and report to the court with his findings of fact and conclusions of law. These findings and conclusions constitute a part of the proceedings on which the determination of the court shall be made.

(c) The court may:

(1) Reverse, affirm, or modify the decision brought up for review; and

(2) If necessary, order further proceedings by the board of appeals.

(d) It is not necessary to join the board of appeals as a party.

(e) An appeal may be taken to the Appellate Court of Maryland from any decision of the court of record reviewing the decision of the board of appeals.

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§ 5-819

For all airports owned by this State, the Executive Director shall discharge all of the obligations required of an airport operator by §§ 5-805 and 5-806 of this subtitle, including the delineation of noise zones and the establishment of any

required noise abatement plans.

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§ 5-820

(a) After the Executive Director certifies and publishes a noise zone for a State-owned airport, he shall adopt, administer, and enforce regulations for the airport in the same manner that a political subdivision enforces its regulations under Part III of this subtitle.

(b) As to new airports, the Executive Director shall establish noise zones, any required noise abatement plan, and noise zone regulations as follows:

- (1) For any newly constructed State-owned airport, before the initial operation of the airport; and
- (2) For any newly acquired State-owned airport, within 1 year of the acquisition of the airport.

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§ 5-821

(a) Unless a person has an appropriate permit issued by the Administration, the person may not, in a noise zone established under this part:

- (1) Establish or construct any new structure;
- (2) Make any new use of any existing structure or land; or
- (3) Substantially alter any existing structure or use of land.

(b) Notwithstanding subsection (a) of this section, the Administration may not require any person to obtain a permit to construct an addition to a residential structure in a noise zone established under this part, if:

- (1) The resultant improved structure retains the same number of family dwelling units; and
- (2) The addition is not made eligible for participation in any State funded noise assistance program established under Subtitle 12 of this title.

(c) The Administration may not grant a permit if the proposed action would:

- (1) Enlarge the size of or create an impacted land use area; or
- (2) Violate local land use and zoning laws.

(d) Unless a person has an appropriate permit issued by the Administration or a variance granted by the Board of Airport Zoning Appeals, a political subdivision may not approve a final subdivision plan or issue any permit that is prerequisite to the construction of improvements in a noise zone established under this subtitle.

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§ 5-822

(a) Appeals to the Board of Airport Zoning Appeals may be taken in the manner set forth in § 5-814 of this subtitle by any aggrieved person or by any officer or agency of a political subdivision affected by the decision of the Administration.

(b) The Board of Airport Zoning Appeals may grant variances for State-owned airports in the manner set forth in § 5-815 of this subtitle.

(c) The Board of Airport Zoning Appeals shall condition any variance prerequisite to the grant of a permit required by § 5-821 of this subtitle so as to require the applicant to:

- (1) Construct the proposed structure so as to comply with all applicable noise insulation regulations promulgated by the Administration; and
- (2) Grant to the Administration an avigation easement as defined by § 5-1201(d) of this title, such easement including a provision relinquishing any right to receive remuneration or other compensation or benefit under any program of this State designed to allay, abate, or compensate for the effects of aircraft noise and emissions in connection with the operation of Baltimore–Washington International Thurgood Marshall Airport.

(d) After consultation with the Board of Airport Zoning Appeals and affected local governments, the Administration shall adopt regulations to further the intent of this section and to meet the sound insulation goals set forth in § 5–815(a) of this subtitle.

(e) Any aggrieved person or any officer or agency of an affected political subdivision may appeal from a decision of the Board of Airport Zoning Appeals in the manner set forth in § 5–816 of this subtitle.

(f) Upon timely application, an affected political subdivision may intervene in any appeal taken under this subtitle to the Board of Airport Zoning Appeals or to a court of competent jurisdiction.

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§ 5-823

(a) The Executive Director may acquire, by purchase or condemnation, any property for noise compatibility purposes in any noise zone surrounding a State-owned airport.

(b) Any property acquired under subsection (a) of this section may be resold, with or without deed restrictions, or leased, wholly or partly. However, if the disposition of an interest in real property is for a nonairport related use, it shall be made in accordance with plans of the political subdivision in which the property is located.

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§ 5-824

(a) If the State purchases real property within the noise zone of Baltimore-Washington International Thurgood Marshall Airport for noise mitigation purposes with federal, State, or local funds, the Administration may not use the real property to construct or extend any terminal, fuel farm, runway, or taxiway.

(b) This section does not preclude the Administration from purchasing real property for noise mitigation purposes or for projects to promote the public safety as it is affected by existing or future airport operations and facilities.

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§ 5-901

(a) In this subtitle the following words have the meanings indicated.

(b) “Air school” means, except as provided in subsection (c) of this section, any person who, whether or not for compensation, gives or offers to give instruction in flying or in ground subjects relating to aeronautics.

(c) “Air school” does not include:

- (1) Any public school or other noncollegiate educational institution approved by the State Board of Education; or
- (2) Any college, university, or other institution of postsecondary education approved by the Maryland Higher Education Commission.

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§ 5-902

The Administration may adopt rules and regulations providing for the licensing of air schools.

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§ 5-903

(a) If the Administration provides for the licensing of air schools, a person may not operate an air school unless the person has an air school license as required by the rules and regulations of the Administration.

(b) A person may not give instruction in flying for compensation unless he is an authorized flight instructor under federal law.

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§ 5-904

(a) Except as provided in subsection (b) of this section and in § 5-905 of this subtitle, the Administration:

(1) Shall issue any air school license that it requires, if the air school is in compliance with the rules and regulations of the Administration; and

(2) May charge an annual license fee of not more than \$25.

(b) On application and, except for the considerations expressly listed in § 5-905(b) of this subtitle, without further requirement, the Administration shall issue any license required by it, at an annual fee of \$1, to each air school that has been issued an appropriate federally approved air school certificate or rating.

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§ 5-905

(a) After notice and opportunity for hearing, the Administration may suspend, revoke, or refuse to issue an air school license if it reasonably determines that the air school is unqualified.

(b) In determining whether a license should be suspended, revoked, or refused, the Administration shall be governed by the standards required by § 5-208 of this title and, among other things, shall consider:

(1) Whether the air school has violated any law of this State or of the United States relating to aeronautics; and

(2) Whether any instructor of the air school:

(i) Is addicted to the use of narcotics or other habit forming drugs;

(ii) Is addicted to the excessive use of alcoholic beverages;

(iii) Has made a material false statement in connection with an application to the Administration under this subtitle; or

(iv) Has been guilty of conduct dangerous to the public safety or to the safety of those engaged in aeronautics.

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§ 5-906

Any person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

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§ 5-1001

(a) There is a public right to freedom of transit in air commerce through the airspace of this State.

(b) The operation of aircraft over the lands and waters of this State is lawful, unless the operation is:

(1) At so low an altitude as to interfere with any lawful existing use of the land or water or the space above the land or water; or

(2) Conducted in a manner imminently dangerous to persons or property on the land or water.

(c) (1) Except for a forced or emergency landing, a person may not land an aircraft on the lands or waters of any other person without the consent of that other person.

(2) For damages caused by a forced or emergency landing, a person is liable as set forth in § 5-1005 of this subtitle.

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§ 5-1002

(a) (1) For purposes of this subsection, "operate" shall include any use of the aircraft which involves remuneration to the owner, including but not limited to leasing, rental, and use for instructional purposes.

(2) The owner of any aircraft based or hangared in this State may not operate that aircraft unless there is a liability insurance policy in force on the aircraft which covers the owner and the pilot for claims by passengers or other persons for any injuries to them or their property that might arise out of the operation of the aircraft.

(b) The liability insurance shall provide coverage for at least:

(1) \$50,000 bodily injury per individual;

(2) \$100,000 bodily injury per accident; and

(3) \$50,000 property damage protection.

(c) All airport operators in this State shall maintain a roster of aircraft based or hangared at the facility. This roster shall include for each aircraft:

(1) The "N" number, type, and model of the aircraft;

(2) The name and address of the owner or operator of the aircraft, and the period of time the aircraft has been based or hangared at the facility;

(3) The liability insurance policy or binder number;

(4) The name of the insurance company shown on the policy; and

(5) The name of the insurance producer.

(d) The Administration, at the time of annual on-site airport inspection and licensing of public use airports in this State, shall have access to liability insurance policy information to determine compliance with subsection (b) of this section.

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§ 5-1003

On demand, the holder of a federal airman's certificate of competency shall present the certificate for inspection to:

(1) Any authorized representative of the Administration; or

(2) Any State or local police officer.

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§ 5-1004

The liability of the owner of one aircraft to the owner of another aircraft or to any person in either aircraft for damages caused by collision on land or in the air is governed by the rules of law applicable to torts on land.

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§ 5-1005

(a) The owner and lessee of an aircraft operated above the lands and waters of this State are each prima facie liable, jointly and severally, for any injury to persons or property on the land or water beneath them that is caused by the operation of the aircraft or by the falling of any object from the aircraft, unless:

(1) The injury is caused in whole or in part by the negligence of the injured person or of the owner or bailee of the injured property; or

(2) At the time of the injury, the aircraft is being used without consent of the owner or the lessee, as the case may be.

(b) The presumption of liability on the part of the owner or lessee may be rebutted by proof that the injury was not caused by negligence on the part of:

(1) The owner or the lessee, as the case may be;

(2) Any person operating the aircraft with the permission of the owner or lessee; or

(3) Any person maintaining or repairing the aircraft with the permission of the owner or lessee.

(c) A person who is not the owner or lessee of the aircraft is liable only for the consequences of his own negligence.

(d) (1) The injured person or the owner or bailee of the injured property has a lien on the aircraft to the extent of the damage caused by the aircraft or the object falling from it, if he registers and records with the Administration a sworn notice of the lien within 30 days from the date of the injury. The notice of lien shall set forth in detail the injury or damage sustained by him or his property.

(2) A notice of a lien not so recorded is void against subsequent good faith purchasers and mortgagees without actual notice. The lien terminates on rebuttal of the prima facie liability by the owner or lessee of the aircraft.

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§ 5-1006

(a) A person may not operate any aircraft in this State:

- (1) While under the influence of any intoxicating liquor, narcotic, or other habit forming drug; or
- (2) In a careless or reckless manner that endangers the life or property of another.

(b) In determining whether there has been careless or reckless operation of aircraft, the standards required by federal law governing aeronautics for safe operation of aircraft shall be considered.

(c) (1) In addition to or instead of the penalties provided for in Subtitle 11 of this title or as a condition to the suspension of a sentence imposed under that subtitle, the court may prohibit any person who violates a provision of this section from operating an aircraft in this State for any period of not more than 1 year.

(2) Violation of an imposed prohibition of a court under this subsection may be treated as a separate offense under this section or as a contempt of court.

(d) This section does not authorize the court or any other agency or person to take away, impound, hold, or mark any federal certificate, permit, rating, or license.

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§ 5-1007

(a) A person may not operate an aircraft towing an advertisement for promotional purposes in violation of applicable federal aviation regulations that relate to altitude or horizontal radius over any public or private sporting arena in Baltimore City.

(b) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,500.

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§ 5-1008

(a) Except as specifically authorized by State or federal law, a person may not be aboard, board, or attempt to board any aircraft engaged in certificated air commerce services with any firearm or explosive on or about his person, whether openly or concealed.

(b) Any person who violates any provision of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years.

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§ 5-1009

Aircraft capable of operating on water shall be governed by the rules of water navigation while at rest on or operating in contact with water.

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§ 5-1101

(a) The Administration may:

(1) Report to the appropriate federal agencies and agencies of other states:

- (i) All proceedings instituted for an alleged violation of §§ 5-1002 and 5-1006 of this title; and
- (ii) All penalties imposed on the owners or operators of aircraft or other persons for violations of the aeronautics laws of this State or violations of any rule, regulation, or order of the Administration;

(2) Receive reports of penalties and other information from these agencies; and

(3) If necessary, contract with these agencies for the delivery, receipt, exchange, and use of reports and information.

(b) The Administration may make the reports and information of the federal agencies, the agencies of other states, and the courts of this State, available to any court of this State or to any State or local officer of this State who is authorized to enforce the aeronautics laws of this State.

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§ 5-1102

The Administration and all police officers shall enforce and assist in the enforcement of:

- (1) This title and the rules, regulations, and orders adopted under it; and
- (2) All other aeronautics laws of this State.

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§ 5-1103

The Administration, in the name of this State, may enforce this title and the rules, regulations, and orders adopted under it, by application for injunction or other judicial process.

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§ 5-1104

(a) If a person is apprehended by a police officer for the violation of any provision of this title that is punishable as a misdemeanor or for the violation of any rule, regulation, or order adopted under this title that is punishable as a misdemeanor, the officer shall prepare and sign a written citation.

(b) The citation shall contain:

- (1) A notice to the person charged to appear in court;
- (2) The name and address of the person charged;
- (3) The State registration number of any aircraft involved in the offense;
- (4) The offense charged;
- (5) The time and place the person charged is required to appear in court;
- (6) A form for the written promise of the person charged to appear in court; and
- (7) Any other necessary information.

(c) The person charged may give his written promise to appear in court by signing the form for written promise on the citation prepared by the police officer. In this event, the officer need not take the person into physical custody for the violation unless:

- (1) The person charged does not furnish satisfactory evidence of identity; or
 - (2) The officer has reasonable grounds to believe the person charged will disregard a written promise to appear.
- (d) (1) Regardless of the disposition of the charge for which the citation was issued, a person may not violate his written promise to appear given on the issuance of a citation.
- (2) A written promise to appear in court may be complied with by an appearance by counsel.

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§ 5-1105

(a) Except as otherwise provided in this title, any person who violates any provision of this title or of any rule, regulation, or order adopted or issued under this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 90 days or both.

(b) In Carroll County or Baltimore County, a person who violates the provisions of § 5-705.1 of this title is subject to a fine of \$100,000 for each violation and each month that a violation continues.

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§ 5-1201

(a) In this subtitle the following words have the meanings indicated.

(b) "Airport" means Baltimore–Washington International Thurgood Marshall Airport.

(c) "Annual day–night (average) sound level" means the annual average aircraft noise level occurring during a 24–hour period, the calculation of which includes the addition of a 10 decibel penalty to noises occurring between 10 p.m. and 7

a.m. daily.

(d) "Avigation easement" means a written privilege granted by a homeowner related to aircraft overflight, noise, and associated effects which may arise in the ordinary operation of the airport.

(e) "Board" means the Board of Airport Zoning Appeals established under Subtitle 5 of this title.

(f) "Cumulative noise exposure" means a calculated or measured value for the exposure to aircraft noise in a 24-hour period, using the annual day-night (average) sound level (LDN) methodology.

(g) "Homeowner" means an owner of residentially used real property situated within the airport noise zone.

(h) "Noise zone" means an area of land surrounding the airport within which the cumulative noise exposure is equal to or greater than the lowest limit for cumulative noise exposure established by the Executive Director, under Subtitle 8 of this title.

(i) "School" means a public or privately operated elementary, secondary, postsecondary, or noncollegiate institution, with facilities in use on or before April 1, 1987, which is:

(1) Located within the airport noise zone; and

(2) Certified or accredited by the State Board of Education.

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§ 5-1202

(a) The General Assembly finds, based on State and federal standards associating various cumulative noise exposure levels with compatible land uses, that there are approximately 1,200 housing units and at least one public and one private school within the current airport noise zone that are exposed to noise levels deemed either undesirable or unacceptable for residential or educational use.

(b) The General Assembly further finds that, in the interest of public health, safety, and welfare, the Administration should be authorized to develop and implement noise assistance programs to address incompatible land uses surrounding the airport.

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§ 5-1203

(a) Subject to the provisions of this subtitle, the Administration shall establish a voluntary land acquisition program under which it shall purchase residentially occupied real property subject to a cumulative noise exposure of 70 LDN or greater, as identified by the most recently adopted airport noise zone, if the owner of the real property volunteers to sell the real property to the Administration.

(b) Local governments are encouraged, in the exercise of their police powers, to cooperate with Administration efforts to create a land use buffer zone composed of noise compatible commercial, industrial, and other nonresidential uses in areas contiguous to the airport.

(c) The Secretary is directed to request full funding for the program as part of the 1989 fiscal year budget and subsequent departmental budget requests.

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§ 5-1204

(a) (1) Subject to the provisions of this subtitle, the Administration shall establish a homeowners assistance pilot program for existing residentially occupied real property in those communities and neighborhoods identified by the Administration as being situated entirely or in part within the 65 LDN noise contour as established by the most recently adopted airport noise zone.

(2) The pilot program established under this subsection shall provide at least 2 homeowner assistance options including:

(i) An option enabling homeowners to sell their real property, with the Administration assuring the resale value of the property; and

(ii) An option enabling homeowners who occupy single-family housing or rent such property for residential use to receive financial assistance from the Administration for noise-attenuating improvements which may include weather stripping, caulking, window glazing, augmentation of wall, door, ceiling, and attic insulation, and installation of forced air ventilation or other types of air conditioning systems.

(3) The Administration shall select at least 40 residential properties situated within the airport noise zone to participate in the pilot program, including at least 20 properties in each of the program options described in paragraph (2) of this subsection.

(b) (1) Before conveying a fee interest in residential real property to a third party, a homeowner participating in the pilot program option described in subsection (a)(2)(i) of this section shall grant to the Administration an avigation easement.

(2) A homeowner participating in the pilot program option described in subsection (a)(2)(ii) of this section shall grant to the Administration an avigation easement.

(c) The Administration shall:

(1) Implement the homeowners assistance pilot program in fiscal year 1988;

(2) Submit to the 1988 Session of the General Assembly, in accordance with § 2-1257 of the State Government Article, a report on the results of the program, including a study of the feasibility of making noise-attenuating improvements to schools; and

(3) Make recommendations as part of the Department's fiscal year 1989 budget request for the continued funding of the program.

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§ 5-1205

(a) No real property for which a specific variance has been granted by the Board under Subtitle 8 of this title, or that is encumbered by an avigation easement granted to the Administration, may be selected for participation in the pilot program established by § 5-1204 of this subtitle.

(b) The Board may not grant any variance under Subtitle 8 of this title from noise zone regulations for any proposed residential or educational use of real property during the period that the pilot program established by § 5-1204 of this subtitle is in operation.

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Title 6 — Motor Vehicle Safety

§ 6-101

(a) In this title the following words have the meanings indicated.

(b) "Administration" means the Maryland Port Administration.

(c) "Commission" means the Maryland Port Commission.

(d) "Executive Director" means the Executive Director of the Maryland Port Administration.

(e) "Port facility" includes any one or more or combination of:

(1) Lands, piers, docks, wharves, warehouses, sheds, transit sheds, elevators, compressors, refrigeration storage plants, buildings, structures, and other facilities, appurtenances, and equipment useful or designed for use in connection with the operation of a port;

(2) Every kind of terminal or storage structure or facility useful or designed for use in handling, storing, loading, or unloading freight or passengers at marine terminals;

(3) Every kind of transportation facility useful or designed for use in connection with any of these; and

(4) An international trade center constituting a facility of commerce and consisting of one or more buildings, structures, improvements, and areas that the Department considers necessary, convenient, or desirable for the centralized accommodation of functions, activities, and services for or incidental to the transportation of persons by water, the

exchange, buying, selling, and transportation of commodities and other property in international and national waterborne trade and commerce, the promotion and protection of this trade and commerce, and governmental services related to them and other federal, state, and municipal agencies and services, including foreign trade zones, offices, marketing and exhibition facilities, terminal and transportation facilities, customhouses, custom stores, inspection and appraisal facilities, parking areas, commodity and security exchanges, and, in the case of buildings, structures, improvements, and areas in which such accommodation is afforded, all the buildings, structures, improvements, and areas, although other parts of the buildings, structures, improvements, and areas might not be devoted to purposes of the international trade center other than the production of incidental revenue available for the expenses and financial obligations of the Department in connection with the international trade center and although other parts of the buildings, structures, improvements, and areas might be rented or leased for the use or occupancy of departments, bureaus, units, or agencies of the United States, this State, or any political subdivision of this State.

(f) "Project" means any port facility acquired, constructed, controlled, or operated by the Administration, including all property acquired for the construction or operation of the port facility.

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§ 6-102

(a) The General Assembly of Maryland makes the following declarations of its intent in the enactment of this title.

(b) The ports and harbors of this State are assets of value to the entire State. The residents of all parts of this State benefit directly from the waterborne commerce that they attract and service. Any improvement to these ports and harbors that increases their export and import commerce will benefit the people of the entire State.

(c) (1) The purpose of this title is to increase the waterborne commerce of the ports in this State and, by doing so, benefit the people of this State.

(2) Commerce may be attracted to these areas by:

(i) Developing existing facilities to provide quicker, cheaper, and better handling of cargoes; and

(ii) Effectively advertising and promoting the facilities and the use of the several port areas.

(d) (1) Since existing port and terminal facilities of Baltimore and other port areas have been provided mostly by private enterprise, the General Assembly seeks primarily to improve the facilities and strengthen the workings of the private operators.

(2) However, the private operators in the port areas have a public responsibility to provide modern port and harbor facilities suited to the needs of the public that they serve. Therefore, the Administration should have power to obtain information about the rates and practices of private operators, and, while it should assist and encourage the extension and improvement of privately operated port facilities, it also should have the power, if private facilities are inadequate or inadequately operated at any time, to construct and, if necessary, to operate any supplementary public facilities that it considers to be required in the public interest.

(e) The development of ports able to attract increasing amounts of waterborne commerce will require the construction of additional modern facilities and installations. A public port authority, using public funds, will be able to construct and, if necessary, operate these facilities and installations if the immediate financial returns are not sufficient to attract private capital.

(f) In order to meet increased competition from other states' ports that are operated with public funds either directly as state agencies or indirectly as private operating companies, the Administration should have the authority, subject to approval of the Commission, to operate public port facilities either directly or indirectly in the form and manner that the Commission deems necessary.

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§ 6-103

(a) Except as otherwise provided in this title, the Administration has jurisdiction and may exercise its powers and duties in or near any of the navigable waters of this State or at inland properties or facilities acquired, leased, or operated by the Administration for the transport or storage of cargo and equipment.

(b) The Administration does not have any jurisdiction in Queen Anne's County.

- (c) (1) The Administration has jurisdiction in Calvert County, Charles County, or St. Mary's County only after the county government and its legislative delegation give consent to this jurisdiction.
- (2) The required consent may be given only after sufficient public hearings and public notice.
- (3) The county government of the county for which consent is requested shall give public notice of the hearings:
 - (i) By publication once a week for 2 successive weeks before the hearing in a newspaper published in those counties that may be directly affected by granting the requested consent; or
 - (ii) In any other manner that the county government requires.

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§ 6-201

- (a) There is a Maryland Port Commission.
- (b) The Commission shall:
 - (1) Establish policies directed toward improving the competitive position of the ports of Maryland within the international port industry;
 - (2) Adopt regulations for the operation of the Administration in a competitive manner within the port industry;
 - (3) Exercise those powers granted to the Commission and to the Maryland Port Administration by this title or by any other provision of law;
 - (4) Unless otherwise directed by the Secretary, serve as the board of directors of any private operating company created under this title; and
 - (5) In carrying out the provisions of this subtitle, seek information and advice from port labor and management groups.
- (c) (1) The Commission shall consist of 7 voting members, 6 of whom shall be appointed by the Governor with the advice and consent of the Senate and the 7th shall be the Secretary of Transportation who shall be the Chairman of the Commission.
- (2) The Secretary of Business and Economic Development shall serve as a nonvoting ex officio Commission member.
- (d) (1) Subject to the provisions of paragraph (3) of this subsection, the Governor may not appoint to the Commission:
 - (i) An officer or employee of the State;
 - (ii) A representative of any entity whose principal activities are ports-related;
 - (iii) A person employed by any entity whose principal activities are ports-related; or
 - (iv) A member of the General Assembly.
- (2) The Governor shall take into consideration geographic representation when appointing the 6 members of the Commission.
- (3) Notwithstanding paragraph (1) of this subsection, a member of the Maryland Transportation Authority or any other State board, commission, or authority may be appointed a member of the Maryland Port Commission. Any person so appointed who is compensated by the State is not entitled to any compensation or other emolument, except expenses incurred in connection with attendance at hearings, meetings, field trips, and working sessions, for any services rendered as a Commissioner.
- (e) (1) Each appointed member serves for a term of 3 years and until a successor is appointed and qualifies. The terms of appointed members shall be staggered as required by the original appointments to the Commission, 2 of which shall be for 3 years, 2 of which shall be for 2 years, and 2 of which shall be for 1 year.
- (2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term or until a replacement is appointed.
- (f) The Commission shall meet at a time and place designated by the Chairman of the Commission. The Commission shall meet as often as its duties require, but not less than quarterly. Attendance by 4 voting members shall constitute a quorum.

(g) Except as provided under subsection (d)(3) of this section, members of the Commission appointed by the Governor are entitled to the compensation and expenses provided for in the State budget. Members of the Commission are subject to the provisions of § 8-501 of the State Government Article.

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§ 6-202

There is a Maryland Port Administration.

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§ 6-203

(a) The head of the Administration is the Executive Director.

(b) (1) The Executive Director shall report directly to the Commission.

(2) Subject to the authority of the Commission, the Executive Director is responsible for carrying out:

(i) The powers and duties vested by law in the Administration; and

(ii) The regulations adopted by the Commission.

(3) The Executive Director is entitled to the salary provided in the State budget.

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§ 6-204

(a) In addition to the specific powers granted under this title, and subject to the supervision of the Commission, the Administration has the powers granted by this section.

(b) The Administration may sue and be sued in its own name.

(c) The Administration may propose for adoption by the Commission regulations to carry out the provisions of this title.

(d) Either directly or by expert consultants, the Administration may make any investigations and surveys, including:

(1) Studies of business conditions, freight rates, and port services;

(2) Physical surveys of the conditions of channels and structures;

(3) Studies of the need for additional port facilities to develop, improve, and more speedily handle commerce; and

(4) Any other study, survey, or estimate necessary for the exercise of its powers under this title.

(e) The Administration may apply for and receive grants from any federal agency for the planning, construction, operation, or financing of any port facility and may receive aid or contributions of money, property, labor, or other things of value from any source, to be held, used, and applied for the purposes for which the grants, aid, and contributions are made.

(f) The Administration may do anything necessary to promote and increase commerce within its territorial jurisdiction, including:

(1) Purchasing advertising;

(2) Engaging in public relations programs;

(3) Publishing literature;

(4) Soliciting business by correspondence and traveling representatives; and

(5) Cooperating with civic, technical, professional, and business organizations and associations.

(g) To increase the commerce of ports in this State, the Administration may establish and maintain a traffic bureau or other office to investigate and seek improvement in rates, rate structures, practices, and charges affecting these ports.

(h) (1) Except as provided in paragraph (2) of this subsection, the Administration may apply for the establishment, maintenance, and operation of foreign trade zones within its territorial jurisdiction and may operate and maintain these zones under the laws or regulations of the United States for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States.

(2) The Administration may not apply for the establishment, operation, and maintenance of a foreign trade zone unless it has the specific approval of the Board of Public Works. Approval of the Board of Public Works shall be based on information and advice, as received from the Department of Natural Resources, the Department of Commerce, other interested agencies of this State, and the county government of each involved county, on the potential effects of the foreign trade zone on the water resources, fisheries, and economic life of this State.

(i) The Administration may acquire, construct, reconstruct, rehabilitate, improve, maintain, lease as lessor or as lessee, repair, and operate either directly or through State created private operating companies port facilities within its territorial jurisdiction, including the dredging of ship channels and turning basins and the filling and grading of land.

(j) The Administration may designate the location and character of all port facilities and improvements that the Administration holds, owns, or over which it is authorized to act, and it may regulate all matters related to the location and character of these facilities and improvements.

(k) (1) In the exercise of its powers and the performance of its duties under this title, the Administration may acquire and hold in its own name and may lease, convey, or otherwise dispose of any property, including:

(i) Lands lying under water;

(ii) Riparian rights in and adjacent to lands; and

(iii) Property devoted to a public use in or near the navigable waters within the territorial jurisdiction of the Administration.

(2) The acquisition by or on behalf of the Administration of personal property to be used outside of this State is not subject to Title 4, Subtitle 3 of the State Finance and Procurement Article requiring purchases through the Department of General Services.

(l) The Administration may fix, revise, charge, and collect rates, fees, rentals, or other charges for the use of any project under its control.

(m) The Administration may appear in its own behalf before any board, commission, department, or agency of the federal government, of any state, or of any international conference and before any committee of the Congress of the United States or the General Assembly of Maryland, or any appropriate nongovernmental body, in any matter:

(1) That relates to the design, establishment, construction, extension, operation, improvement, repair, or maintenance of a project operated and maintained by the Administration under this title;

(2) That relates to rail rates, water rates, port services and charges, demurrage, switching, wharfage, towage, pilotage, differentials, discriminations, labor relations, trade practices, river and harbor improvements, aids to navigation, or permits for structures in navigable waters; or

(3) That affects the physical development or business interest of the Administration and those it serves.

(n) (1) The Administration may employ consulting engineers, accountants, attorneys, construction and financial experts, superintendents, traveling representatives, managers, clerks, stenographers, and laborers, and any other agents and employees that it considers necessary to carry out the provisions of this subtitle.

(2) This subsection does not affect the duties of the Attorney General specified in § 2–106 of this article.

(o) The Administration may do anything else necessary or convenient to carry out the powers granted in this title.

(p) The exercise of the powers under this title is an essential governmental function of the State.

(q) (1) The Administration, with the approval of the Commission, may create private operating companies for the purpose of operating public port facilities.

(2) Other than employees appointed by the Commission under § 6–201.2(a) of this subtitle, employees of a private operating company created under this subsection are not State employees.

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§ 6-205

Under the authority granted by § 6-204(i) of this subtitle, the Maryland Port Administration may operate and maintain the port facility presently under its jurisdiction at Cambridge, Maryland. The operation and maintenance may include the leasing of the facility. The Maryland Port Administration may expend the necessary funds for the development of the port

facility at Cambridge. The Administration may sell, transfer, or otherwise dispose of the facility in accordance with § 10-305 of the State Finance and Procurement Article.

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§ 6-206

(a) Subject to Subtitle 4 of this title, the Administration may:

(1) Provide for the preservation of navigation within its territorial jurisdiction, including the establishment of lines beyond which piers, bulkheads, wharves, pilings, structures, obstructions, or extensions may not be made or extended;

(2) In order to foster and facilitate navigation and prevent injury to persons or property:

(i) Prohibit, provide for, and regulate within its territorial jurisdiction the shipment, storage, handling, and transportation of explosives and other materials that it determines to be dangerous;

(ii) Provide for the stationing, anchoring, and moving of vessels or other watercraft; and

(iii) Adopt rules and regulations to prevent any refuse or other matter from being thrown into, deposited in, or placed where it may fall or be washed into any navigable waters;

(3) Make surveys or charts of navigable waters within its territorial jurisdiction and ascertain the depth and course of the channels of these waters;

(4) In order to prevent injury to navigation or health:

(i) Erect, maintain, and authorize the erection and maintenance of wharves, bulkheads, piers, and pilings; and

(ii) Adopt regulations governing their erection, maintenance, and repair, including regulations concerning the erection, maintenance, or repair of any wharf, dock, pier, bulkhead, or piling that is associated with the construction of a dwelling unit or other nonwater dependent structure on a pier; and

(5) As to wharves, docks, piers, bulkheads, or pilings, it owns or controls:

(i) Regulate their use;

(ii) Lease or rent them;

(iii) Impose and collect dockage from vessels and watercraft lying at or using them; and

(iv) Collect wharfage and other charges on goods, wares, merchandise, or other articles landed at, shipped from, stored on, or passed over them.

(b) Except for docks or wharves owned, controlled, or operated by the Administration, this title does not:

(1) Impose any duty on the Administration as to the safety of any person using any waters;

(2) Render the Administration liable for any loss of life, injury, or damage to any person or property because of any obstruction in or unsafe condition of any part of the waters; or

(3) Render the Administration liable for any failure to adopt or enforce any rule or regulation under this title.

(c) The powers in this section may not be exercised in any county unless the county approves the operations of the Administration in the county.

(d) (1) Any ordinance or regulation that was adopted before June 1, 1959 by any State agency, political subdivision, or other public body and that relates to a subject matter over which authority is granted to the Administration by subsection

(a) of this section:

(i) Continues to be in effect, except as otherwise provided in this subsection;

(ii) Has the status of a regulation adopted by the Administration; and

(iii) Like other regulations of the Administration, may be readopted, amended, or repealed by the Administration.

(2) Only the Administration may readopt, amend, or repeal these ordinances or regulations.

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§ 6-207

(a) The Administration may establish and maintain facilities in the Baltimore harbor area to dispose of waste matter, other than oil, collected from commercial vessels under the applicable provisions of Title 8 of the Natural Resources Article.

(b) The Administration shall make a reasonable charge for the use and service of this facility.

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§ 6-208

Except as otherwise provided in this title, the Administration may make any contract necessary for or incidental to the performance of its duties and the exercise of its powers under this title.

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§ 6-209

(a) The Administration may permit gaming aboard a passenger cruise vessel if:

(1) The vessel has overnight cabin accommodations for at least 300 passengers;

(2) The vessel is operated by an authorized cruise ship operator certified under the International Convention for the Safety of Life at Sea (SOLAS); and

(3) The owner or operator of the vessel has obtained the required authorization as provided in this section.

(b) (1) The owner, operator, or any franchise holder of a cruise vessel described in subsection (a) of this section may apply to the Administration for authorization to conduct gaming aboard the vessel.

(2) An application for authorization under this subsection shall include the following information:

(i) The applicant's corporate name, address, and place of incorporation;

(ii) The name of the applicant's liability insurer;

(iii) The gaming rules to be in effect while the vessel is in the waters of the State; and

(iv) A schedule of all cruise operations for which authorization is requested, including arrival and departure dates and the identification of the vessel for each cruise.

(3) In addition to the information required under paragraph (2) of this subsection, the applicant shall send a complete copy of the application to the Department of State Police.

(c) (1) An authorization issued by the Administration to a qualified applicant under this section shall remain valid for a period of not more than 1 year.

(2) An authorization issued under this section authorizes gaming on the waters of the State only while the vessel:

(i) Is underway;

(ii) Is east of the Francis Scott Key Bridge; and

(iii) Is operating under an itinerary that either originates or terminates in a foreign port outside the continental United States.

(3) The Administration may not issue an authorization under this section for a vessel on an excursion undertaken solely for gaming purposes even though the vessel may leave the territorial waters of the United States during the excursion.

(d) Any legal disputes arising from an authorization issued under this section shall be adjudicated under the applicable State or international maritime law.

(e) A violation of any provision of this section or of any other applicable gaming law of the State:

(1) Shall be investigated jointly by the Administration and the Department of State Police; and

(2) In addition to any other penalties provided by law, may result in the withdrawal of an authorization issued under this section after the affected party has been granted an opportunity for a hearing.

(f) The Administration may adopt regulations as necessary to carry out the provisions of this section.

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§ 6-211

(a) The Commission may adopt and enforce regulations for the parking and operation of motor vehicles in and on its port facilities.

(b) The regulations shall:

(1) Be reasonably necessary for the safety of persons and property or for the efficient operation of the port facilities;

(2) Provide for a uniform system for accessible parking for individuals with disabilities to enhance the safety of people with disabilities in conformity with the "Uniform System for Parking for Persons with Disabilities" (23 C.F.R. Part 1235) and the "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" (Appendix A to 28 C.F.R. Part 36 and 36 C.F.R. Part 1191.1); and

(3) Include procedures for the voluntary payment of fines directly to the Administration in uncontested parking cases.

(c) The Maryland Transportation Authority Police Force may issue citations for violations of the motor vehicle regulations adopted under this section.

(d) (1) Any person who violates a parking regulation adopted under this section is subject to a fine not exceeding \$50. A violation of a parking regulation is not a misdemeanor.

(2) Any person who violates any other regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

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§ 6-212

(a) An agent or employee of the Administration or member of the Commission may not:

(1) Contract with the Administration;

(2) Have any direct or indirect interest in a contract with the Administration; or

(3) Have any direct or indirect interest in the sale or purchase by the Administration of any property.

(b) An agent, employee, member, or officer of a local port authority or local port commission may not:

(1) Contract with the authority or commission;

(2) Have any direct or indirect interest in a contract with the authority or commission;

(3) Have any direct or indirect interest in a company that does business with the authority or commission; or

(4) Have any direct or indirect interest in the sale or purchase by the authority or commission of any property.

(c) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

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§ 6-213

Except as provided in § 3-102 of this article:

(1) Every resolution, rule, regulation, form, order, and directive adopted by or relating to the former Maryland Port Authority remains in effect until changed by the Administrator or the Secretary; and

(2) Every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any other document to the Maryland Port Authority means the Maryland Port Administration.

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§ 6-301

(a) Subject to the provisions of this subtitle, the Administration may acquire in its own name, by purchase or by condemnation, any property, including any public land, land lying under water, or riparian right, necessary or convenient to construct or operate any project.

(b) (1) Any condemnation proceedings under this section shall be conducted under Title 12 of the Real Property Article.

(2) The Administration may not condemn any property unless the property is located entirely within the territorial jurisdiction of the Administration.

(3) The Administration may not condemn any property that belongs to a public service company subject to Division I of the Public Utilities Article, if the property is:

(i) Devoted to public use; or

(ii) Reasonably necessary for future public use by the public service company.

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§ 6-302

Notwithstanding any contrary provision of law, this State, its agencies, and its political subdivisions may lease, lend, grant, or otherwise convey to the Administration, at its request, any property, including property devoted to public use, that is necessary or convenient for the purposes of the Administration.

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§ 6-303

(a) The Administration may not acquire by purchase or condemnation any property owned by this State or any of its agencies without the prior approval of the Board of Public Works.

(b) Subject to prior approval of the Board of Public Works, the Administration may use any land owned by this State, including land lying under water, that the Administration considers necessary or convenient to construct or operate any project.

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§ 6-304

(a) The Administration may not acquire by purchase or condemnation any property located in any political subdivision of this State without the prior approval of the political subdivision, as provided for in this section.

(b) Approval required by this section shall be obtained as follows:

(1) If the property is located in a county other than Baltimore City and not in any municipal corporation, from the county;

(2) If the property is located in a municipal corporation within any county, both from the mayor and council, by whatever name known, of the municipal corporation and from the county; and

(3) If the property is located in Baltimore City, from the Board of Estimates of Baltimore City.

(c) If the Administration makes a written request for approval of the appropriate body, the approval required by this section is deemed to be given unless the Administration is notified in writing to the contrary within 90 days after it makes the request.

(d) This section does not affect the right of the Administration to acquire an option or institute any condemnation proceedings for later acquisition of the property once the approval required by this section is obtained.

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§ 6-305

In any county where planning and development regulations have legal status, the Administration shall comply with and is subject to those regulations to the same extent as a private commercial or industrial enterprise.

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§ 6-306

(a) The Administration and its authorized agents and employees may enter on any lands, waters, and other property in this State to make any surveys, soundings, drillings, and examinations that it considers necessary for the purposes of this title.

(b) An entry made under this section is not a trespass and may not be considered an entry under any pending condemnation proceeding.

(c) The Administration shall pay for any actual damages to the land, waters, or other property that result from an entry made under this section.

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§ 6-307

(a) For purposes of this section, the territorial jurisdiction of the Administration is not limited by § 6–103 of this title or any other provision of this title and extends to and includes the area within any political subdivision in this State.

(b) (1) Any political subdivision in this State may apply to the Administration, by ordinance or resolution, for the construction, acquisition, extension, enlargement, or improvement of port facilities in the political subdivision.

(2) If the Administration finds that the proposal furthers the purposes of this title, it may approve the application.

(c) (1) If the Administration approves the application, the political subdivision that applied may contract with the Administration for the construction, acquisition, extension, enlargement, or improvement of these port facilities.

(2) Under the contract, the political subdivision may incur indebtedness to the Administration in an amount not exceeding \$1 million at any one time.

(3) The contract by which the indebtedness is incurred shall require that:

(i) All project costs of the port facilities be set out in an account to be known as the investment account; and

(ii) The share of the costs assumed by the political subdivision under the contract be repaid within not more than 40 years.

(d) For purposes of this section, a political subdivision, through its governing body, may:

(1) Participate with the Administration in the construction, acquisition, extension, enlargement, or improvement of port facilities in the political subdivision; and

(2) Participate by contract with the Administration in the operation and maintenance of these port facilities.

(e) (1) A county and any municipal corporation in the county jointly may participate with the Administration, by agreement confirmed by resolution or ordinance, in carrying out any of the purposes of this section.

(2) If there is joint participation under this subsection by a county and a municipal corporation, the loan limitation imposed by subsection (c)(2) of this section is increased to \$2 million, and the respective liabilities of the county and the municipal corporation shall be determined by agreement between them.

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§ 6-308

(a) In this section, “cargo handling facilities” includes any one or more or combination of lands, piers, docks, wharves, warehouses, sheds, transit sheds, elevators, compressors, refrigerated storage plants, buildings, structures, and other facilities, appurtenances, and equipment useful or designed for use in connection with the handling, storing, loading, or unloading of freight and any other personal property at marine terminals.

(b) (1) Except as otherwise provided in this subsection, each county retains the right to impose annual taxes on land and improvements on land acquired and developed in the political subdivision by the Administration. The Administration is subject also to all benefit assessments, including any sewer and water charges that may be levied by operation of law.

(2) The right to impose taxes does not apply to any land or improvements acquired from the county, to any cargo handling facilities owned or leased, as lessor or lessee, by the Administration, or to any land used only in conjunction with these cargo handling facilities. From the date any of this property is purchased, erected, constructed, or leased, it is exempt from all property taxes and benefit assessments to their owner, to the Administration, and to the lessees of the Administration.

(3) The right to impose taxes does not apply to the international trade center described in § 6-101(e)(4) of this title, which trade center is exempt from all property taxes and benefit assessments to the Administration.

(c) The Administration and the county may make any agreements:

(1) For the Administration to pay to the county a stated sum in place of any taxes or benefit assessments to which the Administration is subject; or

(2) For voluntary contributions as to tax-exempt property.

(d) (1) Each lease of a cargo handling facility for a term of more than 1 year, including renewal options, that is made between the Administration and a lessee engaged in business for profit shall contain a provision requiring the lessee to pay to the Administration annually, except to the extent that the improvements are taxed to the lessee, a sum of money computed on the basis of the full cash value of the leased land and improvements on it multiplied by the assessment percentage under § 8-103(c)(1) of the Tax - Property Article, multiplied by the current State and local real estate tax rates.

(2) The supervisor of assessments of the county in which the leased land is located shall cooperate with the Administration in establishing the full cash value of the leased land and improvements on it.

(e) The Administration may not acquire on a lease-back basis any land or improvement on it without the prior consent of the political subdivision in which the land or improvements are located.

(f) This section does not affect any agreement made before June 1, 1966, between the Administration and any county as to tax exemptions or payments in place of taxes or benefit assessments.

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§ 6-309

(a) Notwithstanding any other provision of this title, this section controls as to Anne Arundel County.

(b) (1) The Administration may not acquire any interest in land or improvements on land in Anne Arundel County without the prior approval of the county, given after a public hearing.

(2) This subsection does not affect the right of the Administration to acquire an option for later acquisition of the property or improvements once the approval required by this subsection is obtained.

(3) If the Administration makes a written request for approval of the county, the approval required by this subsection is deemed to be given unless the Administration is notified in writing to the contrary within 90 days after it makes the request.

(c) Anne Arundel County retains the right to impose taxes on any land and improvements on land acquired under this title in Anne Arundel County by the Administration or any other person.

(d) The Administration and Anne Arundel County may make any agreements for the Administration to pay to the county a stated sum in place of any of these taxes.

(e) This section shall be strictly construed.

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§ 6-401

(a) The Administration may purchase and Baltimore City may sell to the Administration any of the title and interest that Baltimore City has in any of the following:

(1) All of the property described in the contract, dated December 29, 1926, between the Mayor and City Council of Baltimore and the Western Maryland Railway Company (ratified by Ordinance No. 965, approved February 4, 1927, of the Mayor and City Council of Baltimore) and the contract, dated April 27, 1955, between the same parties (ratified by Ordinance No. 1483, approved May 19, 1955, of the Mayor and City Council of Baltimore), which deal with the construction, improvement, addition to, and leasing of the McComas Street Terminal at Port Covington in Baltimore City;

(2) All of the property described in the contract, dated August 4, 1944, between the Mayor and City Council of Baltimore and the National Gypsum Company (ratified by Ordinance No. 133, approved August 29, 1944, of the Mayor and City Council of Baltimore), which deals with the construction of the National Gypsum Company Pier in Baltimore City; and

(3) The Broadway Pier (Recreation Pier) at the foot of Broadway in Baltimore City.

(b) Any sale under this section shall be on the terms and conditions and at the price agreed to by the Administration and the Board of Estimates of Baltimore City.

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§ 6-402

(a) (1) If the Administration and Baltimore City cannot agree on the terms, conditions, and price for any of the property described in § 6-401 of this subtitle, the matter shall be referred to an arbitration board.

(2) The arbitration board shall consist of three members appointed as follows:

(i) One by the Administration;

(ii) One by the Board of Estimates of Baltimore City; and

(iii) One jointly by the two members already appointed.

(3) If, within 15 days after the appointment of the second arbitrator, a third arbitrator has not been appointed, the Governor shall appoint the third arbitrator.

(4) If the party seeking arbitration appoints its arbitrator and gives written notice of this appointment to the other party, the other party shall appoint its arbitrator within 30 days after the receipt of the notice. If the other party refuses or neglects to appoint its arbitrator within the 30-day period, the arbitrator appointed by the party seeking arbitration may review the entire matter in controversy as if that individual were an arbitrator appointed by both parties for that purpose.

(b) (1) If only one arbitrator is appointed under subsection (a) of this section, the decision of that arbitrator:

(i) Shall be made within 90 days after the Administration or the Board of Estimates, as the case may be, refuses or neglects to appoint its arbitrator;

(ii) Shall be reported in writing to both parties; and

(iii) Is final and binding on both parties.

(2) If three arbitrators are appointed under subsection (a) of this section, the decision of the majority of them:

(i) Shall be made within 90 days after the first two arbitrators are appointed or within any additional period not exceeding 30 days as may be agreed to by the Administration and the Board of Estimates in writing;

(ii) Shall be reported in writing to both parties; and

(iii) Is final and binding on both parties.

(c) The arbitration board or, if only one arbitrator is appointed, the arbitrator may, among other things:

(1) Require that each party to the controversy submit a written statement of its contention to the board and send a copy of the statement to the other party;

(2) Make investigations, inspections, and examinations;

(3) Take, receive, and keep a permanent record of testimony and other evidence;

(4) Hold hearings after notice to the parties in interest; and

(5) Adopt rules and regulations for the conduct of the arbitration proceedings.

(d) Each party shall pay 50 percent of the arbitration expenses.

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§ 6-403

(a) Notwithstanding any other provision of this title, any agreement between the Administration and the Mayor and City Council of Baltimore in connection with the transfer of the McComas Street Terminal, the National Gypsum Company Pier, or the Broadway Pier (Recreation Pier) shall state:

(1) The duties and functions of Baltimore City or any of its agencies that are imposed by any law on the harbor or Helen Delich Bentley Port of Baltimore or their operation and that the Administration must perform; and

(2) The time when the Administration must perform these duties and functions.

(b) As long as neither the Administration nor Baltimore City or any of its agencies takes an arbitrary or unreasonable position as to the matters described in subsection (a) of this section, there is no obligation for any of them to submit the matters to arbitration under § 6-402 of this subtitle.

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§ 6-404

(a) On the transfer of the McComas Street Terminal or the National Gypsum Company Pier to the Administration, the Administration is vested with the control, operation, and maintenance of the transferred facility and all its rentals, charges, and revenues, subject only to any existing lease or contract relating to the facility.

(b) (1) The transfer to the Administration of the McComas Street Terminal or the National Gypsum Company Pier does not affect in any way:

(i) The terms, conditions, and covenants of the contracts between the Mayor and City Council of Baltimore and the Western Maryland Railway Company or between the Mayor and City Council of Baltimore and the National Gypsum Company, respectively; or

(ii) The rights, privileges, and duties of the Western Maryland Railway Company or the National Gypsum Company, respectively, as granted or imposed by these contracts.

(2) Effective on the day of the transfer of the McComas Street Terminal or the National Gypsum Company Pier, the Western Maryland Railway Company or the National Gypsum Company, as the case may be, shall pay to the Administration the rent reserved under the contracts relating to the transferred facility, in the same manner as required by the contracts. This rent is considered as income to the Administration.

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§ 6-405

(a) Except for property needed or used in the operation of the fire or police departments of Baltimore City, the Administration may purchase and Baltimore City may sell to the Administration any interest that Baltimore City has in any property used in the operation of the Helen Delich Bentley Port of Baltimore.

(b) Any sale under this section shall be on the terms and conditions and at the price agreed to by the Administration and the Board of Estimates of Baltimore City.

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§ 6-406

(a) The purpose of §§ 6-406 through 6-410 of this subtitle is:

(1) To avoid duplication of effort by the Administration and Baltimore City, to the extent that they have coextensive authority in matters relating to harbors, docks, wharves, and port development; and

(2) To assure the uninterrupted continuation of needed services.

(b) The duty to exercise all authority in this field continues in Baltimore City to the extent that the authority has not been transferred to the Administration by agreement made under § 6-407 of this subtitle.

(c) (1) If, by agreement made under § 6-407 of this subtitle, Baltimore City transfers to the Administration any duty, only the Administration may perform that duty.

(2) Any ordinance or regulation that was adopted before June 1, 1959, by the Mayor and City Council of Baltimore and that relates to any authority transferred to the Administration by agreement made under § 6-407 of this subtitle:

(i) Continues to be in effect, except as otherwise provided in this subsection;

(ii) Has the status of a regulation adopted by the Administration; and

(iii) Like other regulations of the Administration, may be readopted, amended, or repealed by the Administration.

(3) Only the Administration may readopt, amend, or repeal these ordinances or regulations.

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§ 6-407

The Administration and the Board of Estimates of Baltimore City shall provide by agreement for the apportionment between the Administration and Baltimore City of the duties imposed on and performed by Baltimore City under:

(1) Article 2 (10) of the Charter of Baltimore City (1964 Revision);

(2) Article 2 (28) of the Charter of Baltimore City (1964 Revision); and

(3) Sections 321 through 326 and § 641 of the Code of Public Local Laws of Baltimore City (1949 Edition).

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§ 6-408

(a) An agreement made under § 6-407 of this subtitle may provide for the transfer by Baltimore City to the Administration of any officers, including the harbor engineer of Baltimore City, and any employees of Baltimore City as are necessary or convenient for the Administration to perform the duties that it undertakes by the agreement.

(b) Each transferred officer and employee covered by and subject to the provisions of the City Service Commission of Baltimore City as a classified employee is entitled, without further examination or restriction, to all the rights and privileges and is subject to all the provisions of the State Personnel and Pensions Article.

(c) (1) The transfer of an officer or employee may not result in any decrease of the salary or status of the officer or employee.

(2) To the extent reasonably possible, each transfer shall be to a position of comparable rank and responsibility.

(d) Notwithstanding any other law to the contrary, each transferred officer and employee is eligible for membership in the State Employees' Retirement System, and all rights of the officer or employee under the employees' retirement system of Baltimore City may be transferred to the State Employees' Retirement System as provided by law.

(e) If the Administration and Baltimore City cannot agree by negotiation on the number or type of officers or employees to be transferred under this section, they shall submit the matter to arbitration as provided in § 6-402 of this subtitle.

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§ 6-409

(a) Except as expressly provided in this title, this title does not repeal, modify, or otherwise affect in any manner:

(1) Any certificates of indebtedness issued by the Mayor and City Council of Baltimore before June 1, 1956, under:

(i) Chapter 560 of the Laws of Maryland of 1920, as amended by Chapter 242 of the Laws of Maryland of 1929;

(ii) Chapter 201 of the Laws of Maryland of 1951;

(iii) Baltimore City Ordinance No. 539, approved October 2, 1928;

(iv) Baltimore City Ordinance No. 1097, approved July 16, 1930;

(v) Baltimore City Ordinance No. 1613, approved April 4, 1951; or

(vi) Any other law;

(2) Anything done or any contract, lease, agreement, or other legal instrument made before June 1, 1956, by the Mayor and City Council of Baltimore, the Commissioners of Finance of Baltimore City, the Board of Estimates of Baltimore City, the Port Development Commission of Baltimore City, or the Port of Baltimore Commission under or in connection with any of the laws listed in item (1) of this subsection or any other law; or

(3) Any of the powers or duties of the Mayor and City Council of Baltimore, the Commissioners of Finance of Baltimore City, the Board of Estimates of Baltimore City, or the Port of Baltimore Commission under or in connection with any of the laws listed in item (1) of this subsection or any other law.

(b) After the Mayor and City Council of Baltimore has issued and sold enough of its certificates of indebtedness under the laws listed in subsection (a) (1) of this section or any other law to comply fully with all of its obligations, duties, and responsibilities under the contract, dated April 27, 1955, between the Mayor and City Council of Baltimore and the Western Maryland Railway Company (ratified by Ordinance No. 1483, approved May 19, 1955), the authority of the Mayor and City Council of Baltimore to issue or sell any more certificates of indebtedness under the laws listed in subsection (a) (1) of this section terminates.

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§ 6-410

Except as expressly provided in an agreement made under § 6-407 of this subtitle, §§ 6-406 through 6-410 of this subtitle may not interfere with or impede the exercise by the Mayor and City Council of Baltimore of any of its rights, privileges, or

powers under those provisions of the Charter or Public Local Laws of Baltimore City referred to in § 6-407 of this subtitle.

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§ 6-411

(a) The Administration shall make annual payments in lieu of taxes to the Mayor and City Council of Baltimore for the properties known as “McComas-A2”, “DMT-Bendix”, “Seagirt-Parcel B”, and “Toyota-Md. Ship”.

(b) The payments required under this section shall be:

(1) For fiscal year 1998, \$410,000 in aggregate amount;

(2) For fiscal year 1999, \$418,200 in aggregate amount; and

(3) For fiscal year 2000 and each subsequent fiscal year, the product of multiplying the applicable Baltimore City real property tax rate times the assessment of the land as determined under Title 8 of the Tax - Property Article, not including the assessment of any improvements, for each of the properties.

(c) Payments under this section shall be subject to such terms and conditions, if any, as may be provided by agreement between the Administration and Baltimore City.

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§ 6-601

This title is necessary for the welfare of this State and its inhabitants and shall be liberally construed to accomplish its purposes.

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§ 6-602

Except as otherwise provided in this title, any person who violates any provision of this title or of any rule or regulation adopted by the Administration is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 1 year or both.

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Title 7 — Compulsory Automobile Insurance Law

§ 7-101

(a) In this title the following words have the meanings indicated.

(b) “Administration” means the Maryland Transit Administration.

(c) “Administrator” means the Maryland Transit Administrator.

(d) “Disparate impact” means a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, disability, or national origin, where the recipient’s policy or practice lacks a substantial legitimate justification and where there exist one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, disability, or national origin.

(e) “Disproportionate burden” means a facially neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations and, on a finding of disproportionate burden, requires the recipient to evaluate alternatives and mitigate burdens where practicable.

(f) “District” means:

(1) The Metropolitan Transit District, consisting of Baltimore City, Baltimore County, Anne Arundel County, and other areas as designated by the Secretary after consultation and coordination with the affected jurisdiction and subject to the provisions of the Washington Metropolitan Transit Authority Compact; and

(2) Any area in which railroad service is performed under contract with the Administration or in which railroad facilities are owned by the Administration.

- (g) "Excursion train" means any special event train sponsored or contracted for in connection with the promotion of a public event benefiting the State and its citizens.
- (h) "Light rail transit" means rail transit which is electrically powered and can operate in mixed traffic with automobiles.
- (i) "Private carrier" means any person that renders transit service within the District under an operating permit or license issued by an agency of this State exercising regulatory jurisdiction over transportation of passengers within this State and over persons engaged in that business.
- (j) "Proof of fare payment" means evidence of fare prepayment authorized by the Administration for the use of transit service.
- (k) "Railroad company" means any entity engaged in the providing of railroad service under this title.
- (l) (1) "Railroad facility" means any facility used in providing railroad services, and includes any one or more or combination of:
- (i) Switches, spurs, tracks, structures, terminals, yards, real property, and other facilities useful or designed for use in connection with the transportation of persons or goods by rail; and
 - (ii) All other appurtenances, including locomotives, cars, vehicles, and other instrumentalities of shipment or carriage, useful or designed for use in connection with the transportation of persons or goods by rail.
- (2) "Railroad facility" does not include any transit facility.
- (m) "Railroad service" means any service utilizing rail or railroad facilities performed by any common carrier operating under the jurisdiction of the State or federal government as a common carrier and includes any such service performed by the National Railroad Passenger Corporation.
- (n) (1) "Transit corridor" means a geographically bound set of two or more contiguous subway, light rail, bus rapid transit, or bus transit stations.
- (2) "Transit corridor" includes a geographically bound set of two or more contiguous bus transit stations that have fixed-route bus service that operates on a roadway dedicated to buses.
- (o) "Transit facility" includes any one or more or combination of tracks, rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports, parking areas, equipment, fixtures, buildings, structures, other real or personal property, and services incidental to or useful or designed for use in connection with the rendering of transit service by any means, including rail, bus, motor vehicle, or other mode of transportation, but does not include any railroad facility.
- (p) "Transit-oriented development" means a mix of private or public parking facilities, commercial and residential structures, and uses, improvements, and facilities customarily appurtenant to such facilities and uses, that:
- (1) Is part of a deliberate development plan or strategy involving:
 - (i) Property that is adjacent to the passenger boarding and alighting location of a planned or existing transit station;
 - (ii) Property, any part of which is located within one-half mile of the passenger boarding and alighting location of a planned or existing transit station; or
 - (iii) Property that is adjacent to a planned or existing transit corridor;
 - (2) Is planned to maximize the use of transit, walking, and bicycling by residents and employees; and
 - (3) Is designated as a transit-oriented development by:
 - (i) The Sustainable Growth Subcabinet established under § 9-1406 of the State Government Article; and
 - (ii) The local government or multicounty agency with land use and planning responsibility for the relevant area applying for designation.
- (q) (1) "Transit service" means the transportation of persons and their packages and baggage and of newspapers, express, and mail in regular route, special, or charter service by means of transit facilities between points within the District.
- (2) "Transit service" does not include any:
- (i) Vanpool operation; or

(ii) Railroad service.

(r) (1) "Transit station" means any facility, the primary function of which relates to the boarding and alighting of passengers from transit vehicles.

(2) "Transit station" includes platforms, shelters, passenger waiting facilities, parking areas, access roadways, and other real property used to facilitate passenger access to transit service or railroad service.

(s) "Transit vehicle" means a mobile device used in rendering transit service.

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§ 7-102

(a) (1) (i) The development of improved and expanded railroad facilities, railroad services, transit facilities, and transit services operating as a unified and coordinated regional transportation system, and the realization of transit-oriented development throughout the State, represent transportation purposes that are essential for the satisfactory movement of people and goods, the alleviation of present and future traffic congestion, the economic welfare and vitality, and the development of the metropolitan area of Baltimore and other political subdivisions of the State.

(ii) In order to realize transit-oriented development as a transportation purpose, it is the intent of the General Assembly that the Department make all reasonable attempts to include transit-oriented development as part of the preferred plan for development in areas served by transit services by providing preference to proposals that further this purpose when:

1. Distributing funds from:

A. State programs offering grants and loans for development and infrastructure investment, including the Complete Streets Program established under Title 8, Subtitle 9 of this article;

B. Eligible federal funding; and

C. The proceeds of general obligation bond and grant anticipation revenue vehicle issuances; and

2. Awarding State tax credits.

(iii) 1. Except as provided in subparagraph 3 of this subparagraph, an area designated as transit-oriented development after July 1, 2023, shall retain that designation for a period of 10 years.

2. Before the end of a 10-year designation period under this subparagraph, a local government or multicounty agency may apply to the Sustainable Growth Subcabinet to have the designation extended for an additional 10 years.

3. An area designated as a transit-oriented development that is subject to a ground lease or other agreement with the State shall retain that designation for the duration of the ground lease or other agreement.

(2) The establishment of the realization of transit-oriented development as a transportation purpose under paragraph (1) of this subsection may not be construed to:

(i) Limit the authority of local governments to govern land use as established under any other law; or

(ii) Grant the State or a department of the State additional authority to supersede local land use and planning authority.

(b) It is the policy of this title to create a regional transportation system in the District that will provide compatibility with other contiguous or neighboring systems.

(c) The desired regional transportation system cannot be achieved by the unilateral action of any one political subdivision, but requires action by this State through a State agency that is politically responsive to local needs and will assure that the development of the regional transportation system fosters general development plans for this State, the region, and the local development plans of the participating political subdivisions.

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§ 7-103

(a) On or before November 30, 2024, and on or before November 30 each year thereafter, the Secretary shall submit a report to the General Assembly in accordance with § 2-1257 of the State Government Article on efforts to increase transit-oriented development throughout the State.

(b) The report shall include an analysis of the following issues for each transit-oriented development in the State:

(1) The demographic and socioeconomic indicators present in the transit-oriented development and the surrounding areas;

(2) Development activity occurring in the transit-oriented development during the period that the report covers; and

(3) Transit station utilization rates for the transit-oriented development.

(c) The Department shall consider the findings of the report required under this section for purposes of updating the scoring standards for applications for financial assistance from the Transit-Oriented Development Capital Grant and Revolving Loan Fund established under Subtitle 12 of this title.

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§ 7-201

There is a Maryland Transit Administration in the Department.

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§ 7-202

(a) The head of the Administration is the Maryland Transit Administrator, who shall be appointed by the Secretary with the approval of the Governor.

(b) (1) The Administrator serves at the pleasure of the Secretary and shall report directly to him.

(2) Subject to the authority of the Secretary, the Administrator is responsible for carrying out:

(i) The powers and duties vested by law in the Administration; and

(ii) Those powers and duties vested in the Secretary and delegated to the Administrator by the Secretary.

(c) The Administrator is entitled to the salary provided in the State budget.

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§ 7-203

(a) The exercise of the powers and duties of the Administration is subject to the authority of the Secretary and, where applicable, the Maryland Transportation Authority.

(b) By regulation or directive, the Secretary or, where applicable, the Maryland Transportation Authority may require that the exercise of any power or duty of the Administration be subject to the prior approval of the Secretary or the Maryland Transportation Authority, as the case may be.

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§ 7-204

(a) In addition to the specific powers granted under this title, the Administration has the powers granted by this section.

(b) The Administration may sue and be sued in its own name.

(c) The Administration may adopt rules and regulations to carry out the provisions of this title.

(d) If necessary or useful in rendering transit service or railroad service or incidental activities, the Administration may:

(1) Construct, acquire, own, operate, maintain, and control any interest in any property, whether by contract, purchase, condemnation, lease as lessor or lessee, license, gift, mortgage, or otherwise; and

(2) If the property is no longer required for the purposes of the Administration, sell, convey, or otherwise dispose of it.

(e) The Administration may apply for and receive grants, gifts, payments, loans, advances, and other funds, appropriations, properties, and services from the federal government, this State, any of their agencies or political subdivisions, or any other public or private person and may enter into agreements for them and for any studies, plans, demonstrations, or projects.

(f) The Administration may contract with this State or any of its agencies or political subdivisions for providing transit facilities and transit services, including service in any county contiguous to the District, and for any other purposes incidental to the establishment, financing, and operation of the regional transportation system.

- (g) The Administration may enter into and manage contracts with railroad companies to provide passenger and freight railroad services.
- (h) The Administration may contract with any public utility, railroad company, transportation company, or private carrier for the joint use of property or rights.
- (i) The Administration may contract for planning, engineering, and technical services and may contract for or employ consultants, engineers, attorneys, and other professional, planning, engineering, and technical services.
- (j) The Administration may make any contract necessary for or incidental to the performance of its duties and the exercise of its powers under this title.
- (k) The Administration shall develop and coordinate policies and plans for the preservation, improvement, or provision of railroad facilities and railroad services.
- (l) The Administration shall conduct project planning and preliminary engineering related to railroad facilities.
- (m) The Administration shall supervise construction of State-owned or financed railroad facilities and related capital improvements performed under contract with the Administration.
- (n) The Administration shall supervise the maintenance and rehabilitation of State-owned or financed railroad facilities and equipment.
- (o) The Administration shall advise the Secretary on matters concerning compliance with § 8-639 of this article.
- (p) The Administration shall monitor railroad passenger and freight services to assure maximum benefits to Maryland communities and business.
- (q) Subject to the limitations imposed by this title, the Administration may exercise all powers reasonably necessary to the declared objects and purposes of this title.

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§ 7-206

- (a) (1) Without regard to the laws of this State relating to other State employees, and subject to § 2-103.4 of this article, the Administration may:
 - (i) Create and abolish any position other than one specifically provided for in this title; and
 - (ii) Determine the qualification, appointment, removal, term, and tenure of its employees.
- (2) The Administration may determine the compensation of:
 - (i) Employees if the compensation is determined pursuant to Subtitle 6 of this title;
 - (ii) Executive management positions, as recommended by the Secretary and approved by the Governor, subject to approval in the budget; and
 - (iii) Management positions, subject to approval by the Secretary and the Governor and the availability of funds in the budget.
- (b) (1) Subject to § 2-103.4 of this article, the Administration may establish a personnel system based on merit and fitness.
- (2) The Administration may:
 - (i) Subject to Division II of the State Personnel and Pensions Article, participate in the Employees' Retirement System and the Employees' Pension System of the State of Maryland on terms and conditions mutually acceptable to the Administration and the Board of Trustees for the State Retirement and Pension System; and
 - (ii) Establish and maintain an independent system of pensions and retirement benefits for its employees.
- (c) The Administrator may appoint and remove all employees of the Administration, subject to the rules of procedure and standards that the Secretary adopts.

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§ 7-207

(a) The Administration shall establish and maintain a police force to provide protection for its patrons, personnel, and all railroad facilities and transit facilities owned, leased, or operated upon, by, or under the control of the Administration. The police force is charged with the responsibility of enforcing the applicable laws, ordinances and regulations of the State and political subdivisions and the rules and regulations of the Administration.

(b) (1) A Maryland Transit Administration police officer has all the powers granted to a peace officer and a police officer of this State. These powers may be exercised only on property owned, leased, or operated upon, by, or under the control of the Administration and not on any other property unless:

(i) Engaged in fresh pursuit of a suspected offender;

(ii) Specially requested or permitted to do so in a political subdivision by its chief executive officer or its chief police officer; or

(iii) Ordered to do so by the Governor.

(2) Members of the police force have concurrent jurisdiction in the performance of their duties with the law enforcement agencies of the State and of the political subdivisions in which any transit facility or railroad facility of the Administration is located or in which the Administration operates any transit service or railroad service. Nothing contained in this section relieves the State or a political subdivision or agency thereof from a duty to provide police, fire and other public safety service and protection or affects the jurisdiction of other police, fire, and public safety agencies.

(c) (1) In consultation with the Maryland Police Training and Standards Commission, the Administrator, with the approval of the Secretary, shall adopt standards, qualifications, and prerequisites of character, training, education, human and public relations, and experience for Maryland Transit Administration police officers, including standards for the performance of their duties.

(2) The Administrator shall adopt standards similar to the standards adopted for the Department of State Police.

(d) The Administrator with the approval of the Secretary shall adopt rules and regulations governing the operation and conduct of the Maryland Transit Administration police force.

(e) The Administration may enter into agreements with railroad companies, political subdivisions, and public safety agencies, including those of the federal government, for the delineation of the functions and responsibilities of the Administration's police force.

(f) The Maryland Transit Administration police force may issue citations for violations of the rules and regulations adopted by the Administration under this title.

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§ 7-208

(a) Subject to the authority of the Secretary and, where applicable, the Maryland Transportation Authority, the Administration has jurisdiction:

(1) Consistent with the provisions of Division II of the State Finance and Procurement Article, for planning, developing, constructing, acquiring, financing, and operating the transit facilities authorized by this title; and

(2) Over the services performed by and the rentals, rates, fees, fares, and other charges imposed for the services performed by transit facilities owned or controlled by the Administration.

(b) The Administration shall submit, in accordance with § 2–1257 of the State Government Article, an annual report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year that includes:

(1) Separate farebox recovery ratios for the prior fiscal year for:

(i) Bus, light rail, and Metro subway services provided by the Administration in the Baltimore region;

(ii) Commuter bus service provided under contract to the Administration in the Baltimore region; and

(iii) Maryland Area Rail Commuter (MARC) service provided under contract to the Administration; and

(2) Comparisons of farebox recovery ratios for the Administration's mass transit services and other similar transit systems nationwide.

(b–1) (1) Subject to § 7–506 of this title and paragraph (2) of this subsection, the Administration shall set the fare prices and collect other operating revenues.

(2) The Administration may not reduce the level of services provided by the Administration for the purpose of achieving a specific farebox recovery requirement.

(c) (1) For fiscal year 2009 and each fiscal year thereafter, the Administration shall implement performance indicators to track service efficiency for the Administration's mass transit services, including:

(i) Operating expenses per revenue vehicle mile;

(ii) Operating expenses per passenger trip; and

(iii) Passenger trips per revenue vehicle mile.

(2) The Administration shall submit, in accordance with § 2–1257 of the State Government Article, an annual performance report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year on:

(i) The status of the performance indicators listed in paragraph (1) of this subsection for the prior fiscal year, including a discussion of the failure or success in meeting the goals established for the prior fiscal year by the Administration;

(ii) The status of managing–for–results goals of the Administration as they pertain to mass transit service in the Baltimore area;

(iii) Comparisons of performance indicators for the Administration's mass transit services and other similar systems nationwide; and

(iv) The Administration's goals for each of the measures in paragraph (1) of this subsection for the next fiscal year.

(d) (1) The Administration shall provide for an independent management audit of the operational costs and revenues of the Administration's mass transit services every 4 years.

(2) The audit shall provide data on fares, cost containment measures, comparisons with other similar mass transit systems, and other information necessary in evaluating the operations of the Administration's mass transit system.

(3) The findings from the audit shall be used as a benchmark for the annual performance reports.

(e) The determinations of the Secretary, Administration, or Maryland Transportation Authority as to the type of service performed or the rentals, rates, fees, fares, and other charges imposed are not subject to judicial review or to the processes of any court.

(f) Notwithstanding any other provision of this title or the Public Utilities Article, the Public Service Commission does not have any jurisdiction over transit facilities owned or controlled by the Administration or over any contractor operating these facilities.

(g) Except as provided in this title, the Administration does not have any jurisdiction over transportation in the District by private carriers.

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§ 7-209

The Administrator shall employ a general counsel who serves at the pleasure of the Administrator. The general counsel is entitled to the compensation determined by the Administrator.

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§ 7-210

(a) The Administrator or any officer or employee of the Administration designated by him may conduct investigations, inquiries, and hearings as to any matter affecting railroad services and transit services in the District with which the Administration is concerned.

(b) The Administrator or his designee may:

(1) Administer oaths;

(2) Certify to all official acts; and

(3) Issue subpoenas and orders for the attendance and testimony of witnesses and the production of papers, books, and documents.

(c) (1) If a person fails to comply with any subpoena or order issued under this section, the Administrator or his designee may invoke the aid of a court of competent jurisdiction.

(2) The court may order that person to obey the subpoena or order or to give evidence about the matter in question.

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§ 7-211

(a) An officer or employee of the Administration may not:

(1) Be financially interested, either directly or indirectly, in any contract, sale, purchase, lease, or transfer of property to which the Administration is a party;

(2) In connection with services performed in the scope of his official duties or employment, solicit or accept money or any other thing of value in addition to the compensation or expenses paid him by the Administration; or

(3) Offer money or anything of value for or in consideration of obtaining an appointment, promotion, or privilege in his official capacity or employment with the Administration.

(b) In the discretion of the Administration, any officer or employee who willfully violates any provision of this section forfeits his office or employment.

(c) The Administration may void any contract made in violation of this section.

(d) This section does not abrogate or limit the applicability of any other law that is violated by any action prohibited by this section.

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§ 7-212

Every rule, regulation, form, order, and directive adopted by or relating to the former Metropolitan Transit Authority remains in effect until changed by the Administrator or the Secretary. Every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any other document to the Metropolitan Transit Authority or the Public Transit Administration means the Maryland Transit Administration.

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§ 7-213

(a) There is a Baltimore Regional Transit Commission.

(b) The Commission consists of the following members:

(1) The following six members from Baltimore City, appointed as follows:

(i) Three members appointed by the Governor, including:

1. At least one member who uses transit in the Baltimore region; and

2. At least one member from the business community; and

(ii) Three members appointed by the Mayor of Baltimore City;

(2) The following four members from Baltimore County, appointed as follows:

(i) Two members appointed by the Governor, including:

1. At least one member who uses transit in the Baltimore region; and

2. At least one member from the business community; and

(ii) Two members appointed by the County Executive of Baltimore County;

(3) The following two members from Anne Arundel County, appointed as follows:

(i) One member appointed by the Governor; and

(ii) One member appointed by the County Executive of Anne Arundel County;

- (4) The following two members from Howard County, appointed as follows:
- (i) One member appointed by the Governor; and
 - (ii) One member appointed by the County Executive of Howard County;
- (5) One nonvoting member who is an employee of the Administration and is a member of the Amalgamated Transit Union local labor union, designated by the labor union; and
- (6) The Secretary or the Secretary's designee, who shall vote only in the case of a tie.
- (c) (1) The Commission shall select a chair and a vice chair from among its members.
- (2) The chair and vice chair shall each serve a term of 2 years in those capacities.
- (d) (1) The term of a commissioner is 3 years.
- (2) A commissioner may not serve more than two consecutive terms.
- (3) The term of a commissioner begins January 1, 2024.
- (4) The terms of the members are staggered as required by the terms provided for members of the Commission on January 1, 2024.
- (5) At the end of a term, a commissioner continues to serve until a successor is appointed.
- (e) (1) The Baltimore Metropolitan Council shall provide staff for the Commission.
- (2) The Administration shall allocate funds for operational expenses incurred by the Commission, including funding for one senior planner and two junior planner staffing positions.
- (f) A member of the Commission:
- (1) May not receive compensation as a member of the Commission; but
 - (2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (g) The Commission shall:
- (1) Organize and establish policies and procedures for the operations of the Commission, including conflict of interest standards that prohibit a commissioner from having any inappropriate financial or nonfinancial interest in a matter over which the Commission has jurisdiction;
 - (2) Not later than 6 months after the Commission first meets, adopt bylaws to govern the operations of the Commission;
 - (3) (i) Meet at least quarterly; and
 - (ii) Accept public comments during the meetings and, at all times, electronically;
 - (4) Include in the quarterly agenda each of the following topics at least once each year:
 - (i) The Capital Needs Inventory Report;
 - (ii) The Consolidated Transportation Program priorities and initial budget requests under § 2–103.1 of this article; and
 - (iii) Any update on the Central Maryland Regional Transit Plan under § 7–301.1 of this title;
 - (5) (i) Keep minutes of Commission meetings and maintain proper records of all Commission activity; and
 - (ii) Post all minutes, records, notices, comments, or other information issued by the Commission or received from the public on a public website established and maintained by the Commission;
 - (6) Provide input and engage in advocacy for the Baltimore region public transit systems maintained by the Administration;
 - (7) Request and review information from the Annual Attainment Report and the Administration concerning the attainment of the Administration's goals, including performance goals and metrics, evaluate any other measures of the performance of the Baltimore region transit system, and issue written recommendations concerning how the results of the Commission's review and evaluation should influence the Administration's priorities in future years;
 - (8) Review and comment on service change reports and major service change proposals on a quarterly basis;

(9) Review and comment on the Administration's annual operating and capital budget request for the Baltimore region, including bus, light rail, metro, commuter bus, MARC service, and paratransit as part of the development of the draft and final Consolidated Transportation Program;

(10) Review and approve any update to the Central Maryland Regional Transit Plan;

(11) Review and comment on the Capital Needs Inventory Report; and

(12) Review local transit plans and services in the Baltimore region to ensure coordination between the local transit services and the Administration.

(h) In carrying out its duties under subsection (g) of this section, the Commission shall endeavor to ensure that the Administration's plans, budgets, decisions, policies, goals, priorities, operations, and services address the public transit needs of residents and businesses in the Baltimore region.

(i) On or before December 1 each year, the Commission shall report its findings and recommendations on the Baltimore region transit systems to the Administration, the Governor, and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

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§ 7-301

(a) The Administration shall prepare plans to meet the transit needs of the District and from time to time shall review and revise these plans.

(b) The plans shall specify:

(1) The transit facilities to be constructed or acquired, including the location of terminals, stations, and parking facilities;

(2) The character, nature, design, and location of the transit facilities;

(3) Whether the transit facilities are to be constructed or acquired by lease, purchase, or condemnation;

(4) A timetable for providing the transit facilities;

(5) Anticipated capital costs;

(6) Estimated operating expenses and revenues;

(7) The type of equipment to be used;

(8) The areas to be served and the routes and schedules of service expected to be provided;

(9) The expected fares and charges for service;

(10) The plan of financing the capital costs and operation of the transit facilities;

(11) When applicable, improvements in interjurisdictional commuter transit services including the location of corridors, routes, stations, and terminals;

(12) Improvements to fare payment systems that will:

(i) Allow for the processing of fare media in electronic form; and

(ii) Provide electronic fare media for distribution to employees as part of a commuter benefits program; and

(13) Any other information that the Administration considers relevant.

(c) A plan may provide for demonstration or testing facilities and for the use of the facilities for research and development.

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§ 7-302

(a) To the extent practicable, the transit plans prepared by the Administration shall:

(1) Implement the general development plan of the Baltimore Metropolitan Council; and

(2) In order to provide for a balanced transportation system and for the coordination of transit planning and general planning, be prepared in consultation with the Baltimore Metropolitan Council.

(b) The Administration shall cooperate with the planning agencies of the Department of Planning and any other State or federal agency concerned with transit plans.

(c) To provide a framework for regional participation in the planning process, the Administration may create technical committees concerned with planning and the collection and analyses of information to aid in the transportation planning process. On request of the Administration, the Department of Planning may make appointments to these committees.

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§ 7-303

(a) A transit plan is not effective and steps may not be taken to implement it until the plan has been adopted by the Secretary.

(b) (1) The Secretary may not approve or adopt the location of corridors, routes, stations, and terminals in any political subdivision unless the locations have been approved by the legislative body of the political subdivision.

(2) If the legislative body does not advise the Secretary in writing of its action within 180 days after its receipt of notice of the proposed locations, the legislative body is deemed to have approved the location.

(c) Before the adoption, revision, or amendment of any transit plan, the Secretary shall send the proposed plan, revision, or amendment to the following, for comment to be made within the time that the Secretary specifies:

- (1) The Governor;
- (2) The chief executive officers and the councils or the boards of county commissioners in the District;
- (3) The Public Service Commission;
- (4) The Baltimore Regional Council of Governments;
- (5) The Department of Planning;
- (6) Each private carrier operating in the District;
- (7) Each labor union representing employees engaged in transit operations in the District;
- (8) The legislative representatives of any affected political subdivisions; and
- (9) Any other agency that the Secretary determines.

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§ 7-304

(a) The Administration shall:

(1) Release to the public information as to any proposed transit plan or proposed amendment or revision of a transit plan; and

(2) Keep a copy of the proposal and information at its office for public inspection.

(b) (1) The Administration shall hold a public hearing on the proposed plan, revision, or amendment.

(2) The Administration shall give at least 30 days' prior notice of the hearing. The notice shall be published once a week for 2 successive weeks in one or more newspapers of general circulation in the District. The 30-day period begins when the notice first appears in the newspaper.

(c) The Administration shall consider the evidence submitted and the comments made at the hearing. With the approval of the Secretary and without any further hearing, the Administration may make any changes in the proposed plan, amendment, or revision that it considers appropriate.

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§ 7-305

The Administration may not construct, acquire, or incur a commitment or obligation in connection with any transit facilities specified in a transit plan until the necessary funds are available or provision has been made for the funds under Title 3 or 4 of this article.

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§ 7-306

(a) Subject to constitutional limitations, this State and its political subdivisions may:

- (1) Make grants to the Administration;
- (2) Guarantee any obligations of the Administration;
- (3) Make contributions to meet any operating expenses of the Administration; and
- (4) Contract with the Administration, any lender, or any trustee under an indenture or loan agreement made by the Administration.

(b) Unless otherwise authorized by law, the Administration:

- (1) Does not have any power to impose any commitment or obligation on this State or any of its political subdivisions; and
- (2) May not levy any tax.

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§ 7-308

(a) The Department may execute any agreement, lease, or equipment trust certificate for the purchase or rental of transit facilities or equipment such as rolling stock, substantially in the form customarily used in these cases and appropriate to effect the purchase or rental. The Department may dispose of an equipment trust certificate in the manner that it determines to be in its best interests.

(b) Each vehicle covered by an equipment trust certificate shall have the name of the owner and lessor plainly marked on both sides, followed by the words "owner and lessor".

(c) (1) The money required to be paid by the Department under these agreements, leases, and equipment trust certificates shall be payable from revenues available under this title or Title 3 or 4 of this article.

(2) Payment for the purchase or rental of transit facilities or equipment may be made in installments, and deferred installments may be evidenced by equipment trust certificates. Title to the transit facilities or equipment may not vest in the Department until the equipment trust certificates are paid.

(d) An agreement by the Department to purchase transit facilities or equipment may:

- (1) Direct the seller to sell and assign the equipment to a bank or trust company authorized to do business in this State or to the United States Department of Transportation, as trustee, lessor, or seller, for the benefit and security of the equipment trust certificates;
- (2) Direct the trustee to deliver the transit facilities and equipment to one or more designated agents of the Department; and
- (3) Authorize the trustee simultaneously with the delivery to execute and deliver a lease of the transit facilities or equipment to the Department.

(e) The agreements and leases shall be acknowledged in the form required for the acknowledgment of deeds. The agreements, leases, and equipment trust certificates shall be authorized by the Secretary and contain the covenants, conditions, and provisions that the Secretary considers necessary or appropriate to insure the payment of the equipment trust certificates from the revenues derived from the operation of the transit system and other funds.

(f) The covenants, conditions, and provisions of the agreements, leases, and equipment trust certificates may not conflict with any trust agreement securing the payment of bonds or other obligations of the Department then outstanding and may not conflict with the rights of the holders of any other bonds or obligations.

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§ 7-309

(a) The Administration shall, at least every 3 years, assess the ongoing, unconstrained capital needs of the Administration.

(b) In undertaking the assessment required under subsection (a) of this section, the Administration shall:

- (1) Compile and prioritize capital needs without regard to cost;

(2) Identify the backlog of repairs and replacements needed to achieve a state of good repair for all Administration assets, including a separate analysis of these needs over the following 10 years; and

(3) Identify the needs to be met in order to enhance service and achieve system performance goals.

(c) On or before July 1, 2019, and on or before July 1 every 3 years thereafter, the Administration shall, in accordance with § 2–1257 of the State Government Article, submit the assessment required under subsection (a) of this section to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Environment and Transportation Committee.

(d) On or before January 20, 2022, and on or before January 20 each year thereafter, the Administration shall, in accordance with § 2–1257 of the State Government Article, submit an accounting of the capital funds programmed, appropriated, and expended on each of the projects identified in the assessment required under subsection (a) of this section for the prior fiscal year to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Environment and Transportation Committee.

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§ 7-310

(a) In this section, “complete streets policy” has the meaning stated in § 2–112 of this article.

(b) The Administration shall, in accordance with § 2–112 of this article, adopt a complete streets policy for transit facilities.

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§ 7-311

(a) (1) In this section the following words have the meanings indicated.

(2) “MARC” means the Maryland Area Regional Commuter rail service.

(3) “MARC Cornerstone Plan” means the plan established by the Administration to translate the Administration’s transit vision statement into strategic priorities, policies, programs, and initiatives for MARC rail service.

(4) “Transit vision statement” means the Administration’s objective to provide safe, efficient, and reliable transit access across Maryland with world–class customer service.

(b) (1) The Administration shall establish individual investment programs to advance the MARC Cornerstone Plan and other MARC improvements by providing incremental enhancements for:

(i) The Brunswick Line, including a third track between Rockville and Germantown to better serve Western Maryland and existing communities served by the line;

(ii) The Camden Line;

(iii) The Penn Line;

(iv) New regional service between Perryville, Maryland and Newark, Delaware;

(v) New regional run–through rail service to Alexandria, Virginia; and

(vi) Extending the Brunswick Line to better serve Western Maryland.

(2) Each investment program established under paragraph (1) of this subsection shall:

(i) Commence in fiscal year 2023;

(ii) Include a review of existing rail operations, infrastructure, and right–of–way information to confirm existing conditions;

(iii) Include rail simulation models for each of the current corridors served by MARC and areas identified for new service;

(iv) Identify future operating scenarios that can improve service, including new midday, weekend, evening, through–running, and bidirectional service;

(v) Develop conceptual level improvement plans to enhance MARC’s service over time, including:

1. Concept plans for highest–value infrastructure improvements identified by the simulation models;

2. New stations or station enhancements; and

3. Improvements to enhance access to jobs and housing in neighboring jurisdictions; and

(vi) Identify a 5-year priority set of capital projects and activities to implement planned improvements to be funded in the Consolidated Transportation Program.

(3) In fiscal year 2028 and every fifth fiscal year thereafter, the Administration shall update each investment program established under this subsection.

(c) In fiscal year 2023, the Administration shall advance the following rail priority projects as part of the investment programs required under subsection (b) of this section:

(1) In coordination with the District of Columbia, Virginia, the Virginia Railway Express, Amtrak, and CSX, develop a service and operations plan for MARC through-running to Alexandria, Virginia;

(2) In coordination with Delaware, Pennsylvania, the Southeastern Pennsylvania Transportation Authority (SEPTA), and Amtrak, develop a service and operations plan for MARC, SEPTA, or Amtrak to run competitive transit schedules between Perryville, Maryland and Newark, Delaware;

(3) Complete 30% of the design for a new Elkton infill MARC station on the Penn Line;

(4) Complete 30% of the design for a new Bayview infill MARC station on the Penn Line;

(5) Complete 30% of the design for Germantown Station improvements;

(6) Complete 15% of the design for a fourth track on the Penn Line; and

(7) Hire three full-time equivalent (FTE) staff at a cost of approximately \$450,000 annually beginning in fiscal year 2023 for the Administration's planning and capital programming to ensure the Administration has adequate staff resources to leverage federal rail funding.

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§ 7-401

(a) In connection with any matter under its jurisdiction, the Administration may acquire by condemnation any property located in the District.

(b) The Administration may purchase the capital stock of a private carrier or acquire by purchase, lease, or condemnation any property of a private carrier used or useful in rendering transit service, including any rolling stock, shops, garages, terminals, and other assets, property, or facilities.

(c) Any condemnation of real or personal property under this section shall be instituted and maintained in the name of the Administration and conducted under Title 12 of the Real Property Article.

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§ 7-403

(a) Purchases on behalf of the Administration of rolling stock and other property peculiar to the operation of transit facilities or railroad facilities are not subject to law governing procurement by the Department of General Services.

(b) The selection of long-lead equipment items for purposes of a light rail transit system shall be made in accordance with the provisions of the State procurement laws and regulations and shall use either a competitive sealed bid or competitive sealed proposal method of procurement.

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§ 7-404

(a) The federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and § 7 of the federal Urban Mass Transportation Act of 1964 apply to persons covered by those acts and displaced from real property by action of the Administration, whether or not financial assistance is sought by or extended to the Administration under those acts.

(b) Notwithstanding any other law, a relocation payment made by the Administration may not be less than that required by the law of the place where the acquired property is located.

(c) If real property is acquired for the Administration by a federal, State, or local agency or instrumentality, the Administration may reimburse the acquiring agency or instrumentality for any relocation payments that it makes.

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§ 7-405

(a) Notwithstanding § 7-404 of this subtitle on relocation program and payments, any highway, other public facility, or facility of a public utility company dislocated by action of the Administration shall be relocated if the facility is devoted to public use.

(b) If a substitute facility is necessary, the Administration shall pay the reasonable nonbetterment cost of relocation.

(c) This section may not be construed to affect any agreement relating to, or any interest in, real property owned or controlled by the Administration.

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§ 7-406

(a) (1) In this section the following words have the meanings indicated.

(2) "Alternative-fuel bus" means a motor vehicle that:

(i) Is designed to carry more than 10 passengers and is used to carry passengers for compensation;

(ii) Is not powered by diesel or gasoline;

(iii) Provides greenhouse gas emissions reductions in comparison to an equivalent diesel-powered vehicle; and

(iv) Is not a taxicab.

(3) "Bus" has the meaning stated in § 11-105 of this article.

(4) "Zero-emission bus" means a motor vehicle that is:

(i) Designed to carry more than 10 passengers and is used to carry passengers for compensation;

(ii) A zero-emission vehicle; and

(iii) Not a taxicab.

(5) "Zero-emission vehicle" means:

(i) A fuel cell electric vehicle that:

1. Is a motor vehicle;

2. Is made by a manufacturer;

3. Is manufactured primarily for use on public streets, roads, and highways;

4. Has a maximum speed capability of at least 55 miles per hour;

5. Is powered entirely by electricity, produced by combining hydrogen and oxygen, that runs the motor;

6. Has an operating range of at least 100 miles; and

7. Produces only water vapor and heat as by-products; or

(ii) A plug-in electric drive vehicle that:

1. Is a motor vehicle;

2. Is made by a manufacturer;

3. Has a maximum speed capability of at least 55 miles per hour; and

4. Is propelled by an electric motor that draws electricity from a battery that:

A. Has a capacity of not less than 4 kilowatt-hours; and

B. Is capable of being recharged from an external source of electricity.

(b) (1) This section applies to the Administration's State transit bus fleet.

(2) This section does not apply to a bus that is part of a locally operated transit system.

(c) (1) Except as provided in paragraph (2) of this subsection, beginning in fiscal year 2032, the Administration may not enter into a contract to purchase buses for the Administration's State transit bus fleet that are not zero-emission buses.

(2) If the Administration determines that a sufficient number of zero-emission buses or necessary electric vehicle supply equipment that meets the Administration's performance and contractual requirements are not commercially available in a particular year, the Administration may purchase an alternative-fuel bus for that use, including hybrid buses, to ensure that an appropriate number of buses are purchased each year to maintain the State transit bus fleet.

(3) The full cost of zero-emission and alternative-fuel buses purchased under this subsection shall be paid from the Transportation Trust Fund or bonds backed by future federal aid consistent with this section and § 3-601 of this article.

(d) (1) The Administration shall provide safety and workforce development training for its:

(i) Operations training workforce; and

(ii) Maintenance workforce in a manner that enables the maintenance workforce to safely repair and maintain:

1. The Administration's zero-emission buses and all their components; and

2. The charging infrastructure for the zero-emission buses.

(2) The training required under paragraph (1) of this subsection shall include registered apprenticeships and other labor-management training programs to address the impact of the transition to zero-emission buses on the Administration's workforce.

(e) The Administration shall ensure the development of charging infrastructure to support the operation of zero-emission buses in the State transit bus fleet.

(f) (1) On or before January 1, 2022, and each January 1 thereafter, the Administration shall, in accordance with § 2-1257 of the State Government Article, submit a report to the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Appropriations Committee, and the House Environment and Transportation Committee on the implementation of this section.

(2) The annual report shall include:

(i) A schedule for converting the Administration's State transit bus fleet to zero-emission buses;

(ii) An evaluation of the charging infrastructure needed for the Administration to create and maintain a State transit bus fleet of zero-emission buses;

(iii) A plan for:

1. Transitioning any State employees adversely affected by the conversion from a diesel-powered State transit bus fleet to a zero-emission State transit bus fleet to similar or other employment within the Administration or Department that has commensurate seniority, pay, and benefits;

2. Ensuring that no duties or functions of State employees are transferred to a contracting entity as a result of the conversion from a diesel-powered State transit bus fleet to a zero-emission State transit bus fleet; and

3. Ensuring that any entity other than the Administration that operates or maintains zero-emission buses on behalf of the Administration provides employee protections equivalent to the protections required by the plan;

(iv) A certification that the Administration is adhering to the plan required under item (iii) of this paragraph;

(v) In coordination with other appropriate State agencies, an estimate of the reduction in the amount of carbon dioxide emissions, measured in pounds, that will be obtained through the use of zero-emission buses each year until the State transit bus fleet is converted to zero-emission buses; and

(vi) A financial analysis:

1. Of the projected cost of purchasing, maintaining, and providing charging infrastructure for the zero-emission State transit bus fleet each year until the fleet is converted to zero-emission buses; and

2. Comparing the projected cost under item 1 of this item to the projected cost of continuing to operate a diesel-powered State transit bus fleet.

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§ 7-501

The Administration may provide transit service by:

- (1) Operating the transit facilities it owns, leases, or otherwise controls; or
- (2) Causing any other person to operate these or other transit facilities, in whole or in part, under contract, lease, or other arrangement.

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§ 7-502

(a) The Public Service Commission may not grant or renew any operating permit or license unless, after notice and opportunity for hearing, it finds that the route to be served and the service to be performed under the permit or license will conform to the legislative policy stated in § 7-102 of this title.

(b) Except as otherwise provided in this section, on application, complaint, or its own motion, the Public Service Commission shall:

(1) Direct private carriers to coordinate their service schedules with those of the transit facilities owned or controlled by the Administration;

(2) Direct private carriers to improve or extend any existing service or to provide additional service over additional routes; and

(3) If, after notice and opportunity for hearing, it finds that through service and joint fares are required by the public interest:

(i) Authorize a private carrier, under an agreement between the carrier and the Administration, to establish and maintain through routes and joint fares for transportation to be rendered with transit facilities owned or controlled by the Administration and otherwise to integrate its service with the service performed by the transit facilities owned or controlled by the Administration; or

(ii) In the absence of agreement, direct a private carrier to establish and maintain with the Administration through routes and joint fares.

(c) (1) Unless the private carrier is earning a reasonable return on its operation as a whole in rendering transportation subject to the jurisdiction of the Public Service Commission, the Public Service Commission may not authorize or direct a private carrier to perform any service, including the establishment or continuation of a joint fare for a through route with the Administration, if the service is based on a division between the Administration and private carrier that does not provide a reasonable return to the private carrier.

(2) In determining the issue of reasonable return, the Public Service Commission shall consider any income that is derived from the Administration, whether as payment for services or otherwise, and is attributable to the private carrier or to any corporation, firm, association, or other entity owned in whole or in part by the carrier.

(d) The Public Service Commission may not require the Administration to establish and maintain any through service or joint fare.

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§ 7-503

(a) In cooperation with private carriers and the Public Service Commission, the Administration shall coordinate, to the fullest extent practicable, the routes and service of its transit facilities with the routes and service of private carriers.

(b) Subject to the approval of the Public Service Commission, the Administration shall:

(1) Enter into agreements with private carriers to establish and maintain through routes and joint fares and to provide for the division of these joint fares; or

(2) In the absence of agreement, establish and maintain through routes and joint fares in accordance with orders issued by the Public Service Commission and directed to the private carriers, if the terms and conditions for the through service and joint fares are acceptable to the Administration.

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§ 7-504

If the Public Service Commission fails, refuses, or is unable to direct a private carrier to perform a specified service requested by the Administration, the Administration:

- (1) With the transit facilities it owns or controls, may perform any transit service it considers necessary to provide adequate transit service; and
- (2) By agreement, may make reasonable subsidy payments to private carriers to encourage them to render bus service to the extent practicable.

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§ 7-505

(a) As to all or any part of any railroad facility or transit facility, the Administration may:

- (1) Fix, revise, charge, and collect rentals, rates, fees, fares, and other charges for its use or for its services; and
 - (2) Contract with any person who desires its use for any purpose and fix the terms, conditions, rentals, rates, fees, fares, and other charges for this use.
- (b) To the extent practicable and consistent with providing adequate service at reasonable fares, the rentals, rates, fees, fares, and other charges imposed for and the services provided by the transit facilities and railroad facilities owned or controlled by the Administration shall be fixed and adjusted in respect of the aggregate of the charges so as to provide funds that, together with any other revenues, are sufficient to:
- (1) Maintain, repair, and operate the transit facilities and railroad facilities;
 - (2) Provide for depreciation of the transit facilities and railroad facilities;
 - (3) Replace, enlarge, extend, reconstruct, renew, and improve the transit facilities and railroad facilities;
 - (4) Pay the costs of purchasing, leasing, or otherwise acquiring and installing rolling stock and other equipment;
 - (5) Pay the principal of and interest on any outstanding obligations of the Administration, including obligations incurred for the acquisition of rolling stock;
 - (6) Pay the current expenses of the Administration; and
 - (7) Provide for any purpose that the Administration considers necessary and desirable to carry out the provisions of this title.
- (c) Except for the authority of the Secretary and, where applicable, the Maryland Transportation Authority, the rentals, rates, fares, fees, and other charges imposed by the Administration are not subject to supervision or regulation by any instrumentality, agency, or unit of this State or any of its political subdivisions.
- (d) (1) The Administration may contract with the federal government, this State, or any of their agencies or political subdivisions for payments to the Administration for free or reduced fare transportation of employees or other persons.
- (2) With respect to the operation of transit service, the Administration shall allow individuals with disabilities who are employed by sheltered workshops and who earn less than the current minimum wage, as determined by the Federal Wage and Hours Board, to travel free to and from those workshops.

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§ 7-506

(a) (1) Except as provided in subsection (b) of this section, until a public hearing is held on the matter, the Administration may not:

- (i) Fix or revise any fare or rate charged the general public;
- (ii) Establish or abandon any bus or rail route listed on a published timetable;
- (iii) Change a bus or rail route alignment listed on a published timetable, unless the change is needed because of temporary construction or changes in the road network;
- (iv) Reduce the frequency, number of days, or days of service for a commuter bus or commuter rail route without substituting a comparable level of service, unless the reduction is temporary or a result of:

1. A natural disaster;
 2. Weather or other emergency conditions;
 3. Schedule adjustments required by a third party that operates service on the same right-of-way; or
 4. Other circumstances beyond the control of the Administration; or
- (v) Establish or abandon a rail transit station.
- (2) The Administration may only implement a change described in paragraph (1) of this subsection during the time period that begins 6 weeks after the public hearing and ends 6 months after the public hearing.
- (3) (i) If the Administration gives inadequate or defective notice of a public hearing on a change described in paragraph (1) of this subsection, the Administration may not implement the change unless the Administration makes a reasonable effort to correct the inadequacy or defect and a legally sufficient public hearing is held.
- (ii) For the purposes of this paragraph, notice shall be considered inadequate or defective if:
1. The Administration does not comply with the newspaper publication requirements under subsection (d) of this section;
 2. The Administration does not comply with the notice requirements for affected jurisdictions prescribed under subsection (d) of this section;
 3. At least 30% of the Administration's facilities are not posted as required under subsection (d) of this section; or
 4. The notice contains erroneous information.
- (4) A public hearing required under paragraph (1) of this subsection shall be at a place and time that is reasonably accessible and convenient to the patrons of the service to be affected.
- (5) The Administration shall accept written comments for 30 days after a hearing held on a change described in paragraph (1) of this subsection.
- (b) The Administration may add service on a new alignment branching off of an existing route without holding a public hearing, if the addition of the new alignment does not alter the existing route.
- (c) (1) The following persons may request the Administration to hold a hearing on any rentals, rates, fares, fees, or other charges of the Administration or any service rendered by the transit facilities owned or controlled by the Administration:
- (i) Any person served by or using the transit facilities;
 - (ii) The People's Counsel, as a representative of the general public; and
 - (iii) Any private carrier operating in the District.
- (2) The request for a hearing shall:
- (i) Be in writing;
 - (ii) State the matter sought to be heard; and
 - (iii) Set forth clearly the grounds for the request.
- (3) As soon as possible after the Administration receives a request for a hearing, a designated employee of the Administration shall confer on the matter with the person requesting the hearing. After the conference, if the Administration considers the matter meritorious and of general significance, it may call a hearing.
- (d) (1) The Administration shall give at least a 30-day notice before a hearing.
- (2) The notice shall be:
- (i) Published once a week for 2 successive weeks in two or more newspapers of daily circulation throughout the District;
 - (ii) Posted in all of the Administration's offices, stations, and terminals and all of the vehicles and rolling stock used in revenue service by the mode of transportation that will be affected by the proposed action described in subsection (a) of this section; and
 - (iii) Provided to the governing body of each county or municipal corporation affected by a change in transit service or fare or rate described under subsection (a)(1) of this section.

(3) The Administration may establish a process for providing notice to local governments under paragraph (2)(iii) of this subsection.

(4) The 30-day period begins when the notice first appears in the newspaper.

(e) Before calling a hearing under this section, the Administration shall file at its main office and make available for public inspection:

(1) Its report on the subject matter of the hearing; and

(2) If the hearing was requested under subsection (c) of this section, the written request for the hearing and all documents filed in support of it.

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§ 7-507

An entity that submits a bid or proposal to the Administration on a procurement contract to provide MARC service that is funded in whole or in part by public funds shall comply with the requirements of Title 12, Subtitle 5 of the State Finance and Procurement Article.

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§ 7-601

(a) In this subtitle the following words have the meanings indicated:

(1) (i) "Accredited representative" includes:

1. The representative of any labor organization, or its successor, authorized to act for the employees described in subsection (b) of this section; and

2. A representative of the Maryland Classified Employees Association, Local 1935 authorized to act for the employees described in subsection (b)(2)(ii) of this section.

(ii) As of December 31, 1983, "accredited representative" included only:

1. The Amalgamated Transit Union, Division No. 1300;

2. The Office and Professional Employees International Union, Local 2; and

3. The American Federation of State, County, and Municipal Employees, Local 1859, Council 67.

(2) "Employees" means those employees who are validly represented by an accredited representative.

(3) "Supervisor" means an employee of the Administration who is a sworn police officer and who is in a career service position that:

(i) Supervises career service positions of a lower grade;

(ii) Is supervised by an Executive Service position; and

(iii) Has no authority to take personnel actions.

(b) The Administration shall bargain collectively and enter into written collective bargaining agreements as to wages, salaries, hours, working conditions, and pension and retirement provisions with the accredited representatives of its employees who are employed:

(1) In job classifications that on December 31, 1983, were included in recognized bargaining units pursuant to agreements in force on that date between the Administration and an accredited representative identified in subsection (a)(1)(i), (ii), or (iii) of this section; and

(2) (i) In new or revised classifications comparable to those described in paragraph (1) of this subsection, provided, however, that supervisory, managerial, professional, confidential, including secretaries or assistants to administrative department and section heads or to other management staff personnel, and engineering classifications shall not be included; and

(ii) As supervisors and sergeants in the Maryland Transit Administration Police.

(c) The Administration may provide its employees with automatic cost-of-living wage adjustments in accordance with any applicable formula in a collective bargaining agreement between the parties, provided that the aggregate of automatic cost-of-living wage adjustments provided to any employee in any contract year does not exceed 5 percent of the employee's base wage rate as that base wage rate existed immediately prior to commencement of the contract year.

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§ 7-602

(a) In this section, "labor dispute" is to be construed broadly and includes any controversy as to:

- (1) Wages, salaries, hours, or other working conditions;
- (2) Benefits, including health and welfare, sick leave, insurance, pension, or retirement provisions;
- (3) Grievances that arise; or
- (4) Collective bargaining agreements, including:
 - (i) The making or maintaining of any collective bargaining agreement;
 - (ii) The terms to be included in it; or
 - (iii) Its interpretation or application.

(b) If, in a labor dispute between the Administration and any employees described in § 7-601 of this subtitle, collective bargaining does not result in agreement, the Administration shall submit the dispute to an arbitration board.

(c) (1) The arbitration board shall consist of three members appointed as follows:

- (i) One by the Administration;
- (ii) One by the authorized representative of the employees; and
- (iii) One jointly by the Administration and the authorized representative.

(2) If, within 10 days after the appointment of the second arbitrator, a third arbitrator has not been appointed, either arbitrator may request the Federal Mediation and Conciliation Service or any other entity specified by contract between the Administration and the authorized representative to furnish a list of five persons, from which the third arbitrator shall be selected. Promptly after receiving the list, the two appointed arbitrators shall determine the order of elimination by lot and, in the determined order, each shall eliminate one name alternately until only one name remains. The remaining person is the third arbitrator.

(3) The third arbitrator is the chairman of the board.

(d) A majority determination of the board is final and binding on all disputed matters.

(e) Each party shall pay 50 percent of the arbitration expenses.

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§ 7-603

(a) This section does not apply to a member of the Maryland Transit Administration Police Force who has the powers granted to a police officer under § 7-207 of this title.

(b) The Administration may establish and maintain a system of pensions and retirement benefits for any of its employees.

(c) The Administration may:

- (1) Fix the terms of and restrictions on admission to the system and the classifications in it;
- (2) Provide that individuals eligible for admission to the system are not eligible for admission to or eligible to receive any benefits from any other pension system, except Social Security benefits, if the other system is financed or funded, whether wholly or partially or directly or indirectly, by funds paid or appropriated by the Administration; and
- (3) Provide a system of benefits payable to the beneficiaries and dependents of any participant in the system after the death of the participant, whether accidental or not and whether occurring in the performance of duty or not, subject to any exceptions, conditions, restrictions, and classifications that the Administration provides.

(d) Unless the Administration determines otherwise, no employee of the Administration and no beneficiary or dependent of any employee of the Administration is eligible to receive any pension, retirement, or other benefit both under the Administration's system and under any other pension or retirement system established by an acquired transportation system or provided for under any collective bargaining agreement between the Administration and the authorized representatives of its employees.

(e) The pension system shall be financed or funded as the Administration determines economically feasible.

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§ 7-604

(a) The Administration shall take the action necessary to ensure that every laborer and mechanic employed by contractors or subcontractors in the construction, alteration, or repair, including painting and decorating, of projects, buildings, and works undertaken or financially assisted by the Administration:

(1) Is paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the federal Davis-Bacon Act; and

(2) Receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any work week over 8 hours in any work day or 40 hours in any work week, as the case may be.

(b) A provision specifying the minimum wages and stating the requirement that overtime be paid as provided in this section shall be consistent with the provisions of Division II of the State Finance and Procurement Article, and shall be:

(1) Set out in each invitation for bids or request for proposals; and

(2) Made a part of the contract covering the project, which contract is deemed to be a contract of the character specified in § 103 of the federal Contract Work Hours and Safety Standards Act.

(c) The requirements of this section also apply to the employment of laborers and mechanics in the construction, alteration, or repair, including painting and decorating, of the transit facilities owned or controlled by the Administration, if the work is performed by a contractor under an agreement with the operator of the transit facilities.

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§ 7-605

(a) The rights, benefits, and other employee protective conditions and remedies of § 13(c) of the federal Urban Mass Transportation Act of 1964, as determined by the Secretary of Labor, apply to the operation by the Administration of the transit facilities owned or controlled by it and to any contract or other arrangement for the operation of those transit facilities.

(b) (1) If the Administration operates any transit facility or makes any contractual or other arrangement for the operation of any transit facility, the Administration shall do whatever is necessary to give employees of affected mass transportation systems, in accordance with seniority, the first opportunity for reasonably comparable employment in any available nonsupervisory job as to those operations for which they can qualify after a reasonable training period.

(2) This employment may not result in:

(i) Any worsening of the employee's position from that which he enjoyed in his former employment; or

(ii) Any loss of wages, hours, working conditions, seniority, fringe benefits, or related rights or privileges.

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§ 7-606

If the Administration acquires existing transit facilities from a public or privately owned public utility, whether by condemnation or otherwise, the Administration shall assume all existing labor contracts and pension obligations.

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§ 7-607

(a) (1) If the Administration acquires an existing transportation system, all employees of the system who are necessary for its operation by the Administration, except executive and administrative officers, shall be transferred to and employed by

the Administration, subject to all the rights and benefits of this title.

(2) These employees shall be given credit for seniority, sick leave, vacation, insurance, and pension benefits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations, and status with respect to the established system.

(b) As to any transportation system that the Administration acquires, the Administration shall assume the obligations of the system as to wages, salaries, hours, working conditions, sick leave, and health, welfare, pension, and retirement provisions for employees.

(c) The Administration shall assume any collective bargaining agreement between an acquired transportation system and the authorized representative of its employees.

(d) The Administration and the transferred employees, through their authorized representative, shall do whatever is necessary to have pension trust funds under the joint control of the acquired transportation system and the participating employees or their authorized representative transferred to the trust fund to be established, maintained, and administered jointly by the Administration and the participating employees through their authorized representative.

(e) An employee of an acquired transportation system who is transferred to a position with the Administration may not be placed, by reason of the transfer, in any worse position than that which he enjoyed as an employee of the acquired system with respect to workers' compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other benefits.

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§ 7-701

(a) With respect to the operation of transit service, the Administration shall comply with all laws, ordinances, and regulations of Baltimore City, Anne Arundel County, and Baltimore County as to:

- (1) Use of streets, highways, and other vehicular facilities;
- (2) Traffic control and regulations;
- (3) Zoning;
- (4) Signs; and
- (5) Buildings.

(b) The Administration may not locate, construct, maintain, or operate any of its transit or related facilities in, on, over, or under any highway, bridge, or other vehicular facility or any parkway or park land without the consent of and except on the terms and conditions required by the affected local government or its agency.

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§ 7-702

(a) Subject to the provisions of this section, the Administration is liable for its contracts and torts and for the torts of its officers, agents, and employees in connection with the performance of the duties and functions of the Administration under this title.

(b) The exclusive remedy for a breach of contract or for a tort committed by the Administration, its officers, agents, or employees is a suit against the Administration. No execution may be levied on any property of this State or of the Administration.

(c) Subsection (d) of this section does not apply to a tort claim that is asserted by cross-claim, counterclaim, or third-party claim.

(d) A tort claimant may not institute an action under this section unless:

- (1) The claimant submits a written notice of claim to the Administrator or the Administrator's designee within 1 year after the injury to person or property that is the basis of the claim;
- (2) The Administrator or the Administrator's designee denies the claim; and
- (3) The action is filed within 3 years after the cause of action arises.

(e) A notice of claim under this section shall:

- (1) Contain a concise statement of facts that sets forth the nature of the claim, including the date and place of the alleged tort;
- (2) State the name and address of the claimant;
- (3) State the name, address, and telephone number of counsel for the claimant, if any; and
- (4) Be signed by the claimant, or the legal representative or counsel for the claimant.

(f) A claim under this section is denied:

- (1) If the Administrator or the Administrator's designee sends the claimant, or the legal representative or counsel for the claimant, written notice of denial; or
- (2) If the Administrator or the Administrator's designee fails to give notice of a denial within 6 months after the sending of the notice of claim.

(g) Notwithstanding any other provision of this section, unless the Administration affirmatively shows that its defense has been prejudiced by the lack of the required notice, a court may allow the action to proceed even if the written notice of claim was not submitted.

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§ 7-703

(a) The Administration shall self insure or purchase and maintain insurance against:

- (1) Loss or damage to its property; and
- (2) Liability for injury to persons or property.

(b) The Administration may purchase insurance against loss of revenue from any cause.

(c) Subject to the requirements of any agreement in connection with the issuance by the Administration of its obligations, all insurance coverage shall be in the form and amount that the Administration determines.

(d) (1) Each lease of Administration property shall require the lessee to purchase, maintain, and pay for insurance that:

- (i) Reasonably protects the Administration from liability related to the property; and
- (ii) Insures the leased property in the name of the Administration for its full insurable value against all reasonable and insurable risks.

(2) Each lease of Administration property shall require the lessee to indemnify and hold the Administration harmless for the negligence of the lessee, its agents, and its employees.

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§ 7-704

(a) The creation of the Administration and the carrying out of its purposes are in all respects for the benefit of the people of this State and the District and for a public purpose, and the activities of the Administration are essential governmental functions.

(b) Except for water and sewer charges imposed by this State or any of its agencies or political subdivisions, the Administration, its activities, and the property it owns or controls are exempt from all taxes, assessments, and charges, whether State or local, now or subsequently levied or imposed.

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§ 7-705

(a) It is unlawful for any person entering a transit facility or transit vehicle owned or controlled by the Administration for the purpose of obtaining transit service or a train owned or controlled by the Administration or operated by a railroad company under contract to the Administration to provide passenger railroad service to:

- (1) Fail to pay the applicable fare charged by the Administration in the required manner; or
- (2) Fail to:

- (i) Pay the applicable fare;
- (ii) Exhibit proof of payment; or
- (iii) Provide truthful identification.

(b) It is unlawful for any person to engage in any of the following acts in any transit vehicle or transit facility, designed for the boarding of a transit vehicle, which is owned or controlled by the Administration or a train owned or controlled by the Administration or operated by a railroad company under contract to the Administration to provide passenger railroad service:

- (1) Expectorate;
- (2) Smoke or carry a lighted or smoldering pipe, cigar, or cigarette;
- (3) Consume food or drink, or carry any open food or beverage container;
- (4) Discard litter, except into receptacles designated for that purpose;
- (5) Play or operate any radio, cassette, cartridge, tape player, or similar electronic device or musical instruments, unless such device is connected to an earphone that limits the sound to the hearing of the individual user;
- (6) Carry or possess any explosives, acids, concealed weapons or other dangerous articles;
- (7) Carry or possess any live animals, except seeing-eye animals and hearing-ear animals properly harnessed and accompanied by a blind person or a deaf person, and small animals properly packaged;
- (8) Board any transit vehicle through the rear exit door, unless so directed by an employee or agent of the Maryland Transit Administration;
- (9) Urinate or defecate, except in restrooms;
- (10) Fail to move to the rear of any transit vehicle when requested to do so by the operator or a police officer;
- (11) Fail to vacate a seat designated for the elderly or handicapped when requested to do so by the transit vehicle operator, train conductor, or a police officer; or
- (12) Except by contract with the Administration, solicit the purchase of any goods or services.

(c) As used in this section, "elderly and handicapped person" means any person who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable to use transit facilities and transit services or railroad facilities and railroad services as effectively as a person who is not so affected.

(d) The provisions of subsection (b)(3), (5), (8), and (12) of this section do not apply to charter bus service rendered by the Administration. The provisions of subsection (b)(2) and (12) of this section do not apply to excursion train service rendered by the Administration or by a railroad company under contract to the Administration. The provisions of subsection (b)(3) of this section do not apply to any railroad service rendered by the Administration or by a railroad company under contract to the Administration.

(e) Except as provided in subsection (f) of this section, any person who violates any provision of this section is guilty of a misdemeanor and is subject to a fine of not more than \$500 for each offense.

(f) (1) It is unlawful for any person to obstruct, hinder, or interfere with:

- (i) The operation or operator of a transit vehicle or railroad passenger car; or
- (ii) A person engaged in official duties as a station agent, conductor, or station attendant who is employed by:
 - 1. The Administration;
 - 2. An entity that provides transit service under contract with the Administration;
 - 3. A local government agency or public transit authority;
 - 4. A private entity that provides public transit service; or
 - 5. An entity that provides transit service under a transportation compact under Title 10 of this article.

(2) Any person who violates this section is guilty of a misdemeanor and is subject to a fine of not more than \$1,000, imprisonment not exceeding 1 year, or both, for each offense.

(g) This section does not prohibit enforcement of any other State or local law or regulation that is consistent with the provisions of this section.

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§ 7-706

This title is necessary for the welfare of this State and its inhabitants and, except for § 7-705 of this subtitle, shall be liberally construed to accomplish its purposes.

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§ 7-707

(a) The Administration may adopt and enforce regulations for the parking, operation, towing, impoundment, and sale of motor vehicles and unauthorized articles and pieces of equipment improperly placed or abandoned on property owned or controlled by the Administration.

(b) The Administration police force and local police agencies may issue citations for violations of the regulations adopted under this section.

(c) Any person who violates a regulation pertaining to this section:

- (1) Is subject to a fine as specified; and
- (2) Is not guilty of a criminal offense.

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§ 7-708

(a) (1) The Department, in cooperation with the Washington Metropolitan Area Transit Authority (WMATA), shall conduct a study every 5 years of the utilization of bus, rail, and subway transportation services under the jurisdiction of WMATA.

(2) In conducting the study, the Department shall:

- (i) Compile and analyze statistics regarding the starting points and destinations, by jurisdiction, of individuals using WMATA–provided transportation services;
 - (ii) Determine the modes of transportation individuals use to connect to WMATA–provided transportation services and the modes of transportation used between WMATA–provided transportation services and final destinations, including walking, personal vehicle, bus, and Maryland Area Regional Commuter (MARC) train;
 - (iii) Compile and analyze data on the number of individuals who use Metrorail, Metrobus, and MetroAccess and the frequency of use; and
 - (iv) Study and compare the various reasons individuals use WMATA–provided transportation services, including traveling for work, educational, entertainment, recreational, or other purposes.
- (3) (i) Except as provided in subparagraph (ii) of this paragraph, the information used in the study shall be from data gathered within the previous 5 years.

(ii) In conducting the first study, the Department shall compile and analyze the information pertaining to WMATA–provided transportation services listed under paragraph (2) of this subsection that is available at the time.

(4) (i) Information used in the study pertaining to Maryland jurisdictions shall be organized:

1. Except as provided in subparagraph (ii) of this paragraph, by jurisdiction rather than by region, including separate information for Baltimore County and Baltimore City; or
2. By zip code.

(ii) Information pertaining to Caroline County, Cecil County, Dorchester County, Kent County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, and Worcester County may be compiled and organized under the category "other Maryland".

(b) On or before December 1, 2015, and every 5 years thereafter, the Department shall submit a report detailing the results of the study conducted under this section to the Governor and, in accordance with § 2–1257 of the State Government Article, the Senate Budget and Taxation Committee, the Senate Finance Committee, the House

Appropriations Committee, and the House Environment and Transportation Committee.

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§ 7-709

(a) In this section, "Commission" means the Washington Metrorail Safety Commission established under § 10-208 of this article.

(b) Two regular members and one alternate member of the board of directors of the Commission shall be appointed by the Governor with the advice and consent of the Senate.

(c) (1) One of the regular members of the board of directors of the Commission who is appointed by the Governor shall be a resident of Montgomery County or Prince George's County.

(2) The individual appointed under this subsection may not be succeeded in office by an individual who is a resident of the same county.

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§ 7-710

(a) The Administration shall provide ridership on transit vehicles to any eligible:

(1) Student of a public school of Baltimore City; and

(2) Youth worker in the Baltimore City YouthWorks program.

(b) The services provided under subsection (a) of this section shall be provided only for:

(1) A student of a public school in Baltimore City:

(i) Between the hours of 5 a.m. and 8 p.m.; and

(ii) For school-related or educational extracurricular activities on and off campus; or

(2) A youth worker in the Baltimore City YouthWorks program:

(i) During the YouthWorks summer job period; and

(ii) For purposes of engaging in YouthWorks-related activities.

(c) The Administration may not collect fees or reimbursement for services provided under this section.

(d) The Administration, in conjunction with Baltimore City Public Schools and the Mayor's Office of Employment Development, shall adopt regulations that establish the eligibility criteria for students and youth workers receiving a student transit pass for the use of services provided under this section.

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§ 7-711

(2) The services provided under paragraph (1) of this subsection apply to transit vehicles that are part of the Administration's:

(i) Light rail transit system;

(ii) Metro subway;

(iii) Local bus service;

(iv) Commuter bus service in the Baltimore region; and

(v) Any other systems and services specified by the Administration.

(b) The Administration may not collect fees or reimbursement from an employee for services provided under this section.

(c) The Administration may adopt regulations to carry out the provisions of this section.

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§ 7-712

(a) (1) The Administration shall make available to opioid treatment programs monthly transit passes that:

(i) Are for use by patients of opioid treatment programs who qualify for the Administration's Disabled Reduced Fare Program; and

(ii) May be issued to patients on site at opioid treatment programs by opioid treatment program staff.

(2) The transit passes issued under paragraph (1) of this subsection shall be made available at a reduced price that reflects the price of a monthly pass issued under the Disabled Reduced Fare Program as of October 1, 2020, less any cost savings to the Administration that result from having participating opioid treatment programs issuing transit passes directly to patients.

(b) The Administration shall adopt regulations to establish the process by which participating opioid treatment programs may issue transit passes under this section.

(c) On or before December 1, 2021, and on or before December 1 each year thereafter, the Administration, in consultation with participating opioid treatment program providers, shall submit a report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on the status of the implementation of the requirements under this section.

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§ 7-713

(a) In this section, "Southern Maryland Rapid Transit Project" means a high-capacity, fixed-route rapid transit service, with light rail transit as the preferred option, operating in a dedicated, grade-separated, 18.7-mile transitway in the Maryland Route 5/U.S. Route 301 corridor from the Branch Avenue Metrorail Station in Prince George's County to Waldorf and White Plains in Charles County.

(b) Subject to subsection (c) of this section, the Department promptly shall undertake all steps necessary to complete the design, engineering, and National Environmental Policy Act process and secure a record of decision for the Southern Maryland Rapid Transit Project.

(c) (1) Subject to paragraph (2) of this subsection, in each of fiscal years 2023 through 2027, the Governor shall include in the annual State budget an appropriation from the Transportation Trust Fund of at least \$5,000,000, contingent on the receipt of federal funds to be used to provide matching funds needed to conduct an environmental impact study under the National Environmental Policy Act (NEPA) for the Southern Maryland Rapid Transit Project.

(2) An appropriation required under paragraph (1) of this subsection may be reduced by the amount of the total authorized in the prior fiscal year to conduct the NEPA study.

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§ 7-714

(a) (1) In this section the following words have the meanings indicated.

(2) "Local executive authority" means:

(i) 1. The chief executive officer of a county; or

2. If a county does not have a chief executive officer, the county governing body; and

(ii) If a municipality operates a transit system:

1. The chief executive officer of the municipality; or

2. If the municipality does not have a chief executive officer, the governing body of the municipality.

(3) (i) "Public transit operator" means an individual who is:

1. Employed by the Administration, the Washington Metropolitan Area Transit Authority, or a political subdivision; and

2. Engaged in providing public transportation services, including:

A. Bus service;

B. Train service;

C. Light rail service; and

D. Subway service.

- (ii) "Public transit operator" includes a transit station manager.
- (b) The Administration shall submit an annual report on assaults on public transit operators as required by this section.
- (c) The report shall include the following information for the immediately preceding 12 months:
 - (1) For each assault on a public transit operator:
 - (i) The nature of the assault;
 - (ii) The mode of transit where the assault occurred;
 - (iii) The location of the assault;
 - (iv) Whether police were involved in responding to the assault; and
 - (v) The outcome of any investigation into the assault, including any disciplinary action taken, if the information is available;
 - (2) A comparison of the aggregate data compiled under item (1) of this subsection with at least two other states with similar transit systems or populations; and
 - (3) A review of current transit industry best practices to prevent and mitigate assaults on public transit operators.
- (d) On or before December 1, 2023, and each December 1 thereafter, the Administration shall submit the report under this section to:
 - (1) Each local executive authority;
 - (2) The State's Attorney for each county; and
 - (3) The following committees of the General Assembly, in accordance with § 2-1257 of the State Government Article:
 - (i) The Senate Judicial Proceedings Committee;
 - (ii) The Senate Finance Committee;
 - (iii) The House Judiciary Committee; and
 - (iv) The House Environment and Transportation Committee.

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§ 7-715

The Administration shall develop transit equity analysis policies and guidelines, including thresholds for when a reduction or cancellation of a capital expansion project in the construction program of the Consolidated Transportation Program requires analysis.

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§ 7-716

- (a) Before announcing any service change that would constitute a major service change under the Federal Transit Administration's Title VI Requirements and Guidelines for Federal Transit Administration Recipients, the Department, in collaboration with the Administration, shall:
 - (1) Conduct a transit equity analysis in accordance with the federal Americans with Disabilities Act Amendments Act and the federal Rehabilitation Act of 1973 as amended to determine whether the change will create a disparate impact on persons with disabilities;
 - (2) Conduct a transit equity analysis in accordance with the Title VI Requirements and Guidelines for Federal Transit Administration Recipients to determine whether the change will create a disparate impact or a disproportionate burden;
 - (3) Perform a cost-benefit analysis, including an analysis of impacts on:
 - (i) Economic development;
 - (ii) Employment;
 - (iii) Education;
 - (iv) Health; and
 - (v) Environmental justice; and

- (4) Consult with members and leaders of affected communities, including through community outreach to:
 - (i) Racial minority communities;
 - (ii) Low-income communities;
 - (iii) Disabled riders;
 - (iv) Riders with limited English proficiency;
 - (v) Transit-reliant riders; and
 - (vi) Senior riders.
- (b) (1) If a transit equity analysis reveals disparate impact or disproportionate burden, the Administration shall:
 - (i) Develop alternatives that would meet the goals of the proposed service change; and
 - (ii) Conduct a transit equity analysis on the alternatives.
- (2) If a disparate impact can be avoided through use of one of the alternatives analyzed, the Administration shall proceed with that alternative as the primary proposed service change.
- (3) If there is no alternative that would avoid a disparate impact or disproportionate burden, the Administration:
 - (i) May not implement the proposed service change unless a substantial justification exists that necessitates the change; and
 - (ii) Shall implement the alternative that causes the least disparate impact or disproportionate burden.
- (c) Before holding a public hearing on a proposed service change, the Administration shall publish on the Administration's website with a visible link identifying the proposed service change on the primary page, for the routes, lines, or any corresponding paratransit service area impacted by the service change:
 - (1) A description of:
 - (i) The demographics of:
 - 1. The riders on the affected route, line, or paratransit service area; and
 - 2. The affected service area;
 - (ii) The schools in the affected service area;
 - (iii) The types of businesses in the affected service area;
 - (iv) The monthly ridership for the route, line, or service area; and
 - (v) The effect that the proposed service change would have on:
 - 1. The commutes of riders on the route, line, or service area;
 - 2. The corresponding paratransit service area; and
 - 3. The estimated number of paratransit riders impacted;
 - (2) A summary of any publicly available minutes, records, or documents related to the proposed service change; and
 - (3) A brief statement explaining the reason for the proposed service change.
- (d) (1) After completing the public hearings, the Administration shall:
 - (i) Publish the transit equity analysis and cost-benefit analysis on the Administration's website; and
 - (ii) Compile a report on the impacts of the proposed service change.
- (2) The report shall include:
 - (i) The transit equity analysis;
 - (ii) The cost-benefit analysis;
 - (iii) A community outreach report;
 - (iv) Any alternatives analyzed; and
 - (v) If applicable, the final alternative selected.

(3) If a disparate impact or disproportionate burden exists in the final alternative selected, the report shall include a substantial justification statement.

(4) The report shall be:

(i) Made available to the public on the Administration's website, with a visible link from the primary information page relating to the proposed service change; and

(ii) Distributed to:

1. The members of the Board of Public Works;

2. The Attorney General;

3. The Secretary of Transportation;

4. Any elected officials whose districts would be impacted by the proposed service change;

5. Any community leaders consulted during the community outreach process; and

6. In accordance with § 2–1257 of the State Government Article:

A. The President of the Senate;

B. The Speaker of the House;

C. The Senate Finance Committee;

D. The House Environment and Transportation Committee; and

E. Each member of the General Assembly whose district would be impacted by the proposed service change.

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§ 7-717

(a) Before announcing any reduction or cancellation of a capital expansion project in the construction program of the Consolidated Transportation Program that exceeds the thresholds developed by the Administration, the Department, in collaboration with the Administration, shall:

(1) Conduct a transit equity analysis in accordance with the federal Americans with Disabilities Act Amendments Act and the federal Rehabilitation Act of 1973 as amended to determine whether the change will create a disparate impact on persons with disabilities;

(2) Conduct a transit equity analysis in accordance with the Title VI Requirements and Guidelines for Federal Transit Administration Recipients and the guidelines developed by the Administration to determine whether the reduction or cancellation will create a disparate impact or a disproportionate burden;

(3) Perform a cost–benefit analysis, including an analysis of impacts on:

(i) Economic development;

(ii) Employment;

(iii) Education;

(iv) Health; and

(v) Environmental justice; and

(4) Consult with members and leaders of affected communities, including through community outreach to:

(i) Racial minority communities;

(ii) Low–income communities;

(iii) Disabled riders;

(iv) Riders with limited English proficiency;

(v) Transit–reliant riders; and

(vi) Senior riders.

(b) (1) After completing the requirements under subsection (a) of this section, the Administration shall compile a report on the impacts of the proposed reduction or cancellation of a capital expansion project in the construction program of the Consolidated Transportation Program.

(2) The report shall include:

- (i) The transit equity analysis;
- (ii) The cost–benefit analysis; and
- (iii) A community outreach report.

(3) The report shall be:

(i) Made available to the public on the Administration's website, with a visible link from the primary information page relating to the proposed reduction or cancellation; and

(ii) Distributed to:

- 1. The members of the Board of Public Works;
- 2. The Attorney General;
- 3. The Secretary of Transportation;
- 4. Any elected officials whose districts would be impacted by the proposed service change;
- 5. Any community leaders consulted during the community outreach process; and
- 6. In accordance with § 2–1257 of the State Government Article:
 - A. The President of the Senate;
 - B. The Speaker of the House;
 - C. The Senate Finance Committee; and
 - D. The House Environment and Transportation Committee.

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§ 7-718

(a) In this section, “Purple Line” has the meaning stated in § 2–103.8 of this article.

(b) Subject to subsection (c) of this section, the Administration shall develop and implement a program to provide:

(1) For the first month after transit service on the Purple Line begins, ridership on Purple Line transit vehicles at no cost to individuals residing within a one–quarter–mile radius of the Purple Line track; and

(2) Beginning on October 1, 2025, and until 3 months after transit service on the Purple Line begins, promotional materials and services at no cost to small businesses, as defined in § 2–1505.2 of the State Government Article, located within a one–quarter–mile radius of the Purple Line track.

(c) The Administration shall use internal resources it has available to implement the program, including:

- (1) Websites maintained by the Administration; and
- (2) The printing and design services of the Administration.

(d) Nothing in this section may be construed to require the Administration to procure private advertising or marketing services.

(e) The Administration shall adopt regulations to implement this section.

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§ 7-719

(a) The Administration shall automatically renew the Disability Reduced Fare Program certification of an enrollee who is permanently disabled.

(b) The Administration shall adopt regulations establishing a process to carry out this section.

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§ 7-801

Anne Arundel County, Calvert County, Carroll County, Frederick County, Garrett County, Howard County, and Montgomery County may:

(1) Levy and collect taxes for:

(i) The organization, operation, and maintenance of public transportation services; and

(ii) The purchase, sale, construction, maintenance, and operation of all real and personal property necessary or incidental to public transportation services; and

(2) Establish, modify, amend, and abolish special taxing areas for public transportation services.

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§ 7-901

(a) (1) In this section, "railroad corridor property" means any railroad property owned or maintained by a railroad company over which passenger or rail freight traffic moved from one destination to another, not to exceed 100 feet in width, and is or was subject to the Interstate Commerce Commission's abandonment process.

(2) "Railroad corridor property" does not include a rail yard, depot, station, or industrial park.

(b) (1) With the approval of the Board of Public Works, the Secretary or the Administration may acquire on behalf of this State, by gift, purchase, lease, condemnation, or otherwise, for any transportation related purpose, any railroad corridor property that has been abandoned pursuant to action or regulations of the Interstate Commerce Commission or other governing agency with jurisdiction in the matter.

(2) Any condemnation proceeding under this section shall be instituted and maintained in the name of this State and is governed by Title 12 of the Real Property Article.

(c) If a railroad company intends to sell or otherwise dispose of any railroad corridor property that is located in this State and for which the company has received permission from the Interstate Commerce Commission or other governmental agency with jurisdiction in the matter to abandon transportation services, the company shall notify the Secretary and the Administration of its intent to sell or otherwise dispose of the property.

(d) Within 120 days after the State receives a notice under subsection (c) of this section, the State may respond to the railroad company and notify the company of whether this State intends to acquire the railroad corridor property.

(e) If the State does not respond within the time required by subsection (d) of this section or if the State notifies the railroad company that this State does not intend to acquire the railroad corridor property, the railroad company:

(1) Is relieved of all responsibility to this State under this section; and

(2) May sell or otherwise dispose of this property in any manner it considers appropriate.

(f) To be effective, all notifications provided for in this section shall be in writing and mailed by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

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§ 7-902

(a) (1) In this section the following words have the meanings indicated.

(2) "Level of service" includes the number of round trips operated on a route and the number of stations along a route.

(3) "Route" means a passenger railroad service line described under subsections (b) through (d) of this section.

(b) The Administration shall continue to operate the following passenger railroad services at levels of service at least equivalent to the level of service established as of July 1, 1981:

(1) The CSX line between Brunswick and the District of Columbia;

(2) The Amtrak line between Penn Station in Baltimore and the District of Columbia; and

(3) The CSX line between Camden Station in Baltimore and the District of Columbia.

(c) The Administration shall continue to operate the passenger railroad service on the Amtrak line between Perryville and Penn Station in Baltimore at the level of service at least equivalent to the level of service established as of May 1, 1991.

(d) The Administration shall continue to operate the passenger services on the CSX line between Frederick and Point of Rocks at the level of service at least equivalent to the level of service established as of December 17, 2001.

(e) (1) The Administration may not close a station on any route before June 30, 2008.

(2) Notwithstanding the provisions of this section, the Administration may close the Jessup Station on the CSX line between Camden Station in Baltimore and the District of Columbia at any time if the Administration finds that the ridership at the Jessup Station does not warrant keeping the station open.

(f) The Administration shall adopt regulations to facilitate the transportation of bicycles on board passenger railroad services.

(g) Before closing a station on a passenger railroad service line described in subsection (b) of this section, the Maryland Transit Administration shall review and report, in accordance with § 2-1257 of the State Government Article, to the Governor and the General Assembly, on the following:

(1) With respect to the Dickerson and Boyds MARC stations on the CSX line between Brunswick and the District of Columbia:

(i) The impact on traffic congestion along the Interstate 270, Md State Route 117, and Md State Route 28 corridors as a result of the station closures;

(ii) The impact of future growth in upper Montgomery and southern Frederick counties, particularly in Clarksburg over the next 5 years, and the projected ridership for the Boyds and Dickerson stations as a result of that future growth;

(iii) The impact of the projected growth in upper Montgomery and southern Frederick counties on traffic congestion along the Interstate 270, Md State Route 117, and Md State Route 28 corridors and the transit alternatives that are contemplated to meet any increased demand;

(iv) The methodology used to compute average daily ridership;

(v) The impact on projected ridership on the line if the stations are closed and later reopened due to impending growth;

(vi) The projected ridership if train stops are increased from three stops each to nine stops each for trains arriving at Washington Union Station and from four stops each to ten stops each (to discharge passengers only) for trains departing Washington Union Station;

(vii) Under an expanded schedule, the estimated increase in train service as a result of increasing the number of stops;

(viii) Options to increase ridership at stations with low ridership, including investing in a ridership campaign to promote stations with low ridership;

(ix) The projected ridership after investing in a ridership campaign to promote the stations;

(x) The schedule for installing ticket vending machines at the stations and whether such vending machines have already been purchased;

(xi) Whether a vending machine that is scheduled to be installed at another station could temporarily be used at either or both of these stations;

(xii) The impact on riders boarding at these stations if vending machines are not installed at the stations;

(xiii) An evaluation of potential increased bus service to the stations, and parking lot expansion near the stations, including any possible options for parking lot expansion;

(xiv) Specific efforts undertaken to:

1. Attract new riders on the lines and to retain riders already using the lines; and

2. Improve access for individuals with disabilities;

(xv) Potential alternatives to closing stations that would achieve greater efficiency on the Brunswick and Camden CSX lines;

(xvi) Potential sources of alternative funding for the operating and capital costs of keeping the stations open, including collaboration with local governments; and

(xvii) The description of the \$300,000 passenger warning system for the Dickerson Station and whether other possible, less costly, passenger warning systems were considered and the reasons why such systems were not employed; and

(2) With regard to the St. Denis Station on the CSX line between Camden Station in Baltimore and the District of Columbia:

(i) The information required under item (1)(vii) through (xvi) of this subsection;

(ii) The implications of closing a passenger railroad service facility that is a State or federally designated historic landmark or that is located in a State or federally designated historic district;

(iii) The impact on traffic congestion along the Interstate 95, Interstate 295, and Md State Route 100 corridors as a result of the station closure;

(iv) The effect of closing the St. Denis Station on ridership at the Halethorpe Station, including the effect on traffic and parking at the Halethorpe Station and in Arbutus;

(v) The projected ridership at the St. Denis Station if train stops are increased up to nine stops; and

(vi) The projected ridership at the St. Denis Station if service to and from Baltimore is resumed.

(h) (1) Until a public hearing is held on the matter, the Administration may not establish or abandon a station on a route.

(2) The Administration shall give notice of a hearing at least 30 days before the hearing.

(3) The notice shall be:

(i) Published once a week for 2 successive weeks in two or more newspapers of wide circulation throughout the Administration's commuter rail service area; and

(ii) Posted in all of the Administration's offices, stations, and terminals and all of its commuter rail rolling stock in revenue service.

(4) The 30-day period begins when the notice first appears in the newspaper.

(5) (i) If the Administration gives inadequate notice of a public hearing on a matter described in paragraph (1) of this subsection, the Administration may not establish or abandon a station unless a legally sufficient public hearing is held.

(ii) For the purposes of this paragraph, notice shall be considered inadequate if:

1. The Administration does not comply with the newspaper publication requirement under paragraph (3)(i) of this subsection; or

2. At least 30% of the Administration's facilities are not posted as required under paragraph (3)(ii) of this subsection.

(6) The Administration may implement a change of policy on a matter described in paragraph (1) of this subsection only during the time period beginning 6 weeks after the date of the public hearing and ending 6 months after the date of the public hearing.

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§ 7-903

Every rule, regulation, form, order, and directive adopted by or relating to the former State Railroad Administration remains in effect until changed by the Maryland Transit Administrator or the Secretary. Every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, deed or any other document to the State Railroad Administration means the Maryland Transit Administration.

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§ 7-1001

(a) In this subtitle the following words have the meanings indicated.

(b) "Door-to-door transportation" means providing, through prearranged appointment, safe escort from a departure point, into and out of a transport vehicle and to the door of the destination.

(c) "Low-income to moderate-income" means the household income of an individual does not exceed 400% of the poverty threshold that is established by the United States Department of Commerce, Bureau of Statistics for a given year.

(d) "Program" means the Maryland Senior Rides Program established under this subtitle.

(e) "Program applicant" means a government agency, nonprofit entity, or faith-based agency that provides transportation services and is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(f) "Program participant" means a Program applicant that has been approved for participation in the Program.

(g) "Senior" means an individual age 60 or older.

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§ 7-1002

(a) There is a Maryland Senior Rides Program in the Administration.

(b) The purpose of the Program is to encourage regional providers to provide door-to-door transportation for low-income to moderate-income seniors.

(c) The Administration shall award grants to qualified Program applicants, as provided in § 7-1003 of this subtitle, for the operation of transportation services as specified in this section.

(d) To be eligible for a grant under § 7-1003 of this subtitle, a Program applicant shall:

(1) Provide door-to-door transportation for low-income to moderate-income seniors who have difficulty accessing or using other existing transportation systems;

(2) Use primarily volunteer drivers who drive their own vehicles;

(3) Use a dispatcher system to respond quickly to requests from low-income to moderate-income seniors for door-to-door transportation; and

(4) Define a geographic area for which door-to-door transportation is provided.

(e) A Program participant may provide door-to-door transportation to an eligible senior who does not reside in the geographic area defined by the Program participant under subsection (d)(4) of this section when applying to participate in the Program, so long as service is not diminished to an eligible senior who does reside in the defined geographic area.

(f) A Program participant shall expend a matching fund of at least 25% of the total capital or operating costs associated with providing door-to-door transportation for low-income to moderate-income seniors.

(g) A Program participant may charge reasonable fees for door-to-door transportation provided by the Program participant.

(h) Nothing in this section prohibits a Program participant from providing services in addition to those described in subsection (d) of this section.

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§ 7-1003

The Administration shall:

(1) Solicit grant applications from prospective Program applicants;

(2) Award grants to qualified Program applicants;

(3) Ensure that the grants awarded under item (2) of this section are distributed among Program applicants to provide door-to-door transportation in the following areas:

(i) The Baltimore Metropolitan Area;

(ii) The Washington, D.C. Metropolitan Area;

(iii) Western Maryland;

(iv) Southern Maryland; and

(v) The Eastern Shore; and

(4) Ensure, to the extent practicable, that at least one grant is awarded to Program applicants to provide door-to-door transportation in each of the following areas:

- (i) A rural area;
- (ii) An urban area; and
- (iii) A suburban area.

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§ 7-1004

(a) The Administration shall consult with the Department of Aging when considering the eligibility of a Program applicant for a grant under § 7-1003 of this subtitle.

(b) When awarding a grant under § 7-1003 of this subtitle, the Administration shall consider:

- (1) The ability of the Program applicant to provide door-to-door transportation to low-income to moderate-income seniors;
- (2) The projected volume of ridership;
- (3) The Program applicant's marketing and outreach plan to attract riders and drivers;
- (4) The ability of the Program applicant to sustain door-to-door transportation for low-income to moderate-income seniors beyond the time when grants may be available;
- (5) The ability of the Program applicant to coordinate its dispatcher system with a local central dispatcher system; and
- (6) The extent to which the Program applicant encourages:

- (i) Shared ridership;
- (ii) Coordination between public and private sector transportation providers; and
- (iii) Innovations in risk management for drivers and riders.

(c) In consultation with the Department of Aging, the Maryland Insurance Administration, and senior citizen advocacy groups, the Administration shall adopt regulations to implement this subtitle, including regulations governing:

- (1) Criminal background and driving record checks of drivers;
- (2) Driver and vehicle safety;
- (3) Driver training; and
- (4) The liability coverage of a Program applicant that provides door-to-door transportation under the Program.

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§ 7-1005

A Program participant that receives a grant under § 7-1003 of this subtitle shall submit to the Administration a written report annually, which shall include:

- (1) The number of riders and drivers participating in the Program;
- (2) The amount and source of matching funds used for grants awarded under § 7-1003 of this subtitle;
- (3) The nature of cooperative efforts between the Program participant and other government and private-sector entities;
- (4) Innovations in risk management for drivers and riders;
- (5) If the Program participant charges fees for door-to-door transportation:
 - (i) The fee schedule used by the Program participant;
 - (ii) The methodology used in establishing the fee schedule; and
 - (iii) The total amount of fees collected by the Program participant;
- (6) The amount and source of any revenue, other than fees reported under item (5) of this section, generated by the Program participant in connection with the Program; and
- (7) Any other information required by the Administration to evaluate and operate the Program and monitor the use of grant funds awarded to the Program participant.

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§ 7-1101

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Job access and reverse commute project" means a project that:

- (i) Provides transportation services to targeted populations; and
- (ii) Serves targeted employment areas.

(2) "Job access and reverse commute project" includes:

- (i) The extension of service hours on local fixed route transit systems to a targeted employment area;
- (ii) Vanpool services;
- (iii) Employer provided transportation services; or
- (iv) Demand-response or deviated fixed route transit services.

(3) "Job access and reverse commute project" does not include:

- (i) Ride matching, mobility management, or commuter assistance services;
- (ii) Services provided by a for-hire vehicle or a transportation network company;
- (iii) Carpool services;
- (iv) Volunteer driver programs; or
- (v) Except for services in support of a job access and reverse commute project, other services provided on an individual basis.

(c) "Program" means the Job Access and Reverse Commute Program.

(d) "Provider" means a private nonprofit organization, a local transit system, or one or more employer that implements a job access and reverse commute project.

(e) "Targeted employment area" means an area that has recently experienced a significant growth in employment opportunities in sectors including construction, manufacturing, logistics, warehousing, retail trade, or the service industry.

(f) "Targeted population" means individuals in defined areas who:

- (1) Reside in low income areas, as determined by the Administration;
- (2) Have limited or no access to the use of a personal vehicle; and
- (3) Reside in areas with limited access to fixed route transit service.

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§ 7-1102

There is a Job Access and Reverse Commute Program in the Administration.

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§ 7-1103

(a) The Administration may make grants under this subtitle to a provider for job access and reverse commute projects that connect targeted populations with targeted employment areas.

(b) A provider may use not more than 10% of the amount distributed to the provider under this subtitle for administrative costs, as determined by the Administration.

(c) Except as provided in subsection (d) of this section, the Administration shall distribute amounts made available for a fiscal year to implement this subtitle as follows:

- (1) 70% of the funds shall be distributed to providers for use in urbanized areas; and
- (2) 30% of the funds shall be distributed to providers for use in rural areas.

(d) The Administration may distribute funds:

(1) Under subsection (c)(1) of this section for rural projects if the Administration certifies that no eligible grant requests have been made in urbanized areas; and

(2) Under subsection (c)(2) of this section for urban projects if the Administration certifies that no eligible grant requests have been made in rural areas.

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§ 7-1104

(a) Before accepting grant applications under § 7–1103(c)(1) of this subtitle, the Administration shall conduct, in cooperation with the appropriate metropolitan planning organization, an area–wide solicitation for grant applications for projects.

(b) Before accepting grant applications under § 7–1103(c)(2) of this subtitle, the Administration shall conduct a statewide solicitation for grant applications for projects.

(c) A provider that is seeking a grant under this subtitle shall submit to the Administration an application on a form and in the manner that the Administration requires.

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§ 7-1105

The Administration shall:

(1) Award grants under this subtitle on a competitive basis;

(2) Ensure that grants are awarded and distributed to providers on a fair and equitable basis; and

(3) For projects in urbanized areas, award grants only to projects endorsed by the appropriate metropolitan planning organization.

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§ 7-1106

A grant under this subtitle:

(1) May not exceed 80% of the net operating costs of the project, as determined by the Administration; and

(2) Shall provide services for more than 3 years.

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§ 7-1107

The Governor shall provide funding for the Program in the State budget.

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§ 7-1108

On or before December 1, 2021, the Administration shall conduct a study to evaluate the effectiveness of the Program and submit the study to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

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§ 7-1109

(a) (1) In this section the following words have the meanings indicated.

(2) “State agency” means an executive department, agency, or office of the State.

(3) “Transportation–disadvantaged” means an individual who qualifies for federally conducted or federally assisted transportation–related programs or services, as implemented and coordinated by a State agency, due to disability, income, or advanced age.

(b) There is a State Coordinating Committee for Health and Human Services Transportation.

(c) The Committee consists of the following members:

- (1) The Secretary, or the Secretary's designee;
 - (2) The Secretary of Human Services, or the Secretary's designee;
 - (3) The Secretary of Health, or the Secretary's designee;
 - (4) The Secretary of Aging, or the Secretary's designee;
 - (5) The Secretary of Disabilities, or the Secretary's designee;
 - (6) The Secretary of Housing and Community Development, or the Secretary's designee;
 - (7) The Secretary of Planning, or the Secretary's designee;
 - (8) The Secretary of Veterans and Military Families, or the Secretary's designee;
 - (9) The Secretary of Labor, or the Secretary's designee;
 - (10) The Director of the Governor's Office for the Deaf and Hard of Hearing, or the Director's designee;
 - (11) The Executive Director of the Maryland Developmental Disabilities Council, or the Executive Director's designee;
 - (12) The Executive Board Chair of the Rural Maryland Council, or the Executive Board Chair's designee; and
 - (13) Any additional members recommended by the chair of the Committee and appointed by the Governor to provide input from local governments, employers, agencies, and organizations serving priority populations, transportation providers, and consumers from priority populations.
- (d) (1) The appointed members serve at the pleasure of the Governor.
- (2) The term of an appointed member is 3 years.
- (3) The Governor may stagger the terms of the appointed members.
- (e) The Secretary, or the designee of the Secretary, shall chair the Committee.
- (f) The Department shall provide staff for the Committee.
- (g) A member of the Committee:
- (1) May not receive compensation as a member of the Committee; but
 - (2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (h) The Committee shall:
- (1) Examine the transportation needs of residents of the State who:
 - (i) Are elderly;
 - (ii) Have a disability; or
 - (iii) Require transportation to access jobs, medical and other health-related appointments, senior citizen programs, or other programs requiring the transportation of individuals who qualify as transportation-disadvantaged;
 - (2) Coordinate efforts in the State to provide quality health and human services transportation services by working with appropriate federal, State, and local agencies, transit consumers, and transportation providers, to develop a cooperative and coordinated health and human services transportation system;
 - (3) Conduct an inventory and assessment of health and human services transportation providers in the State;
 - (4) Devise a 5-year health and human services transportation plan that sets goals and objectives to help transportation-disadvantaged residents of the State access jobs, education and training programs, health care services, and other activities by providing cost-effective, affordable, high-capacity, high-quality, easily understood, and safe and accessible transportation; and
 - (5) (i) Serve as the clearinghouse for health and human services transportation coordination issues in the State;
 - (ii) Identify and facilitate resolution to issues regarding health and human services transportation, both locally and statewide;

- (iii) Participate in the identification of potential allocations of health and human services transportation resources during emergency evacuations;
- (iv) Evaluate cost-saving measures;
- (v) Investigate the need for the establishment of standards for vehicles and drivers within health and human services transportation programs; and
- (vi) Examine other appropriate areas to facilitate the development of a quality health and human services transportation system in the State.
- (i) On or before September 1 each year, the Committee shall report on its activities to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

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§ 7-1201

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Financial assistance" means a grant or loan from the Fund.
- (c) "Fund" means the Transit-Oriented Development Capital Grant and Revolving Loan Fund.
- (d) "Gap funding" means funding provided to compensate for a shortfall between the expected development costs of a project and the available funds for the project.
- (e) "Local jurisdiction" means a county or a municipal corporation.
- (f) "Municipal corporation" means a municipality as defined in § 1-101 of the Local Government Article.

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§ 7-1202

- (a) There is a Transit-Oriented Development Capital Grant and Revolving Loan Fund.
- (b) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

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§ 7-1203

- (a) The purpose of the Fund is to promote the equitable and inclusive development of transit-oriented developments throughout the State.
- (b) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.
- (c) (1) The Fund consists of:
 - (i) Money appropriated in the State budget to the Fund;
 - (ii) Money made available for qualifying uses by the Fund from other governmental sources, including eligible federal funding and the Transportation Trust Fund;
 - (iii) Ground rents or land sale proceeds in accordance with § 10-306(c)(2) of the State Finance and Procurement Article;
 - (iv) Payments of principal of and interest on loans made under this title;
 - (v) Investment earnings of the Fund; and
 - (vi) Any other money from any other source, public or private, accepted for the benefit of the Fund.
- (2) Contributions to the Fund under paragraph (1)(iii) of this subsection shall:
 - (i) Be separately accounted for in the Fund; and
 - (ii) Be used only for the benefit of transit-oriented developments in the same county where the real property subject to the ground rent or land sale is located.
- (d) For each fiscal year, the Governor shall include in the annual budget bill an appropriation sufficient to ensure a Fund balance of at least \$5,000,000 at the start of the fiscal year.

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§ 7-1204

- (a) (1) The Fund may be used by the Department to provide financial assistance to local jurisdictions for:
- (i) Design plans for a transit-oriented development, provided that the transit-oriented development will be designed to meet equity goals established by the Department;
 - (ii) Public infrastructure improvements within a transit-oriented development; or
 - (iii) Gap funding for public or private development within a transit-oriented development.
- (2) A private entity, including a nonprofit entity, participating in the development of a transit-oriented development may partner with a local jurisdiction to submit an application for financial assistance under paragraph (1)(iii) of this subsection.
- (b) (1) The Sustainable Growth Subcabinet established under § 9–1406 of the State Government Article shall establish eligibility requirements and objective scoring standards for the review of applications for financial assistance.
- (2) The Sustainable Growth Subcabinet established under § 9–1406 of the State Government Article may establish:
- (i) Different eligibility requirements and objective scoring standards for different types of financial assistance; and
 - (ii) Scoring preferences for applications that demonstrate that the proposed project will:
 - 1. Enhance access to transit for low-income and minority residents of the local jurisdiction;
 - 2. Enhance access to transit in areas with affordable housing and a diversity of job and educational opportunities; or
 - 3. Encourage development around underdeveloped and underutilized transit stations in transit-oriented developments.
- (c) The Department shall:
- (1) Publish the eligibility requirements and scoring standards on the Department's website; and
 - (2) In collaboration with the Department of Housing and Community Development, support recipients of awards from the Fund by supporting any studies, plans, and code changes with technical services.
- (d) An application for financial assistance shall include:
- (1) Commitments from the local jurisdiction to:
 - (i) Establish transit-supportive land use designations for real property within a transit-oriented development; and
 - (ii) Implement, where practicable, improvements to the transit-oriented development that promote the complete streets policy adopted in accordance with § 2–112 of this article;
 - (2) If a private entity partners with a local jurisdiction to submit an application for financial assistance, commitments from key stakeholders to develop the transit-oriented development; and
 - (3) If the application is for a grant to support the design or construction of a proposed enhancement to a transit-oriented development, credible funding strategies that demonstrate full funding of the design or construction costs for the proposed enhancement on award of the grant.

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§ 7-1205

- (a) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.
- (b) Any investment earnings of the Fund shall be paid into the Fund.

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Title 8 — Nonresident Violator Compact

§ 8-101

- (a) In this title the following words have the meanings indicated.
- (b) "Administration" means the State Highway Administration.

- (c) "Administrator" means the State Highway Administrator.
- (d) "Bicycle and pedestrian priority area" means a geographical area where the enhancement of bicycle or pedestrian traffic is a priority.
- (e) "Commission" means the State Roads Commission.
- (f) "Controlled access highway" means a major highway with the same characteristics as an expressway, except that the conflict of cross streams of traffic is not eliminated necessarily at each intersection by grade separation structures.
- (g) "County road" means any public highway:
 - (1) The title to which or the easement for the use of which, is vested in a public body or governmental agency; and
 - (2) That is not a State highway or located in Baltimore City.
- (h) "Expressway" means a major highway of two or more traffic lanes in each direction that is designed to eliminate principal traffic hazards and has the following characteristics:
 - (1) A median divider separating opposing traffic lanes to eliminate head-on collisions and sideswiping;
 - (2) Grade separation structures to eliminate the conflict of cross streams of traffic at each intersection;
 - (3) Points of entrance and exit limited to predetermined locations;
 - (4) Vertical curves long enough to provide long sight distances; and
 - (5) Shoulders wide enough to permit vehicles to stop or park out of traffic lanes.
- (i) "Highway" includes:
 - (1) Rights-of-way, roadway surfaces, roadway subgrades, shoulders, median dividers, drainage facilities and structures, related stormwater management facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and other structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and
 - (2) Any other property acquired for the construction, operation, or use of the highway.
- (j) "Interstate highway" means a State highway that is part of the national interstate system in this State, as designated by the Administration and approved by the United States Secretary of Transportation under Title 23 of the United States Code.
- (k) (1) "Maintenance" means the upkeep and repair by which a highway, building, equipment, and other property is kept in an ordinarily efficient operating condition.
 - (2) "Maintenance" does not include construction, reconstruction, or relocation.
- (l) "Primary highway" means a State highway that has been designated a primary highway by the Administration with the approval of the Secretary.
- (m) "Project" means the construction, reconstruction, or relocation of one or more sections or parts of the State highway system.
- (n) (1) "Railroad grade separation" means any overpass or underpass that eliminates a railroad grade crossing.
 - (2) "Railroad grade separation" includes:
 - (i) The overpass and underpass structure and the approaches to them;
 - (ii) Any related entrance plazas, interchanges, connecting highways, and other structures; and
 - (iii) Any other property acquired for the construction, operation, or use of the railroad grade separation.
- (o) "Road" means a highway.
- (p) "Secondary highway" means a State highway that is neither a primary highway nor interstate highway.
- (q) "State highway" means any public highway owned by this State.
- (r) "State highway system" means the system of State-owned primary and secondary highways throughout this State.
- (s) "Street" means a highway.

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§ 8-102

- (a) It is the policy of this title to promote an efficient and economical transportation system.
- (b) The Department of Transportation and the State Highway Administration may not proceed to the final project planning phase unless it has been determined that the objective of the proposed project cannot be reasonably achieved through:
- (1) Improvements in highway maintenance and safety;
 - (2) Projects that modify existing highways but provide for minimal relocation or new highway construction; and
 - (3) Improvements in, or adoption of, transit alternatives, including mass transit alternatives.

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§ 8-201

There is a State Highway Administration in the Department.

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§ 8-202

- (a) The head of the Administration is the State Highway Administrator, who shall be appointed by the Secretary with the approval of the Governor.
- (b) (1) The Administrator serves at the pleasure of the Secretary and shall report directly to him.
- (2) Subject to the authority of the Secretary, the Administrator is responsible for carrying out:
- (i) The powers and duties vested by law in the Administration, except those powers and duties that are vested in the State Roads Commission by Article III, § 40B of the Maryland Constitution; and
 - (ii) Those powers and duties vested in the Secretary and delegated to the Administrator by the Secretary.
- (c) The Administrator is entitled to the salary provided in the State budget.

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§ 8-203

- (a) The exercise of the powers and duties of the Administration is subject to the authority of the Secretary and, where applicable, the Maryland Transportation Authority.
- (b) By regulation or directive, the Secretary or, where applicable, the Maryland Transportation Authority may require that the exercise of any power or duty of the Administration be subject to the prior approval of the Secretary or the Maryland Transportation Authority, as the case may be.
- (c) This section does not apply to the powers and duties vested in the State Roads Commission by Article III, § 40B of the Maryland Constitution.

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§ 8-204

- (a) In addition to the specific powers granted and duties imposed by this title, the Administration has the powers and duties set forth in this section.
- (b) The Administration may adopt rules and regulations to carry out the provisions of this title.
- (c) (1) The Administration shall:
- (i) Determine and may change from time to time the location, construction, geometrics, design, and maintenance of the State highway system; and
 - (ii) 1. If there is a State highway within the limits of an area that a local government has designated as a bicycle and pedestrian priority area, make a determination on whether the Administration should also designate the area as a bicycle and pedestrian priority area:

A. On or before September 30, 2016, if the local government notified the Administration of its designation on or before September 30, 2015; or

B. Within 1 year of notification, if the local government notifies the Administration of its designation on or after October 1, 2015; and

2. If the Administration and a local government each designate an area as a bicycle and pedestrian priority area, implement a plan developed in cooperation with the local government to increase safety and access for bicycle or pedestrian traffic.

(2) If there is no State highway within the limits of the bicycle and pedestrian priority area, the plan shall be developed by the local government.

(3) A plan for traffic management in a bicycle and pedestrian priority area shall provide for:

(i) Appropriate changes to the location, construction, geometrics, design, and maintenance of the State highway system to increase safety and access for bicycle or pedestrian traffic in the bicycle and pedestrian priority area; and

(ii) The appropriate use of traffic control devices including pedestrian control signals, traffic signals, stop signs, and speed bumps.

(d) The Administration may consult, confer, and contract with any agency or representative of the federal government, this State, or any other state or with any other person in furtherance of the duties of the Administration and the purposes of this title.

(e) (1) Subject to § 2–103.4 of this article, the Administration may employ engineers, accountants, professional and technical experts, surveyors, skilled and unskilled laborers, advisors, consultants, and any other agents and employees that it considers necessary to carry out its powers and duties.

(2) Any employee of the Administration may be bonded or covered by an insurance policy as determined by the State Treasurer under § 5–108 of the State Government Article.

(3) The Administration may determine the compensation of executive management positions, as recommended by the Secretary of Transportation and approved by the Governor, subject to approval in the budget.

(f) The Administration may purchase any machines, tools, implements, appliances, supplies, materials, and working agencies that it considers necessary to carry out any of its powers or duties under this title.

(g) The Administration may rent or lease any offices and other places that it considers necessary to carry out its powers and duties.

(h) By rules or regulations consistent with the safety and welfare of the traveling public, the Administration may govern the control and use of rest areas, scenic overlooks, roadside picnic areas, and other public use areas within State highway rights-of-way.

(i) The Administration shall:

(1) Plan, select, construct, improve, and maintain the State highway system; and

(2) By July 1, 1997, in coordination with local governments, draft a plan for a bicycle priority route system that provides a viable network for bicycle transportation throughout the State.

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§ 8-205

(a) (1) The Administration shall keep books that show in detail all expenditures made to establish or improve highways in this State or to perform any other of its duties.

(2) The Administration shall compile and publish annually and shall keep copies of maps, plans, and statistics that show the progress and status of work on all State highways and, by county, the county roads of each county in this State.

(3) The Administration shall keep a record of each contract, agreement, grant, or license that it makes or issues.

(b) Except as provided by law, all books and records of the Administration are public records and open to public inspection.

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§ 8-206

The Administration shall keep its accounts relating to State highway construction, reconstruction, and maintenance so as to make readily obtainable information on expenditures for the following:

- (1) Preliminary work, including: preliminary engineering surveys; preliminary plans and estimates; preliminary engineering investigations and studies; subsoil investigations and borings; test piles; traffic studies; and traveling, transportation, and subsistence expenses of personnel assigned to preliminary work;
- (2) Acquisition of rights-of-way, including: property surveys; legal costs in connection with property acquisition; cost of property acquired; appraisals; traveling, transportation, and subsistence expenses of personnel assigned to rights-of-way; and any other costs incurred in the acquisition of property;
- (3) Construction, including: payments made to contractors, builders, and materialmen, including payments for all labor and material for the construction of the project; demolition; machinery; and equipment;
- (4) Engineering, including: preparation of contract plans and specifications; estimates; supervision of construction; inspection of workmanship and materials; mill and shop inspection; tests of materials; control surveys; traveling, transportation, and subsistence expenses of engineers assigned to the design and preparation of contract plans and specifications, surveys, supervision of construction, and inspection of construction work;
- (5) Administrative and legal services, including: accounting; supervision; legal expenses; traveling, transportation, and subsistence expenses of personnel; and other administrative expenses, including any parts of the general administrative expenses of the Administration allocated or prorated to the project; and
- (6) Miscellaneous expenses, including: any other item of expense not otherwise covered by this section.

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§ 8-207

Except as provided in §§ 3–102 and 4–209 of this article or as otherwise reasonably required for purposes of Part II of this subtitle or for purposes of the powers and duties vested in the State Roads Commission by Article III, § 40B of the Maryland Constitution:

- (1) Every resolution, rule, regulation, form, order, and directive adopted by or relating to the former Director of Highways of the State of Maryland or adopted by or relating to the State Roads Commission or its Chairman remains in effect until changed by the Administrator or the Secretary; and
- (2) Except as otherwise provided in this article or by the Administrator or the Secretary, every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any other document:
 - (i) To the State Roads Commission, means the Administration; and
 - (ii) To the Director of Highways or the Chairman of the State Roads Commission, means the Administrator.

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§ 8-208

(a) (1) In this section the following words have the meanings indicated.

(2) "Erect" has the meaning stated in § 8–701 of this title.

(3) "Outdoor sign" has the meaning stated in § 8–701 of this title.

(4) "Private entity" includes an individual, a corporation, a general or limited partnership, a limited liability company, a joint venture, a business trust, a public benefit corporation, a nonprofit entity, or any other business entity.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, the Administration may sell or lease to a private entity the naming rights for rest areas or welcome centers within State highway rights-of-way.

(ii) The Administration may not sell or lease to a private entity the naming rights for rest areas or welcome centers within State highway rights-of-way unless the Administration determines that the proposed use of the naming rights and signage associated with the proposed use of the naming rights is in compliance with federal regulations governing the distribution of federal highway funds to the State.

(2) The term of a contract that the Administration enters into under this subsection shall be at least 1 year.

(c) A sale or lease of naming rights under this section is solely for sponsorship purposes and may not be construed to require that any official State highway sign or mailing address be altered.

(d) (1) A private entity that purchases or leases naming rights for a rest area or welcome center within a State highway right-of-way under this section may erect outdoor signs along the highway for the purpose of sponsoring the designation.

(2) All costs associated with outdoor signs erected under this subsection shall be paid by the private entity that purchases or leases the naming rights for the rest area or welcome center, including the costs of construction, installation, operation, maintenance, and removal of the signs.

(3) Outdoor signs under this subsection:

(i) May not be erected without prior approval by:

1. The Administration; and
2. The Federal Highway Administration if necessary to secure federal highway funds;

(ii) May not detract from the safety of the traveling public, as determined by the Administration;

(iii) Shall conform to all design and placement guidelines for acknowledgment signs provided in the federal Manual on Uniform Control Devices for Streets and Highways;

(iv) May not include a name or logo that in the judgment of the Administration:

1. Is profane, obscene, or vulgar;
2. Is sexually explicit or graphic;
3. Relates to excretory functions;
4. Is descriptive of the genitals or other intimate parts of a body;
5. Relates to or describes illegal activities or substances;
6. Condone or encourages violence;
7. Is socially, racially, or ethnically offensive or disparaging; or
8. Is not in the public interest of the State; and

(v) Are subject to the requirements of Subtitle 7 of this title and any other law governing outdoor signs.

(e) Proceeds from the sale or lease of naming rights under this section shall be credited to the Transportation Trust Fund.

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§ 8-210

There is a State Roads Commission in the Administration.

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§ 8-211

(a) The Administrator is the Chairman of the Commission.

(b) In addition to the Chairman, the Commission consists of seven regional members appointed by the Secretary with the approval of the Governor.

(c) (1) At least two of the regional members of the Commission shall be registered members of one of the two leading political parties in this State other than the party to which the Governor belongs.

(2) Of the regional members of the Commission:

- (i) One shall be a resident of the Eastern Shore of Maryland;
- (ii) One shall be a resident of Anne Arundel County, Charles County, Calvert County, or St. Mary's County;
- (iii) One shall be a resident of Prince George's County;
- (iv) One shall be a resident of Montgomery County;
- (v) One shall be a resident of Baltimore County, Harford County, or Howard County;

(vi) One shall be a resident of Baltimore City; and

(vii) One shall be a resident of Carroll County, Frederick County, Washington County, Allegany County, or Garrett County.

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§ 8-212

(a) Each member of the Commission shall take the oath required by Article I, § 9 of the Maryland Constitution.

(b) (1) Each regional member of the Commission serves for a term of 5 years and until his successor is appointed and qualifies. The terms of these members shall be staggered as required by prior appointments, three of which were made for a 1-year term beginning June 1, 1959, three of which were made for a 2-year term beginning June 1, 1959, and one of which was made for a 4-year term beginning June 1, 1969.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(c) A regional member of the Commission is entitled to the compensation provided in the State budget, but in no event may compensation exceed \$10,000 per member annually.

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§ 8-213

(a) With the approval of the Secretary, the Chairman of the Commission may adopt any bylaws and rules of procedure that the Chairman considers necessary to conduct the business of the Commission.

(b) (1) The Commission shall meet at least twice each month and at any other time that the Chairman or the Secretary requests.

(2) A majority of the members of the Commission constitutes a quorum for the conduct of its business.

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§ 8-214

(a) With the approval of the Secretary of Transportation, the Commission shall appoint a secretary to the Commission.

(b) The Commission secretary may not be a member of the Commission.

(c) The Commission secretary is entitled to the compensation that the Secretary determines, as provided in the State budget.

(d) The Commission secretary shall:

(1) Keep accurate minutes of all meetings and records of all other transactions of the Commission;

(2) Make copies of all notices that the Chairman directs to be published;

(3) Preserve all certificates of publication; and

(4) Perform any other duties imposed by law or assigned by the Chairman.

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§ 8-215

(a) The Chairman of the Commission may appoint one or more employees of the Administration to serve as assistant secretaries.

(b) (1) An assistant secretary has the duties provided by law, assigned by the Chairman, or delegated by the Commission secretary.

(2) If the Commission secretary temporarily is unable to perform his duties, an assistant secretary designated by the Chairman shall perform those duties.

(c) An assistant secretary is not entitled to any compensation in addition to that which he receives as an employee of the Administration.

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§ 8-216

(a) (1) The Commission secretary shall keep a journal for the Commission and enter in the journal detailed minutes of meetings and records of other transactions of the Commission.

(2) The Chairman and the Commission secretary shall attest to the accuracy of each entry in the journal at the next Commission meeting held after the entry is made.

(b) Except as provided by law, the journal and all other records of the Commission are public records and open to public inspection.

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§ 8-217

A member of the Commission may not have any financial interest in any contract made for work, material, or otherwise in connection with any of the activities of the Administration.

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§ 8-218

(a) The Commission has the powers and duties:

(1) That are vested in it by Article III, § 40B of the Maryland Constitution, subject to and in accordance with the provisions of Subtitle 3, Parts III and IV of this title; and

(2) That otherwise are vested in it by law or delegated to it by the Administrator or the Secretary.

(b) Only the Commission may exercise the condemnation powers and duties vested in it by Article III, § 40B of the Maryland Constitution.

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§ 8-301

(a) In this subtitle the following words have the meanings indicated.

(b) "Court" means the circuit court for any county.

(c) "Land" means real property or any interest in it.

(d) "Plat" means a plat or a map.

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§ 8-302

(a) The Administration may acquire for this State, by condemnation under Title 12 of the Real Property Article or by lease, agreement, gift, grant, purchase, or otherwise, any private property for any public purpose that it considers necessary or desirable to perform the duties imposed by this title or for any other purpose authorized under this title.

(b) On behalf of and at the request of the Administration, the State Roads Commission may exercise the authority vested in it by Article III, § 40B of the Maryland Constitution and acquire for this State, by condemnation under Part III or Part IV of this subtitle, any private property for any highway purpose.

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§ 8-303

(a) As provided in this section, the Administration may acquire any publicly owned property or jurisdiction over it, for any purpose authorized by this subtitle.

(b) (1) Notwithstanding any other provision of law, any political subdivision or agency of State or local government may transfer to this State, for use by the Administration in a highway project, any publicly owned property or jurisdiction over it, as necessary or desirable for that project.

(2) If title to property already is held by this State for the use of a political subdivision or agency of State or local government and the political subdivision or agency consents to the transfer, this State may transfer to itself, for use by the Administration in a highway project, any required part of the property or jurisdiction over it.

(c) (1) The terms of a transfer of property under this section shall be those that the Administration and the transferor agree to as reasonable and fair.

(2) A transfer under this section may be made even if the property is used or is intended to be used for another public purpose.

(3) Neither a transfer under this section nor the terms of the transfer may modify or impair any contract, commitment, declaration of trust, or similar instrument made by the transferor.

(d) This section does not create a condition precedent to or otherwise limit in any way the power to condemn property under this subtitle.

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§ 8-304

(a) The Administration and any political subdivision may agree to transfer title to, jurisdiction over, or responsibility for maintenance of:

(1) A county road to this State; or

(2) A State highway to the political subdivision.

(b) If the Administration acquires title to a county road, it shall pay necessary relocation assistance to any public service company that, because of the exercise of its franchise, has occupied the road or acquired any interest in it and is required to relocate its facilities.

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§ 8-305

(a) Upon a preliminary determination by the Administration to undertake acquisition of any property for any project in advance of a public hearing on that project at which proposed right-of-way lines are identified, and prior to the obtainment of appraisals and property surveys, the Administration shall:

(1) Notify the local governing body of any county and any municipality within which the property is located of the intent to acquire the property and the purpose for which it is to be acquired; and

(2) Provide such local governing bodies at least 30 days in which to submit comments on the proposed acquisition.

(b) Acquisitions for traffic signals, safety and resurfacing and spot improvement projects are exempt from these requirements.

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§ 8-306

(a) When property is acquired under this subtitle, the real estate taxes due on the property shall be apportioned as of the earlier of:

(1) The date on which the Administration or Commission takes possession or has the right to take possession of the property; or

(2) The date on which the title to the property is transferred.

(b) The Administration or Commission shall pay its share of those real estate taxes as are due for the year in which the date of apportionment occurs.

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§ 8-307

(a) (1) Subject to paragraph (2) of this subsection, if any property acquired under this subtitle is subject to a front-foot or other benefit assessment levied by a special tax district, the amount of the assessment unpaid at the date of the acquisition, including any interest on the assessment accrued to that date, immediately becomes due and payable to the special tax district and constitutes a lien against the property.

(2) If the property acquired is only a part of a larger lot, parcel, or other unit of land on which a single assessment is levied, the amount of the unpaid assessment and accrued interest that becomes due and payable and subject to this

section is limited to that percentage of the full assessment and interest that is equitably attributable to the part acquired, computed and prorated in accordance with the basis, whether front footage, size, number of units, or otherwise, by which the full assessment was computed for and levied on the entire lot, parcel, or other unit.

(b) If the property is acquired otherwise than by condemnation, the Administration, before final settlement with the property owner, shall provide for payment of the unpaid amount of the assessment to the special tax district by deducting this amount from the total amount to be paid to the property owner. Until the assessment is paid and the lien satisfied, a deed evidencing the acquisition may not be recorded among the land records of the county.

(c) (1) If the property is acquired by condemnation, the provisions of this subsection apply.

(2) If the special tax district is not a party to the condemnation proceeding, the jury may consider the amount of the unpaid assessment in determining the amount of damages. If it does so, the property owner is entitled to the full amount awarded for the property value, and the amount due for the unpaid assessment shall be paid by the Administration to the special tax district. If it does not do so, the Administration shall provide for the payment of the unpaid assessment as required by subsection (b) of this section.

(3) If the special tax district is a party to the condemnation proceeding, the jury shall make:

(i) An award in favor of the special tax district for the unpaid amount of the assessment; and

(ii) A separate award in favor of the property owner for the value of the property, less the unpaid amount of the assessment.

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§ 8-308

(a) Subject to any terms and conditions imposed by the Administration and approved by the Board of Public Works, any land acquired under this subtitle may be used by the transferor of the land in common with the Administration until construction of the transportation project actually begins.

(b) This section does not prevent the Administration, in its discretion, from removing any building or structure from the land. In addition, the transferor may not construct any building or other structure on the land or use the land in any way that will result in the payment of any additional money or damages for the land.

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§ 8-309

(a) The purpose of this section is to return unneeded land to the tax rolls of the counties and to make this land available for use by a county or municipality for any transportation purpose.

(b) (1) Notwithstanding any other statute to the contrary, if land acquired under this subtitle is not needed for present or future State, county, or municipal transportation purpose or other public purposes, the Administration shall dispose of the land as soon as practicable after the completion or abandonment of the project for which the land was acquired.

(2) (i) If the land is from a project that was abandoned, and the Secretary determines that the property is no longer needed for any State transportation purpose, a county or municipality may acquire the land for a transportation purpose, with the approval of the Secretary, on payment of an amount equal to the lesser of:

1. The appraised value of the land; or

2. The consideration that the Administration or Commission originally paid for the land, plus simple interest at the fair market rate calculated from the time of acquisition to the time of disposition and administrative costs.

(ii) If the land is not needed for a county or municipal transportation purpose, the person from whom the land was acquired or the successor in interest of that person has the right to reacquire the land, on payment of an amount equal to the lesser of:

1. The appraised value of the land; or

2. The consideration that the Administration or Commission originally paid for the land, plus simple interest at the fair market value calculated from the time of acquisition to the time of disposition and administrative costs.

(iii) If neither of these rights is exercised, the land shall be disposed of under this section in the same manner as if the land were from a project that has been completed or otherwise as permitted by this section.

(c) (1) (i) As to land from a completed project:

1. The Administration shall notify the person from whom the land was acquired, or the successor in interest of that person, within 30 days after making a determination that the land is not needed by the Administration and that the land is available for reacquisition;

2. Within 5 years from the date the land was acquired, the person from whom the land was acquired, or the successor in interest of that person, may reacquire the land, on payment of an amount equal to the consideration that the Administration or Commission originally paid for the property; and

3. After 5 years from the date the land was acquired, the person from whom the land was acquired, or the successor in interest of that person, has the right to reacquire the land at the current market value.

(ii) If the right to reacquire the land as provided in subparagraph (i) of this paragraph is not exercised within 8 months after the Administration provides the notice that the land is available, the Administration shall sell the land at public auction as provided in this subsection.

(2) Before the sale:

(i) The Administration shall appraise the land; and

(ii) If the Administration believes that the land has a value of more than \$25,000, the land also shall be appraised by at least one independent, qualified real estate appraiser.

(3) The Administration shall notify the public of the sale by:

(i) Posting a notice of the sale on the land at least 2 weeks before the sale; and

(ii) Publishing the notice for 2 consecutive weeks in a newspaper that is published or has general circulation in the county in which the property is located.

(4) The notice of the sale shall:

(i) Describe generally the property to be sold;

(ii) State the date, time, and place of the sale; and

(iii) Contain any other information that the Administration considers proper.

(5) The sale shall be held on or near the land and may be conducted by Administration personnel.

(6) At the conclusion of the sale, the Administration's representative in charge of the sale shall announce publicly the name of the highest bidder and the amount of the bid. If the highest bid does not approximate the appraised value of the land, the representative may reject all bids and cancel the sale.

(7) The results of the sale shall be recorded and, if the highest bid was accepted by the Administration's representative, presented to the Administrator for approval or rejection. If the Administrator approves the sale, the Administrator may execute a deed conveying the land to the buyer.

(8) If there is no bidder for the land, if all bids are rejected and the sale canceled as provided in paragraph (6) of this subsection, or if the Administrator considers all bids inadequate, the land shall be reoffered for sale within 6 months on the same terms and in the same manner as the original sale.

(9) At the second sale, if there is no bidder for the land, if all bids are rejected and the sale canceled as provided in paragraph (6) of this subsection, or if the Administrator considers all bids inadequate, the Administrator may negotiate a sale of the land. If the Board of Public Works approves the negotiated sale and the deed, the Administrator may execute a deed conveying the land to the buyer.

(d) As to any land from a completed project, if the Administration considers the land to be too small or otherwise unsuitable for private use or development, the Administration shall establish a plan of disposal for that land. If the Board of Public Works approves the plan and the deed, the Administrator may execute a deed conveying the land under the plan.

(e) (1) Notwithstanding any other provision of this section, the Administration may convey land from an abandoned or completed transportation project by exchanging the land for privately or publicly owned land of substantially equal value

when the land to be acquired by the exchange is needed for a current State highway purpose that has been identified within the current consolidated transportation program as approved by the General Assembly, or has otherwise received prior legislative approval for planning.

(2) In the case of an abandoned or completed project, the person from whom the land was acquired, or the successor in interest of that person, shall have the first right of refusal to reacquire the land, except that the offer and acceptance shall be as follows:

(i) The Administration shall notify the person from whom the land was acquired, or the successor in interest of that person, in writing, by certified mail, return receipt requested of the proposed exchange and the value of the property;

(ii) Within 90 days from the date of the notice, the person from whom the land was acquired, or the successor in interest of that person, shall notify the Administration in writing of its intent to exercise its right to reacquire the land; and

(iii) Within 90 days from the date of notifying the Administration of its intent to reacquire the land, the person from whom the land was acquired, or the successor in interest of that person, must tender payment of an amount equal to the lesser of:

1. The appraised value of the land; or

2. The consideration that the Administration or Commission originally paid for the land, plus simple interest at the fair market rate calculated from the time of acquisition to the time of disposition and administrative costs.

(3) The person from whom the land was acquired, or the successor in interest of that person, is deemed to have waived its right of first refusal if the person or the successor in interest fails to follow the procedures set forth in paragraph (2) of this subsection.

(4) In the case of a completed project or an abandoned project for which the right of first refusal was waived, the procedure for the exchange shall be as follows:

(i) If the exchange is not one proposed by a county or municipality, the Administration shall:

1. Notify by registered mail any affected county or municipality of the offer for an exchange of a parcel;

2. Allow 60 days after notification for any affected county or municipality to make a request to acquire the parcel or part of the parcel located within the borders of the county or municipality and for the Administration to consider any such request; and

3. If any affected county or municipality makes an offer to acquire the parcel, or part thereof within that jurisdiction's borders, that is equal to or greater than, or includes land of an equal or greater value than, the appraised value of the parcel or applicable portion thereof, the Administration shall accept that offer;

(ii) Before making an exchange under this subsection, the exchange must be approved by the Board of Public Works; and

(iii) If the Administrator and the Board of Public Works approved the terms and conditions of the exchange and all deeds, the Administrator may execute and accept deeds effecting the conveyances necessary to complete the exchange.

(5) Before the exchange:

(i) The Administration shall appraise all parcels of land to be exchanged; and

(ii) If the Administration believes that any parcel of land in the exchange has a value of more than \$25,000, the parcels of land also shall be appraised by at least one independent, qualified real estate appraiser.

(6) In the event that the properties to be exchanged are determined to be of unequal value, the Administrator may agree to accept or pay an amount necessary to substantially equalize the value of land conveyed by the State.

(7) The owner of land exchanged under this subsection is not entitled to first right of refusal if the exchanged land is later offered for sale by the State.

(8) (i) If the Administration obtains or disposes of parcels of land under this subsection, it shall issue a report that:

1. Lists the parcels of land exchanged;

2. States the value of each parcel of land exchanged; and

3. Describes each parcel of land exchanged.

(ii) The Administration shall, in accordance with § 2–1257 of the State Government Article, submit the report to the House Environment and Transportation Committee, the House Appropriations Committee, and the Senate Budget and Taxation Committee.

(f) (1) Except as required by this section for property from an abandoned project, this section does not prevent the Administration from conveying any of its surplus land to an adjacent property owner:

(i) As all or part of the consideration for a right-of-way transaction; or

(ii) If the Administration believes that public auction of the surplus land will affect adversely the value or use of the surplus land, on a negotiated sale with a price based on the appraised value of the land.

(2) If the Administration believes that any land proposed for sale under this subsection has a value of more than \$25,000, the land shall be appraised by at least one independent, qualified real estate appraiser.

(3) If the Board of Public Works approves the sale and the deed, the Administrator may execute a deed conveying the land to the adjacent property owner.

(g) Except as required by this section for property from an abandoned project, this section does not prevent the Administration, with the approval of the Board of Public Works, from conveying any of its surplus land to any State or local agency that:

(1) Needs the property for a public purpose; and

(2) Pays the Administration an amount equal to the lesser of:

(i) The appraised value of the land; or

(ii) The consideration that the Administration or Commission originally paid for the land, plus simple interest at the fair market rate calculated from the time of acquisition to the time of disposition and administrative costs.

(h) (1) If the land is not to be used for any other public purpose by a State or local agency, the person from whom unimproved land was acquired shall have the first right of refusal to lease back the property at the fair market rent established by the acquiring agency.

(2) (i) The person from whom an owner-occupied residential property was acquired shall have the first right of refusal to lease back the property at the fair market rent established by the acquiring agency.

(ii) On the exercise of the right to lease back the property, the period of eligibility for an additional payment as authorized under § 12-202 of the Real Property Article shall be calculated as provided in § 12-203(1) of the Real Property Article.

(i) (1) (i) In this subsection, “former owner” means only that person from whom the State acquired the land or who executed the instrument conveying the land to the State.

(ii) “Former owner” includes a decedent’s:

1. Surviving spouse, as defined in § 1-202 of the Estates and Trusts Article; and

2. Child, as defined in § 1-205 of the Estates and Trusts Article.

(2) Notwithstanding any other law to the contrary, the Administration may, after giving notice to the Maryland Department of Planning and with the approval of the Board of Public Works, convey any of its surplus land if the conveyance will promote economic development in the State of Maryland.

(3) Prior to conveying land in accordance with paragraph (2) of this subsection, the Administration shall notify the former owner of that person’s right to reacquire the land.

(4) Within 45 days after the notice to the former owner by the Administration that the land is not needed and is available for reacquisition, the former owner may notify the Administration of its intent to exercise the right to reacquire the land in accordance with this subsection.

(5) Within 45 days of the notice to the county or municipal corporation by the Administration that the land is not needed and is available for purchase, the county or municipal corporation in which the property is located may notify the Administration of its interest in purchasing the land.

(6) The right of a former owner to reacquire land under this subsection:

(i) Is not assignable and may be transferred only as a result of the death of a former owner;

(ii) Is null and void unless the person or persons exercising the right tender the required payment within 60 days of the approval of the sale by the Board of Public Works to that person or persons; and

(iii) Shall take precedence over the right of the county or municipal corporation to acquire the land in the event both the former owner and the county or municipal corporation notify the Administration of their intent to purchase.

(7) (i) The Administration may negotiate the sale of land to be conveyed under this section.

(ii) In determining the consideration to be paid for the land, the Administration shall consider:

1. The appraised value of the land; and

2. The economic benefits to the State of the proposed development of the property.

(iii) The consideration may include payment in cash or exchange of privately or publicly owned land.

(8) The notification and disposition provisions contained in this section do not apply to a conveyance made under this subsection.

(9) Land conveyed under this subsection shall be subject to local zoning laws.

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§ 8-310

(a) In this section, "Board" means the State Highway Access Valuation Board.

(b) (1) The Secretary shall establish a State Highway Access Valuation Board in the Administration.

(2) The Board shall consist of:

(i) The Administrator or the Administrator's designee;

(ii) The Secretary of the Department of Planning or the Secretary's designee; and

(iii) The Secretary of Commerce or the Secretary's designee.

(3) The Administrator or the Administrator's designee shall serve as chairman of the Board.

(4) The Board shall determine the times and locations of its meetings and shall conduct business in accordance with procedures established by the Board.

(5) A member of the Board:

(i) May not receive compensation as a member of the Board; but

(ii) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(6) The Administration shall provide staff to the Board.

(c) (1) This subsection does not apply to an interstate highway.

(2) If an owner of property that abuts a State highway where the State owns control of access seeks to purchase a right of access to the highway, the owner may petition the Administration to sell to the owner a right of access.

(3) Within 60 days of receiving a petition under paragraph (2) of this subsection, the Administration shall act on the petition.

(4) The Administration shall:

(i) Approve the granting of the right to access the State highway, the terms governing access, and, if available at the time, the cost of the right of access; or

(ii) Deny the petition, citing the Administration's reasons for denial.

(5) If the Administration is willing to grant access to a State highway to the owner of abutting property but is unable to determine the cost within the time required under paragraph (3) of this subsection, the Administration shall inform the property owner of the cost of the right of access within 60 days after its response under paragraph (4)(i) of this subsection.

(d) If a petitioner is not satisfied with the decision of the Administration on the cost of the right of access under subsection (c)(4) or (5) of this section, the owner may appeal the Administration's decision to the Board.

(e) Following receipt of an appeal under subsection (d) of this section, the Board shall:

(1) Review the appeal and request any documentation that the Board considers necessary to fully consider the property owner's request to purchase the right of access and the Administration's response;

(2) Hold at least one public hearing on the appeal of the property owner and response of the Administration; and

(3) Evaluate the appeal in terms of the impact that a grant of access rights would have on economic development, environmental protection, and other policy considerations that the Board considers relevant.

(f) (1) At any time following the public hearing, but within 6 months of the date of the petition, the Board shall render a final decision on the appeal.

(2) The Board may affirm, reverse, or modify the decision of the Administration on the cost of the right of access from which the property owner appealed.

(3) The Board may include the terms of the sale related to the cost of the right of access in its decision on the cost of the right of access.

(4) A decision by the Board under this subsection:

(i) Shall be based on the record developed by the Board;

(ii) Shall require the affirmative vote of at least two members of the Board; and

(iii) Notwithstanding any other provision of law, shall be binding on the Administration, but subject to approval of the Board of Public Works.

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§ 8-312

(a) The purposes of acquisition specified in this part are in addition to any others specified by law.

(b) Unless otherwise expressly provided in this part, property acquired for any purpose specified in this part may be acquired by any of the means authorized by § 8-302 of this subtitle.

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§ 8-313

(a) (1) Any land may be acquired under this subtitle for any State highway construction purpose.

(2) Any land along or near any State highway may be acquired under this subtitle:

(i) To protect the highway or any scenery along or near it;

(ii) For landscaping the highway;

(iii) To provide parking and service areas along the highway; or

(iv) For any similar purpose.

(b) Land may not be acquired under this section by condemnation unless the Administration determines that the land is needed for immediate or proposed construction of a State highway or a related parking or service area. However, land may be acquired for a related parking or service area only if it is adjacent to a controlled access highway.

(c) (1) A motel, restaurant, or gasoline or automobile service station may not be operated or permitted by the Administration or by any other agency or political subdivision of this State on any highway or related parking or service area the land for which was acquired under this subtitle.

(2) This subsection does not apply to any toll highway.

(d) The interests in land that may be acquired under this section include easements restricting or subjecting to administrative regulation the right of the owner or other persons to:

(1) Erect buildings or other structures;

(2) Construct a private drive or road;

(3) Remove or destroy shrubbery or trees;

(4) Place trash or unsightly or offensive material on the land; or

(5) Display signs, billboards, or advertisements on the land.

(e) If any land is acquired under this section, the instrument conveying the land shall set forth clearly the specific restrictions or other interests acquired. These restrictions shall run with the land to which they apply and bind all subsequent holders, except as the instrument otherwise expressly provides.

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§ 8-314

(a) The purposes of this section are:

(1) To promote the public safety, convenience, and enjoyment of travel on and protect the public investment in the highways of this State;

(2) To restore, preserve, and enhance scenic beauty along these highways; and

(3) To enable this State to receive from and spend the nonmatching funds provided by the federal government under Title 23 of the United States Code.

(b) For the purposes specified in subsection (a) of this section, land may be acquired under this subtitle as the Administration considers necessary:

(1) To restore, preserve, or enhance scenic beauty along federal-aid highways in this State; or

(2) To construct publicly owned and controlled rest and recreation areas and sanitary and other facilities along the highway as necessary to accommodate the traveling public.

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§ 8-315

(a) Even if not needed for highway purposes, property along controlled access highways may be acquired under this subtitle if:

(1) The property is cut off from suitable access to a public highway because of the construction or reconstruction of any controlled access highway; or

(2) The property is needed to provide a right-of-way or entrance to a public highway from any property that has been denied access to a public highway because of the construction or reconstruction of a controlled access highway.

(b) Property may be acquired under this subtitle for a highway beautification project as specified in Subtitles 7 and 8 of this title, by the means and for the purposes specified in those subtitles.

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§ 8-318

(a) If property is to be condemned under this subtitle for a highway purpose, the Administration shall request the Commission to condemn the necessary property under this part. However, if the Commission considers the procedures of this part inappropriate, the property may be condemned by the Commission under Part IV of this subtitle or by the Administration under Title 12 of the Real Property Article.

(b) Except as provided in this part, condemnation proceedings under this part shall follow the procedures set forth in Title 12 of the Real Property Article and the Maryland Rules.

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§ 8-319

Property may be acquired under this part for a State highway only if the highway has:

(1) Each of its termini within an area in this State that the Administration recognizes as a principal traffic generating center;

(2) Each of its termini at or near a public highway in this State;

(3) One terminus within an area in this State that the Administration recognizes as a principal traffic generating center and the other terminus at or near a public highway in this State; or

(4) One terminus within an area in this State that the Administration recognizes as a principal traffic generating center or at or near a public highway in this State and the other terminus at the boundary of another state connecting with a highway recognized by the Administration as a principal traffic distribution, collection, or dispersal artery.

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§ 8-320

(a) Before any property is condemned under this part, the Administration shall:

(1) Complete appropriate engineering and other studies; and

(2) Prepare a construction plan that shows:

(i) The location of the highway to be constructed, improved, or reconstructed;

(ii) The length of the construction; and

(iii) The width of the right-of-way necessary for the construction.

(b) After preparing the construction plan, the Administration shall prepare plats that include:

(1) The construction plan;

(2) The fee simple and easement area to be acquired, by showing:

(i) The centerline of the construction;

(ii) The length and termini of the construction; and

(iii) The width of the necessary right-of-way on either side of the centerline; and

(3) According to information obtained by the Administration, the property lines of the property owners whose property will be affected by the acquisition.

(c) After the plats are prepared, the Administration shall:

(1) Make the engineering and real estate studies, evaluations, and investigations necessary to determine, in its opinion:

(i) The fair value of the property to be acquired; and

(ii) The fair compensation for any resulting damages to the remaining property of the owner;

(2) Prepare an estimate of this fair value and fair compensation; and

(3) Provide for payment of these estimated amounts as required by § 8-323 of this subtitle.

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§ 8-321

(a) The plats and estimates prepared by the Administration require approval by a resolution of the Commission.

(b) If the plats and estimates are approved by the Commission:

(1) The Chairman of the Commission shall sign the cover sheet of each set of plats; and

(2) A set of plats and its signed cover sheet shall be filed for record with:

(i) The secretary of the Commission; and

(ii) The State Archives.

(c) (1) The secretary of the Commission shall record the plats filed with him.

(2) Plats filed with the State Archives shall be electronically recorded as provided in § 9-1011 of the State Government Article.

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§ 8-322

(a) The plats and estimates approved by the Commission shall be kept as part of the permanent records of the Commission.

(b) Notwithstanding any other statute to the contrary:

(1) Except as permitted by the Commission, the plats prepared by the Administration are not public information or open to public inspection until they have been recorded; and

(2) Except when filed with a board of property review or a court, the estimates prepared by the Administration are not public information or open to public inspection until all the property shown on the plats has been acquired or its price determined.

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§ 8-323

(a) After the plats are filed for record, the Commission immediately shall:

(1) File, in the court for the county in which the property to be acquired is located, a petition for condemnation that includes:

(i) The name and address of the property owner;

(ii) The location of the property to be acquired; and

(iii) The estimated fair value of the property to be acquired and estimated fair compensation for any damage resulting to the remaining property of the owner; and

(2) Pay to the owner of the property or into the court for the owner's benefit, the estimated fair value and fair compensation specified in the petition.

(b) On written request to the clerk of the court, the property owner is entitled to receive any amount paid into the court for the property owner's benefit, within 10 business days of the request, without prejudice to any of the property owner's rights, if the property owner agrees to repay to the Commission any excess of that amount over the final award that is allowed in the subsequent condemnation proceedings.

(c) A payment made under this section does not limit in any way the amount of the final award that may be allowed in the subsequent condemnation proceedings.

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§ 8-324

(a) Except as provided in subsection (b) of this section, after the petition is filed and payment is made under § 8-323 of this subtitle:

(1) The Commission may take possession of the property to be acquired, as shown on the recorded plats;

(2) The Administration may proceed with construction without interference by the owner; and

(3) With the permission of the Administration and under its supervision, any public or private utility may install its facilities on any land being acquired by the Commission in fee simple.

(b) Unless the owner agrees otherwise, if a dwelling or place of business is taken, the resident or occupant need not vacate the dwelling or place of business until the title to the property has been acquired by deed or condemnation.

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§ 8-325

(a) After the petition is filed and payment is made under § 8-323 of this subtitle, the Commission shall seek to acquire the property by amicable negotiation.

(b) For purposes of these negotiations, the Commission shall determine the value of the property to be acquired as of the date the payment is made to the property owner or into court under § 8-323 of this subtitle.

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§ 8-326

(a) Except as provided in subsection (b) of this section, if the Commission is unable to acquire the property by negotiation, it shall certify the case to the board of property review for the county in which the property is located, as provided in the Maryland Rules.

(b) A case shall be filed as a condemnation case in the court for the county in which the property is located and may not be heard by a board of property review if:

(1) The Commission determines that valid, marketable title is unobtainable without a court proceeding; or

(2) A nonresident has an interest in the property and will not accept service of process and agree to the board's jurisdiction.

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§ 8-327

(a) (1) There is a board of property review in each county.

(2) If necessary, additional boards may be appointed in any county.

(b) (1) Each board of property review of a county has three members who are appointed by the judges of the circuit court for the county.

(2) Of the members of each board:

(i) One shall be a lawyer;

(ii) One shall be a farmer engaged in some agricultural pursuit; and

(iii) One shall be an engineer or a person with an engineering background and knowledge.

(3) A member of the General Assembly may not be a member of a board during his term of office.

(c) (1) Each board member serves for a term of 2 years and until his successor is appointed and qualifies.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(d) A board member is entitled to the per diem compensation set by the Supreme Court of Maryland. The compensation shall be uniform statewide and shall be paid monthly by the Commission, on vouchers approved by the clerk of the court.

(e) Each board shall appoint its chairman and may adopt rules not inconsistent with this title or the Maryland Rules.

(f) Each county shall provide a suitable place for its board to meet and, whenever possible, the clerk of the court shall provide suitable clerical assistance. If the clerk fails to provide clerical assistance, the Administration shall provide it on request of the board.

(g) Each board is under the jurisdiction of the court and each member of the board is an officer of the court.

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§ 8-328

(a) Each board of property review:

(1) Shall hear promptly all cases certified to it by the Commission;

(2) Shall determine the total amount of the award to be paid by the Commission; and

(3) May determine the portion of an award to be paid to persons, other than the fee owner, who have an interest in the property.

(b) Unless all parties in a case certified to a board agree otherwise, the full board shall hear and decide the case. If a member of the board is absent or disqualified from hearing or deciding any case, the judges of the court that appointed the board shall designate another individual with qualifications similar to those of the absent or disqualified member to serve instead.

(c) The board shall determine the fair value of the property to be acquired as of the date payment is made under § 8-323 of this subtitle.

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§ 8-329

If any party is dissatisfied with the findings or award of a board of property review, the case may be appealed to the court. On appeal, the court shall hear and determine the case de novo, as provided by law and the Maryland Rules.

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§ 8-330

If, within 1 year after payment is made under § 8-323 of this subtitle, the Commission fails to ascertain the entire amount to be paid for the property and acquire title to it by deed or condemnation or, within that same 1-year period, fails to file timely a petition for condemnation as required by the Maryland Rules, then the fair value of the property shall be the greater of the values determined as of:

- (1) The date the title to the property is acquired; and
- (2) The date the payment was made under § 8-323 of this subtitle.

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§ 8-331

At the conclusion of all proceedings, the Commission shall pay to the property owner:

- (1) Any excess of the final award over the amount paid under § 8-323 of this subtitle; and
- (2) Interest on the excess from the date of payment under § 8-323 of this subtitle at the rate of 6 percent a year.

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§ 8-334

(a) If the Commission determines that condemnation under Part III of this subtitle is inappropriate, the Commission may acquire property by condemnation under this part, after making every reasonable and good faith effort to negotiate.

(b) Except as provided in this part, condemnation proceedings under this part shall follow the procedures set forth in Title 12 of the Real Property Article and the Maryland Rules.

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§ 8-335

To condemn property under this part, the Commission shall:

- (1) File a petition for condemnation in the court for the county in which the property to be acquired is located; and
- (2) Pay to the owner of the property or into the court for the owner's benefit, the amount that the Commission estimates to be the fair value of the property to be acquired and fair compensation for any damage resulting to the remaining property of the owner.

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§ 8-336

After the petition is filed and payment is made under § 8-335 of this subtitle:

- (1) The Commission may take possession of the property to be acquired; and
- (2) The Administration may proceed with construction without interference by the owner.

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§ 8-337

On written request to the clerk of the court, the property owner is entitled to receive any amount paid into the court for the property owner's benefit within 10 business days of the request, without prejudice to any of the property owner's rights, if the property owner agrees to repay to the Commission any excess of that amount over the final award that is allowed in the subsequent condemnation proceedings.

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§ 8-338

A payment made under § 8-335 of this subtitle does not limit in any way the amount of the final award that may be allowed in the subsequent condemnation proceedings.

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§ 8-339

At the conclusion of all proceedings, the Commission shall pay to the property owner any excess of the final award over the amount paid under § 8-335 of this subtitle.

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§ 8-401

(a) In this subtitle the following words have the meanings indicated.

(b) "County" does not include Baltimore City.

(c) "Debt service" means the amount annually needed to pay the maturing principal of and interest on bonds, notes, and other evidences of obligation and to meet sinking fund requirements for these purposes.

(c-1) "Eligible municipality" means a municipality authorized by law to construct or maintain streets or roads.

(d) "Highway user revenues" means the capital grants appropriated to Baltimore City, counties, and municipalities under § 8-403(b) of this subtitle.

(e) "Municipality" means any municipal corporation, special taxing district, or other political subdivision of this State other than a county or Baltimore City.

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§ 8-402

(a) There is a Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.

(b) All revenues collected from the following, after deductions provided by law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:

(1) All of the motor vehicle fuel tax;

(2) Except as otherwise provided by law, two-thirds of the revenue from the vehicle titling tax, excluding revenue attributable to:

(i) A vehicle titling tax rate in excess of 6%; or

(ii) The vehicle titling tax imposed on rental vehicles under § 13-809(c)(1)(ii) of this article;

(3) Except for revenues collected under Title 13, Subtitle 9, Parts III and IV of this article, vehicle registration fees;

(4) The revenue disbursed to this Account under § 2-614 of the Tax – General Article; and

(5) 80% of the funds distributed on short-term vehicle rentals under § 2-1302.1 of the Tax – General Article to the Transportation Trust Fund from the sales and use tax.

(c) For fiscal year 2020 and each fiscal year thereafter, revenue credited to the Account shall be used as provided in § 3-216 of this article.

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§ 8-403

(a) Subject to subsection (c) of this section, for fiscal years 2020 through 2023, capital grants shall be appropriated from the Transportation Trust Fund as provided in § 3-216 of this article based on the following calculations:

(1) An amount equal to 8.3% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to Baltimore City;

(2) An amount equal to 3.2% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to the counties to be distributed as provided in § 8-404 of this subtitle; and

(3) An amount equal to 2.0% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to the municipalities to be distributed as provided in § 8–405 of this subtitle.

(b) Subject to subsection (c) of this section, capital grants shall be appropriated from the Transportation Trust Fund as provided in § 3–216 of this article based on the following calculations:

(1) For fiscal year 2024:

(i) An amount equal to 9.5% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to Baltimore City;

(ii) An amount equal to 3.7% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to the counties to be distributed as provided in § 8–404 of this subtitle; and

(iii) An amount equal to 2.4% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to the municipalities to be distributed as provided in § 8–405 of this subtitle;

(2) For fiscal year 2025:

(i) An amount equal to 11% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to Baltimore City;

(ii) An amount equal to 4.3% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to the counties to be distributed as provided in § 8–404 of this subtitle; and

(iii) An amount equal to 2.7% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to the municipalities to be distributed as provided in § 8–405 of this subtitle;

(3) For fiscal year 2026:

(i) An amount equal to 12.2% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to Baltimore City;

(ii) An amount equal to 4.8% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to the counties to be distributed as provided in § 8–404 of this subtitle; and

(iii) An amount equal to 3.0% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to the municipalities to be distributed as provided in § 8–405 of this subtitle;

(4) For fiscal year 2027:

(i) An amount equal to 12.2% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to Baltimore City;

(ii) An amount equal to 4.8% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to the counties to be distributed as provided in § 8–404 of this subtitle; and

(iii) An amount equal to 3.0% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to the municipalities to be distributed as provided in § 8–405 of this subtitle; and

(5) For fiscal year 2028 and each fiscal year thereafter:

(i) An amount equal to 9.5% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to Baltimore City;

(ii) An amount equal to 3.7% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to the counties to be distributed as provided in § 8–404 of this subtitle; and

(iii) An amount equal to 2.4% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to the municipalities to be distributed as provided in § 8–405 of this subtitle.

(c) The capital grants made under this subtitle shall be appropriated only if all debt service requirements and departmental operating expenses have been funded and sufficient funds are available to fund the capital program.

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§ 8-404

(a) Highway user revenues shall be allocated to the counties:

(1) One half on a county road mileage basis, as provided in subsection (b)(1) of this section; and

(2) One half on a motor vehicle registration basis, as provided in subsection (b)(2) of this section.

(b) The Administration shall allocate for the account of each county, out of the highway user revenues to be distributed to the counties under § 8–403 of this subtitle, the county's share, to be determined by adding:

(1) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the county, not including the total mileage of county roads in eligible municipalities in the county, bears to the total mileage of county roads in all of the counties, not including the total mileage of county roads in eligible municipalities in the State; and

(2) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the county, not including motor vehicles registered to owners having addresses in eligible municipalities in the county, bears to the total number of motor vehicles registered to owners in all the counties, not including motor vehicles registered to owners having addresses in eligible municipalities in the State.

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§ 8-405

(a) An eligible municipality may request its share of the highway user revenues provided under this subtitle from the Administration. The request shall be made in writing at least 6 months before the start of the fiscal year in which the funds are desired.

(b) Highway user revenues shall be allocated to the eligible municipalities:

(1) One half on a municipal road mileage basis, as provided in subsection (c)(1) of this section; and

(2) One half on a motor vehicle registration basis, as provided in subsection (c)(2) of this section.

(c) The Administration shall allocate for the account of each eligible municipality, out of the highway user revenues to be distributed to the municipalities under § 8–403 of this subtitle the eligible municipality's share, to be determined by adding:

(1) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the eligible municipality bears to the total mileage of county roads located in eligible municipalities in the State; and

(2) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the eligible municipality bears to the total number of motor vehicles registered to owners having addresses in eligible municipalities in the State.

(d) For purposes of the mileage formula distributions under this section, each special improvement district in Prince George's County in existence in January, 1953, shall be treated as a municipality, but the amounts distributed shall be:

(1) Paid to the county and retained by it as credits to the district; and

(2) Applied to the cost of maintaining the streets and roads in the district so long as the district has any indebtedness.

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§ 8-406

(a) A distribution of highway user revenues may not be made to any county, municipality, or Baltimore City unless the local government in its current fiscal year certifies to the Administration that revenues will be used in compliance with all applicable laws.

(b) If any highway user revenues otherwise distributable under this subtitle are not distributed by the close of the fiscal year of the county, municipality, or Baltimore City because the local government failed to make the required certification, these highway user revenues shall revert to the Transportation Trust Fund.

(c) The county governments and other local authorities are relieved from the requirements of existing local law for levying a minimum amount or rate for road maintenance, and the portions of all public local laws making any such requirement are suspended.

(d) The Secretary of the Department of Transportation may reduce highway user revenues to each appropriate local governing body in the following fiscal year by the specific amount of the cost necessary to correct individual instances of noncompliance concerning State standards of uniformity for traffic control devices.

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§ 8-407

(a) (1) If a county's or municipality's road construction, reconstruction, or maintenance is performed by the Administration, the county's or municipality's share of highway user revenues shall be credited to the account of the Administration to be spent on warrants of the State Comptroller.

(2) If a county has paid any debt service on bonds or other evidences of obligation issued by a municipality in the county for the construction, reconstruction, or maintenance of roads or streets, an amount sufficient to reimburse the county for these payments shall be paid to the county from the municipality's share of highway user revenues.

(3) In all other cases, a county's or municipality's share of highway user revenues shall be paid to or on the order of:

(i) The proper official of the county or municipality designated by local law; or

(ii) If no designation is made, the county or municipality.

(b) Payments of a county's or municipality's share of highway user revenues shall be made:

(1) At monthly intervals; or

(2) At other appropriate times reasonably requested.

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§ 8-408

(a) Highway user revenues distributed to Baltimore City and Kent County may be used only to pay or finance:

(1) Costs incurred in the construction, reconstruction, or maintenance of its highways and streets;

(2) (i) As to Baltimore City, costs incurred for carrying out traffic functions and enforcing the traffic laws; and

(ii) As to Kent County, costs incurred by its police department for carrying out traffic functions and enforcing the traffic laws;

(3) Costs incurred in its other highway related activities for:

(i) Lighting the highways;

(ii) Stormwater drainage of the highways; and

(iii) Street cleaning, but not including the cost of collection of garbage, trash, and refuse;

(4) The payment of its debt service on bonds or other evidences of obligation for:

(i) The construction, reconstruction, or maintenance of its highways and streets; and

(ii) Any other of its highway activities, including lighting the highways and providing stormwater drainage;

(5) The cost of transportation facilities, as defined in § 3-101 of this article; or

(6) As to Kent County:

(i) The cost of maintaining county owned boat landings; and

(ii) Costs incurred in providing traffic crossing guards.

(b) The net share of highway user revenues distributed for a county other than Kent County may be used only:

(1) First, to pay debt service on outstanding bonds or other evidences of obligation issued before June 1, 1947, by or for the county or any municipality in the county to finance construction, reconstruction, or maintenance of roads or streets, to the extent that gasoline tax revenues have been lawfully dedicated, pledged, or otherwise committed to that debt service, so that the dedication, pledge, or commitment remains unimpaired and continues as a charge against the county's share of the gasoline tax to the same extent that it was a charge against any gasoline tax revenues under prior laws; and

(2) Then, as to the remainder of the county's share, to pay or finance:

- (i) The cost of transportation facilities, as defined in § 3–101 of this article;
 - (ii) For Talbot County, maintenance of private roads as authorized in § 12–539 of the Local Government Article;
 - (iii) The construction, reconstruction, or maintenance of county roads; and
 - (iv) Debt service on bonds or other evidences of obligation that, for the construction, reconstruction, or maintenance of county roads, are lawfully issued on or after June 1, 1947, by or for the county or by or for a municipality in the county that is not receiving its own share under § 8–407 of this subtitle.
- (c) The net share of highway user revenues distributed for a municipality may be used only to pay or finance:
- (1) The cost of transportation facilities, as defined in § 3–101 of this article;
 - (2) The construction, reconstruction, or maintenance of roads or streets; and
 - (3) Debt service on bonds or other evidences of obligation lawfully issued by or for the municipality for the construction, reconstruction, or maintenance of roads or streets.

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§ 8-409

- (a) It is the policy of this State that bicycle trails are important and their construction is encouraged wherever feasible.
- (b) To establish and maintain footpaths, bridle paths or horse trails, and bicycle trails:
- (1) Baltimore City, any county, or any municipality that receives highway user revenues may spend a reasonable part of its net share for these purposes; and
 - (2) The Administration, Baltimore City, any county, or any municipality that receives highway user revenues may credit a part of them to a financial reserve or a special fund to be used within 10 years for these purposes.
- (c) Highway user revenues may not be used for footpaths, bridle paths or horse trails, or bicycle trails if:
- (1) Their establishment would be contrary to public safety;
 - (2) Their cost would be too great considering their need or probable use; or
 - (3) The sparseness of population, the existence of other available ways, or other factors show that there is no need for them.
- (d) (1) If requested by a local government, the Administration shall provide technical assistance and advice on carrying out the purposes of this section.
- (2) The Administration shall recommend construction standards for footpaths, bridle paths or horse trails, and bicycle trails and shall establish a uniform system of signs for all the footpaths, bridle paths or horse trails, and bicycle trails constructed under this section, whether construction is undertaken by the Administration or by the local government.
- (e) Unless the Administration or local government specifically approves other uses, as provided in subsection (g) of this section, footpaths and bicycle trails may be used only by:
- (1) Pedestrians;
 - (2) Nonmotorized vehicles;
 - (3) Electric personal assistive mobility devices, as defined in § 21–101(j) of this article; and
 - (4) Personal delivery devices, as defined in § 21–104.5 of this article.
- (f) Unless the Administration or local government specifically approves other uses, as provided in subsection (g) of this section, bridle paths or horse trails may be used only by pedestrians, horses, or horse drawn vehicles.
- (g) If the Administration or local government specifically approves the use of footpaths and bicycle trails by other than pedestrians and nonmotorized vehicles, or of bridle paths or horse trails by other than pedestrians, horses, or horse drawn vehicles, the Administration or local government shall post signs on the paths or trails indicating the uses specifically approved.
- (h) A person may not operate a moped on a footpath, bicycle trail, bridle path, or horse trail unless the path or trail is posted with signs in accordance with subsection (g) of this section specifically approving the use of mopeds.

(i) Notwithstanding the provisions of this subsection, the use of footpaths and bicycle trails shall be denied to sports cycles, trail bikes, and minibikes.

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§ 8-410

A road or street may not be constructed or reconstructed by a county or municipality under § 8-408 of this subtitle unless the Administration first has approved the proposed location, plans, and specifications for the construction or reconstruction. Approval shall be granted if, in the Administration's judgment, the road or street, when constructed or reconstructed, will be reasonably adequate and appropriate to an existing or potential integrated secondary highway system.

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§ 8-411

(a) The purpose of this section is to enable the Administration to make the computations required by this subtitle.

(b) On or before December 31 of each year, each municipality that has requested its share of highway user revenues and each county shall make a report to the Administration in the form that it requires. This report shall show the mileage of county roads added to or removed from the county road system in the county or municipality during the 12 months ending on December 1 of that year.

(c) The Motor Vehicle Administration and each county shall give the Administration any other information that the Administration requires for purposes of this subtitle.

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§ 8-412

(a) (1) On or before January 1 of each year, Baltimore City, each county, and each eligible municipality that received highway user revenues in the preceding fiscal year shall submit to the Administration an accounting report that:

(i) Shows the actual costs of the preceding fiscal year;

(ii) Shows the expenditure budget of the current fiscal year;

(iii) As to items (i) and (ii) of this paragraph, accurately identifies the costs for specific projects authorized in § 8-408 or § 8-409 of this subtitle;

(iv) Shows the amount of funds diverted from the general fund of the county or municipality to pay for specific projects authorized in § 8-408 or § 8-409 of this subtitle during the preceding fiscal year; and

(v) Lists specific projects authorized in § 8-408 or § 8-409 of this subtitle that have been delayed due to a lack of funding.

(2) On or before December 1 of each year, the Administration shall provide Baltimore City, each county, and each eligible municipality with an electronic copy of an accounting report form to be used to submit the information reported under paragraph (1) of this subsection.

(b) The Administration shall compile, summarize, and analyze the information reported by Baltimore City and each county and municipality under subsection (a)(1) of this section in a single report that the Administration shall submit, on or before February 1 of each year, to the Governor and, in accordance with § 2-1257 of the State Government Article, the Senate Budget and Taxation Committee, the House Appropriations Committee, the House Environment and Transportation Committee, and the House Ways and Means Committee.

(c) The Administration may not make a disbursement of highway user revenues under § 8-407 of this subtitle to any jurisdiction that has not submitted a report to the Administration as required under subsection (a)(1) of this section.

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§ 8-413

Within 45 days after the end of each month, the Administration shall send to each county and Baltimore City a statement that shows, segregated according to the classifications adopted for its records:

- (1) The expenditures made from the highway user revenue funds allocated for each of the counties and Baltimore City and held by the Administration;
- (2) The purposes for which the expenditures were made, such as for construction, reconstruction, or maintenance of county or Baltimore City roads or for debt service;
- (3) The total receipts credited in each month;
- (4) The disbursements from the Account;
- (5) The balance remaining to the credit of the county or Baltimore City at the end of each month; and
- (6) The amount, if any, of this balance that is encumbered and for what purpose.

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§ 8-501

In this subtitle, “federal acts” means:

- (1) The federal-aid highway acts of the United States Congress;
- (2) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and
- (3) Any rule or regulation adopted under any of these acts.

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§ 8-502

The purpose of this subtitle is to assist the national recovery and promote the general welfare by enabling this State and its political subdivisions to provide matching funds for and secure the benefits of any federal funds available under the federal acts for the construction and reconstruction of State highways and county roads and for related State or local projects.

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§ 8-503

- (a) The General Assembly of Maryland assents to the federal acts.
- (b) The Administration, for itself or for any political subdivision of this State, and each political subdivision of this State may do anything necessary or desirable to comply with any term, condition, or provision and to obtain the benefits of any of the federal acts.
- (c) The Administration may:
 - (1) Accept any federal funds available to this State under the federal acts, for the use of this State or any of its political subdivisions;
 - (2) In accordance with the federal acts, allocate and apportion these federal funds to itself and to the political subdivisions of this State;
 - (3) Represent any political subdivision of this State for the purpose of negotiating, contracting, or dealing with the federal government as to construction and reconstruction under the federal acts;
 - (4) Undertake all contracts, plans, specifications, and estimates relating to this construction and reconstruction; and
 - (5) Supervise directly the construction and reconstruction work done under the federal acts.

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§ 8-504

- (a) (1) Each political subdivision of this State may raise funds to obtain the benefits of the federal acts by:
 - (i) Issuing bonds, interim certificates, and other evidences of debt or obligation; and
 - (ii) Taxation.
- (2) Bonds may be issued under this subsection notwithstanding any debt or other limitation set by any other law.

(b) If federal funds available to this State under the federal acts are allocable to a political subdivision of this State, but the political subdivision has not provided for necessary matching funds in any other manner permitted by this subtitle, the Administration, the State Treasurer, and the State Comptroller may authorize the political subdivision to use its share of highway user revenues to provide the matching funds necessary to secure these federal funds.

(c) Notwithstanding any other provision of this title, if any federal funds available for a State highway project require matching State funds, the Administration may provide the necessary matching funds by using any State funds it is authorized by law to use for State highway projects.

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§ 8-505

(a) In addition to its other powers, the Administration, with funds received from the federal government or any federal agency, may:

(1) Construct, reconstruct, improve, and maintain the State highway system; and

(2) For this purpose, as agreed to by the Administration and any affected railroad company, subject to compliance with § 8-639 of this title:

(i) Construct, reconstruct, alter, repair, or relocate any railroad grade separation; and

(ii) Otherwise eliminate any highway hazard at a railroad grade crossing.

(b) All federal funds accepted under this section shall be accepted and spent by the Administration on the terms and conditions that the federal government requires.

(c) (1) Except as otherwise provided by federal law, the total cost of any project undertaken with federal funds shall be borne entirely by those funds to the extent that they are available.

(2) If federal funds for a project are insufficient or unavailable to pay the total cost of the project, the excess of the total cost over the federal funds received shall be borne as provided by law.

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§ 8-506

(a) (1) In this section the following words have the meanings indicated.

(2) "Publicly owned utility" means a utility owned or operated by a political subdivision of this State or by a public agency created under the laws of this State.

(3) "Relocate" includes realign, raise, lower, rebuild, or remove.

(b) (1) Except as provided in paragraph (2) of this subsection, if, as a result of the construction, reconstruction, or improvement of an interstate highway, it is necessary to relocate any facility of a publicly owned utility, the Administration shall pay to the owner of the facility, without regard to the governmental function of the utility, the cost to the utility of the relocation, less any increase in the value of the new facility and the salvage value of the old facility.

(2) The Administration is required to make this payment for relocation only:

(i) If federal funds are available to this State under §§ 108 (e) and 111 of the Federal-Aid Highway Act of 1956 for reimbursement of all or part of the payment; and

(ii) If the payment otherwise would be required for relocation of a facility of a nonpublicly owned utility.

(c) The regulations and orders of the Administration:

(1) May not prohibit or be construed to constitute a contract prohibiting any payment required by this section; and

(2) Are expressly waived to the extent necessary to authorize any payment required by this section.

(d) This section does not relieve the owner of any utility from any legal or contractual obligation to comply promptly with any order or request of the Administration to perform the work necessary to relocate its facilities.

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§ 8-507

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Municipality" means any municipal corporation in this State that is entitled to receive federal-aid urban funds.
- (3) "Urban area" means an area with boundaries fixed by the Administration that includes and is adjacent to a municipality or other urban place having a population of at least 5,000, as determined by the latest federal census.
- (b) (1) There is a County Highway Construction Fund in the Transportation Trust Fund.
- (2) There is a Municipality-Urban Area Highway Construction Fund in the Transportation Trust Fund.
- (c) In accordance with this section and Part II of Title 7, Subtitle 2 of the State Finance and Procurement Article, and with the consent of the Secretary, the Administration in any fiscal year may allocate from the Transportation Trust Fund:
- (1) To the County Highway Construction Fund, an amount equal to the amount of federal-aid secondary highway funds that:
- (i) Are available to the Administration from the Federal Highway Administration;
 - (ii) Are allocated by the Administration to the counties; and
 - (iii) The counties later release to the Administration for use on the State highway system; and
- (2) To the Municipality-Urban Area Highway Construction Fund, with the approval of the releasing municipalities or urban areas, an amount equal to the amount of federal-aid urban highway funds that:
- (i) Are available to the Administration from the Federal Highway Administration;
 - (ii) Are allocated by the Administration to the municipalities and urban areas; and
 - (iii) The municipalities or urban areas later release to the Administration for use on the State highway system.
- (d) (1) The Administration may apportion the amounts in each fund.
- (2) Each county, municipality, or urban area that participates in a program under this section shall furnish matching construction amounts.
- (e) The County Highway Construction Fund, the Municipality-Urban Area Highway Construction Fund, and the matching amounts required by this section may be spent only for highway construction and reconstruction under rules and regulations adopted by the Administration.

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§ 8-508

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Board" means the Governor's Workforce Development Board.
- (3) "Highway or capital transit construction" means actual construction, preliminary engineering, planning and research, or any other work or activity to implement federal laws for the administration of federal aid for highways or capital transit projects.
- (4) "Workforce development area" has the meaning stated in § 11-503(n) of the Labor and Employment Article.
- (b) The Department shall use the maximum feasible amount of federal funds available to the State under 23 U.S.C. § 140(b) to develop, conduct, and administer highway or capital transit construction training and supportive services, including skill improvement programs.
- (c) The Department shall administer the training programs under subsection (b) of this section in collaboration with the Board to ensure that highway or capital transit construction training and supportive services are provided to the greatest extent feasible to individuals in each relevant workforce development area.

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§ 8-601

- (a) The Administration shall construct, reconstruct, and repair State highways as necessary and shall maintain them in good condition.

(b) The Department may not spend any further funds for the construction of I-95 through Prince George's County that will involve a new or reconstructed segment connecting it to any other highway in Prince George's County. The Department may not spend any further funds for the construction of a new highway, arterial, freeway, or expressway in the lands between Viers Mill Road and Northwest Branch described in the 1980 highway needs inventory as the right-of-way reserved for the Rockville Facility in Montgomery County, including the area designated as the Matthew Henson State Park under § 5-1004 of the Natural Resources Article.

(c) This prohibition does not preclude construction in the right-of-way designated as the Rockville Facility of:

- (1) Roadway crossings to facilitate traffic flow and highway safety; or
- (2) A hiker/biker trail in the lands between Viers Mill Road and Northwest Branch.

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§ 8-602

(a) The Administration shall:

- (1) Keep all State highways reasonably clear of brush, snow, and other debris; and
- (2) Remove from a State highway, as soon as its presence is made known to the Administration, any animal carcass that will impede traffic or substantially endanger the safety of the traveling public.

(b) (1) In removing snow from highways in Garrett County, the Administration:

- (i) Shall avoid blocking completely the entrance to any home or business adjacent to the highway; and
- (ii) May not throw or pile snow against any building in any way that interferes with the use of the building by its owner or occupant.

(2) If, in unusual circumstances, the entrance to any home or business is blocked in the course of snow removal, the Administration shall unblock the entrance within a reasonable time.

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

(ii) "Farm truck" has the meaning stated in § 13-921 of this article.

(iii) "Local state of emergency" means a local state of emergency declared under § 14-111 of the Public Safety Article.

(iv) "State of emergency" means a state of emergency declared under § 14-107 of the Public Safety Article.

(2) In the event of a state of emergency or a local state of emergency, including snow, hurricane, windstorm, or a similar event, the Administration may request that the owner of a farm truck allow the Administration to use the farm truck to assist in snow removal.

(3) The owner of a farm truck may refuse a request made under paragraph (2) of this subsection to allow the Administration to use the farm truck.

(4) The owner of a farm truck may not allow the farm truck to be used under this subsection to assist in snow removal outside of the county in which the farm truck is registered.

(5) The Administration shall compensate the owner of a farm truck that is used by the Administration for snow removal.

(6) This subsection applies only if the farm truck meets the following minimum requirements:

- (i) The farm truck passed its most recent inspection under § 23-302 of this article;
- (ii) The operator of the farm truck possesses a valid commercial driver's license and a current medical card;
- (iii) The owner of the farm truck meets minimum insurance requirements; and
- (iv) The farm truck uses ultra-low sulfur diesel fuel while being used to assist the Administration in snow removal.

(7) The Administration may adopt regulations to carry out the provisions of this subsection.

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§ 8-603

If practicable, the Administration shall provide landscaping along State highways.

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§ 8-604

The Administration may name or rename any State highway.

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§ 8-605

(a) Along any State highway, the Administration may place signs, signals, or markers to inform the traveling public of directions, distances, danger, or other information.

(b) (1) Except as provided in paragraph (2) of this subsection, the Administration shall assume the full cost of installing and maintaining traffic signals required at the intersection of a State highway with any municipal street or highway or at any other place along a State highway that is within the limits of any municipal corporation.

(2) This subsection does not apply where the traffic signal primarily will serve traffic generated by a private development, such as an apartment complex, shopping center, industrial plant, or drive-in theater.

(c) Signs, signals, and markers placed along any interstate highway shall conform to all applicable federal standards.

(d) (1) For the purpose of providing information to the driving public on the availability of gas, food, lodging, camping, or attractions, the Administration may place along State controlled access highways specific service signs, subject to the applicable federal standards.

(2) (i) The Administration shall adopt regulations governing specific service signs.

(ii) The regulations shall conform to all applicable federal standards, and shall govern the type, lighting, size, number, and location of specific service signs.

(iii) The Administration shall consult with:

1. The Maryland Travel Council prior to drafting regulations; and
2. The Department of Commerce and the appropriate local government officials concerning the placement of specific service signs under this subsection.

(3) The business or attraction identified in a specific service sign shall pay for the full administrative and operational cost of procurement, installation, and maintenance of the sign.

(e) Any person who removes, damages, or defaces any sign, signal, or marker placed under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(f) (1) Except for a sign placed or maintained by the Administration or with the authorization of the Administration, a person may not place or maintain a sign or direct, consent to, or approve the placement or maintenance of a sign, within a State highway right-of-way.

(2) (i) Without resort to legal proceedings, a sign placed or maintained in violation of this subsection may be removed and destroyed by the Administration, a law enforcement officer, or the government of the county or municipal corporation in which the sign was located.

(ii) The Administration or the government of the county or municipal corporation that removed or destroyed the sign may, if the sign is a commercial sign:

1. Collect the civil penalty provided for under paragraph (3) of this subsection from the person that placed or maintained the commercial sign; and
2. Seek an injunction against further violations of this subsection in a civil action in the District Court.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a person that places or maintains a commercial sign within the right-of-way of a State highway in violation of this subsection is subject to a civil penalty not exceeding \$25 per commercial sign placed or maintained, which, if not paid after being cited and assessed by the Administration, county, or municipal corporation, may be recovered in a civil action in the District Court by the Administration or by the county or municipal corporation in which the commercial sign was located.

(ii) A person that violates this subsection by affixing a commercial sign to a State highway sign, signal, or marker within the right-of-way of the State highway is subject to a civil penalty not exceeding \$100 per commercial sign affixed.

(iii) As to a county or a municipal corporation in which the commercial sign was located, the civil action in the District Court may be brought by the county attorney or, if the commercial sign was located in a municipal corporation, the municipal corporation attorney.

(iv) The Administration, a county, or a municipal corporation:

1. May enforce this subsection only by the issuance of a warning for the first 3 months after initiating a sign removal program; and

2. Shall enforce this subsection on a viewpoint and content neutral basis.

(4) For the purposes of enforcing this subsection, the presence of a sign within a State highway right-of-way shall be evidence that the sign was placed or maintained at the direction of, or with the consent and approval of, the person or the person's agent or representative in the State whose name, business, location, or product representation is displayed on the sign.

(5) The Administration, a county, or a municipal corporation shall retain any civil penalties that it collects under this subsection.

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§ 8-606

(a) Each State highway constructed or maintained under this title shall have a right-of-way that is at least 40 feet wide.

(b) Each State highway that is constructed in a municipal corporation shall conform to the grade of each municipal street or highway that it crosses, as approved by the municipal authorities.

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§ 8-607

Subject to the provisions of Title 9, Subtitle 5 of the Correctional Services Article:

(1) The Administration may employ incarcerated individuals, from correctional facilities in the Division of Correction, to perform reconstruction and maintenance work on any highway; and

(2) On request of the Administration, the Division of Correction shall provide the Administration with incarcerated individuals who, in the sole judgment of the Division of Correction, can be utilized safely for this work with appropriate security.

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§ 8-608

(a) To eliminate the possibility of boring and jacking under a State highway and to eliminate the cost of future installation of utility facilities, the Administration, if requested by any county, shall include in the specifications for any new State highway in that county the installation of utility sleeves.

(b) (1) These utility sleeves shall be:

(i) Made of metal, reinforced concrete, or other suitable material;

(ii) Large enough to accommodate water mains, gas mains, electric lines, telephone cables, and any other utility facilities requested by the county; and

(iii) Installed from right-of-way to right-of-way.

(2) Utility sleeves installed for future use shall be bricked over at each end and marked properly by the Administration or the county.

(c) The county shall reimburse the Administration for the cost of the utility sleeves.

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§ 8-609

(a) The Secretary shall implement a program to control the spread of phragmites, where appropriate:

(1) Along the rights-of-way of the State highway system; and

(2) On other lands that the Department owns or controls.

(b) The Department shall study and analyze the progress made in the control in the spread of phragmites on lands that the Department owns or controls.

(c) By December 1, 1994, and on request of the committees thereafter, the Department shall submit a report under subsections (a) and (b) of this section on the management and control of the spread of phragmites to:

(1) The Environment and Transportation Committee of the House of Delegates of Maryland; and

(2) The Education, Health, and Environmental Affairs Committee of the Senate of Maryland.

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§ 8-610

(a) In this part the following words have the meanings indicated.

(b) (1) "Construction phase" means the phase in which a highway project is advanced through detailed engineering, property acquisition, and construction to completion.

(2) This definition does not preclude the Administration from acquiring property during the project planning phase, and the completion of property acquisition does not constitute a commitment to the project's alignment or construction.

(c) "Final project planning phase" means that portion of the project planning phase which follows the initial project planning phase. The final project planning phase includes:

(1) Detailed review of alternatives;

(2) Selection of final alignment and scope;

(3) Preparation of final environmental impact documents;

(4) Detailed design and engineering studies;

(5) Any formal federal approval of design and location;

(6) Full participation of the public; and

(7) Full participation of local, State, and federal agencies.

(d) "Highway needs inventory" means an identification of needs for highway projects, based on the latest evaluation of highway conditions and transportation needs by the Administration.

(e) "Initial project planning phase" means that portion of the project planning phase which includes:

(1) Notification of local, State, and federal officials;

(2) Initial interagency review;

(3) Initial systems planning;

(4) Identification of alternatives, as set forth in § 8-102 of this title, for the scope and the location of the project;

(5) Estimates of right-of-way requirements, including available detail with respect to specific properties affected, and of cost;

(6) Public meetings for discussion of the foregoing; and

(7) Reports of consultants, if any have been retained for the analysis of preliminary alternatives.

(f) (1) "Local governing body" means:

(i) The county commissioners or county council of a county; or

(ii) If the charter of the county provides for a county executive, the county executive and the county council.

(2) For purposes of this part, action by the local governing body of a charter county with a county executive means a majority vote of the county council:

(i) With the approval of the county executive; or

(ii) If the county executive does not grant approval within 10 days of the council action, with subsequent confirmation of the council action by two thirds of the members of the council.

(g) (1) "Local legislative delegation" means those members of the State Senate and of the House of Delegates who represent any part of the county involved.

(2) For purposes of this part, a "majority" of the local legislative delegation means a majority of those members of the State Senate and a majority of those members of the House of Delegates, voting separately.

(3) In any county which is divided into more than one senatorial district, the vote of approval or disapproval for each Senator shall be in direct proportion to the number of residents living in his senatorial district to the total county population. The population figures for each county and senatorial district shall be taken from the preceding U.S. Census Report. However, if a Senator representing more than one county is voting to approve or disapprove a project in his senatorial district, he shall have the same voting authority as the Senator representing the largest percentage of the population in that county. However, in those counties represented by exactly two senators, if a project is located exclusively in one senatorial district, that Senator shall have the prevailing vote on the approval or disapproval of that project.

(h) "Municipality" means the governing body of a municipality as defined in § 1–101 of the Local Government Article.

(i) "Project planning phase" means the phase in which engineering and environmental studies and analyses are conducted with full participation of the public, in addition to local, State, and federal agencies, to determine the scope and location of a proposed highway project.

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§ 8-611

(a) The Administration shall furnish members of the General Assembly and the Governor with:

(1) Current information on highway needs; and

(2) Information necessary for the development of the State Report on Transportation, as provided in § 2-103.1 of this article.

(b) (1) In calendar year 1979 and in each second year following, the Administration, following an assessment of the highway conditions and transportation needs of this State, shall prepare those proposed modifications to the highway needs inventory that it considers necessary.

(2) By July 1, 1997, the Administration, in cooperation with local governments, shall inventory State and local facilities near rail stops, light rail stops, and subway stations to determine what improvements are needed to accommodate in a safe and effective manner pedestrians and bicycles within a reasonable distance for walking and bicycling.

(3) In preparing the proposed modifications, the Administration shall provide a copy of the proposal to and consult with the local governing body, municipalities, and local legislative delegations with respect to the proposed modifications.

(4) The Administration shall provide a copy of the State Report on Transportation to each county and municipality prior to consultation.

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§ 8-612

(a) (1) The Administration may engage in project planning for any item in the current highway needs inventory and for each item, shall conduct studies to determine, among other things, the scale, location, environmental impact, and citizen reaction.

(2) During the project planning phase, the Administration shall consult with the local governing body, municipalities, and local legislative delegation.

(3) The Administration may include in its annual budget request the funds required to implement the project planning provided for in this subsection.

(b) (1) (i) In calendar year 1979 and in each year following, the Administration shall submit to the local governing body and the local legislative delegation a list of items for which the initial phase of project planning has been completed.

(ii) An information copy of the list shall be provided to the municipalities in the county.

(iii) The list shall contain, as to each item, information necessary for the local governing body and local legislative delegation to determine whether the project may advance to the final project planning phase.

(iv) Receipt of the list constitutes notice that the initial project planning phase has been completed for each item contained in it.

(2) (i) Each listed item for a primary system shall be considered approved for the final project planning phase unless, within 90 days from submission of the list, the local legislative delegation and the local governing body disapproves that item in writing.

(ii) Any item for a primary system deleted by this action may be reinstated at any time by act or resolution of the General Assembly.

(3) Each listed item for a secondary system shall be considered approved for the final project planning phase unless, within 90 days from submission of the list, a majority of the local legislative delegation or a majority of the local governing body disapproves that item in writing.

(c) (1) The local governing body and a majority of the local legislative delegation shall establish a list of priorities from among those secondary system projects listed in the needs inventory and the Administration shall engage in initial project planning upon the request of the local governing body and a majority of the local legislative delegation in the order established in the list of priorities.

(2) On completion of the initial project planning phase for the item, it shall be approved for the final project planning phase and for construction on request of the local governing body and a majority of the local legislative delegation.

(d) (1) After an item is approved for the final project planning phase under this section, it may not be deleted by the local legislative delegation or the local governing body.

(2) Any item for the primary or secondary system may be deleted if the Secretary, with the approval of the local legislative delegation and the local governing body, determines that deletion of it is desirable.

(3) Notwithstanding the above, any item for the primary system may be deleted if the Secretary, after consultation with the local legislative delegation and local governing body, determines that the deletion of that primary project is desirable because of changes in economic or environmental conditions or because of a demonstrated lack of available funds for both that project and any alternative primary highway project.

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§ 8-613

(a) Before the annual submission to the General Assembly of the highway construction and reconstruction program for each county for primary and secondary highways, the secondary program to include bicycle trails and sidewalks, the Administration shall consult with the local governing body, municipalities, and local legislative delegation of each county concerning construction priorities.

(b) If the Administration is unable for any reason to perform in accordance with the schedule set forth in the annual primary highway program, it shall, if so requested by resolution of either house of the General Assembly, explain in writing to the next session of the General Assembly any change in the scheduling of a particular project included in the preceding year's program.

(c) If there is any change in the scheduling of a particular project in the secondary highway program for which funds have been appropriated in the preceding year, the Administration, on written request of a majority of the local legislative delegation from the county for which the project is programmed, shall explain that change in writing to the members of the General Assembly from that county.

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§ 8-614

(a) All State highway projects shall be performed under the supervision of the Administration and subject to its approval, in accordance with plans and specifications prepared by the chief engineer and approved by the Administration.

(b) To receive the full benefit of competitive bidding, the Administration, whenever practicable, shall separate major construction projects into two or more smaller contracts.

(c) The Administration shall include in construction and maintenance contracts a requirement that a contractor protect roadside trees to the maximum extent practicable in the performance of the contractor's duties under the contract.

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§ 8-616

Within 90 days after the end of each fiscal year or as soon as practicable after that, the Secretary shall file a complete report with the Governor showing the status, as of the end of that fiscal year, of the State highway construction program. The report shall be in the form that the Governor requires and be open to public inspection.

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§ 8-619

(a) (1) By written order, the Administration may lay out, establish, and construct any State highway as a parkway or a freeway.

(2) If a written order of the Administration states that a proposed highway is to be constructed as a parkway or a freeway, the order is conclusive evidence that, when the highway is constructed, it is a parkway or a freeway, as the case may be, with all the characteristics and incidents specified in this subtitle.

(b) If property is acquired for a freeway, the Administration shall inform each property owner of the use and restrictions that are or may be imposed on the property under this subtitle.

(c) (1) If a highway is constructed as a parkway or a freeway, no person, including an owner of property abutting the highway, has the right of access to or from the abutting land to or from the highway.

(2) At the time of construction, in the case of a parkway, or at any time, in the case of a freeway, the Administration, in its discretion, may designate points at which access to a parkway or freeway will be permitted and may specify from time to time terms and conditions of that access.

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§ 8-620

(a) Subject to subsection (b) of this section, the Administration may designate any part of any existing State highway as an expressway.

(b) (1) This subsection applies to a State highway that the Administration:

(i) Proposes designating as an expressway; or

(ii) Designated as an expressway before October 1, 1999, but for which design and engineering funds have not been encumbered.

(2) Before designating any part of a State highway as an expressway, the Administration:

(i) Shall notify the governing body of each county and municipal corporation that may be affected by the designation and provide the officials representing governing bodies an opportunity to meet and confer with representatives of the Administration on the proposed designation; and

(ii) Within a reasonable proximity to the area affected by the proposed designation:

1. Shall hold a public informational meeting, to present to the community background information on the designation, the Administration's plans in relation to the highway, and the expected impact of the designation on the community; and

2. Not less than 30 days after the public informational meeting, shall hold a public hearing on the proposed designation to afford interested parties an opportunity to submit oral testimony and written comments.

(3) The Administration shall publish notice of the proposed designation of a State highway as an expressway and the time and place of the public informational meeting and the public hearing in at least one newspaper of general circulation in the areas affected by the proposed designation at least 2 weeks before the:

(i) Public informational meeting required under paragraph (2)(ii)1 of this subsection; and

(ii) Public hearing required under paragraph (2)(ii)2 of this subsection.

(4) The requirements of this subsection may be satisfied through the public notice provided, and the public informational meetings and public hearings held, as part of the project planning phase as defined in § 8-610 of this subtitle.

(c) (1) If an existing highway is designated as an expressway and a property abutting the expressway is not served by any other reasonable access to another public road, the Administration may acquire the right of any owner of the property to access to or from the abutting land to or from the expressway by:

(i) Closing any existing access; or

(ii) Limiting the right of the owner to construct any new access or to enlarge or extend any existing access.

(2) If an existing highway is designated as an expressway and a property abutting the expressway has reasonable access to another public road, the Administration may:

(i) Acquire the right of any owner of that property abutting the expressway to continue to use an existing access to or from the abutting land to or from the expressway by closing any existing access; and

(ii) In its own discretion, prohibit new access to or from the abutting land to or from the expressway by limiting the right of the owner to construct any new access.

(3) An owner denied new access under paragraph (2)(ii) of this subsection is not entitled to any compensation for the denial of access if reasonable access to another public road is available at the time of the denial of access.

(4) The Administration, in its discretion, may designate points at which access will be permitted and may specify the terms and conditions of that access.

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§ 8-621

If any highway is constructed as a parkway or is constructed or designated as a freeway, the Administration may:

(1) Regulate, restrict, or prohibit any specific access to the parkway or freeway from any other highway, if reasonable access to the parkway or freeway from the other highway otherwise is provided;

(2) Regulate, restrict, or prohibit the use of the parkway or freeway by any class of vehicles or traffic, if an alternate route is provided for the restricted or prohibited classes; and

(3) Maintain, discontinue, abandon, close, and exercise any other powers over the parkway or freeway to the same extent and in the same manner as in the case of any other highway.

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§ 8-622

(a) If property held under one ownership is divided by a freeway, the Administration may provide access across the freeway from one tract to the other and may specify the terms and conditions of that access.

(b) If the tracts cease to be held under one ownership, the Administration may terminate the access.

(c) Access provided under this section may not be used in connection with any roadside business.

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§ 8-625

(a) For purposes of this section, average daily traffic volume shall be determined over a 1-year period by the procedures that the Administration uses to establish traffic density.

(b) (1) Except in accordance with a permit issued by the Administration, a person may not make any entrance from any commercial or industrial property to any State highway that carries an average traffic volume of more than 2,000 vehicles a day.

(2) The Administration may apply to the circuit court in the subdivision in which the violation occurred or is threatened for appropriate injunctive relief.

(c) (1) To promote highway safety, the Administration may limit the width of existing entrances and exits and determine the locations of access points that may be used by any commercial or industrial property owner or user into any existing section of a State highway that carries an average traffic volume of more than 2,000 vehicles a day.

(2) If the Administration finds it expedient for traffic safety, the Administration may:

- (i) Limit the width and location of access points by any method that it considers desirable; and
- (ii) Deny an abutting property owner all new access along any primary State highway if reasonable access to another public road is available to and from the property.

(3) Denial of access under paragraph (2)(ii) of this subsection is an exercise of the police power and does not require the payment of compensation.

(d) (1) This subsection does not apply to an expressway, freeway, interstate highway, or parkway.

(2) Notwithstanding subsection (c)(2)(ii) of this section, the Administration may not deny an owner of property abutting a State highway all access to the highway if the abutment is within the boundaries of a municipal corporation unless:

- (i) The property abuts another public road to which reasonable access can be granted;
- (ii) The denial is based on an access management plan that has been agreed to by the Administration and the municipal corporation; or
- (iii) The Administration pays just compensation to the property owner as part of the exercise of eminent domain powers.

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§ 8-626

(a) (1) Subject to this section and with the advice and approval of the Administration, the legislative body of any county or municipal corporation in this State may designate an industrial crossing across any State highway located within the county or municipal corporation.

(2) An industrial crossing may not be designated if it will endanger traffic on the highway.

(b) (1) Any person who desires an industrial crossing across a State highway shall apply for designation of the crossing to the legislative body of the county or municipal corporation where the highway is located.

(2) An industrial crossing may not be designated unless the applicant pays or agrees to pay for:

- (i) The costs of any improvement required to strengthen or modify the highway for use as an industrial crossing;
- (ii) Any damage to the highway that results from its use as an industrial crossing; and
- (iii) The costs of making, installing, and maintaining any signs, markers, or signal devices that the legislative body, with the approval of the Administration, requires to designate the crossing.

(c) If an industrial crossing is designated under this section, the applicant has the exclusive right to use the industrial crossing, subject to any conditions of use that the Administration requires. When using the crossing, the vehicles of the applicant are exempt from all weight limitations and registration requirements imposed by the Maryland Vehicle Law.

(d) The designation of any industrial crossing continues as long as the applicant actually uses the crossing. However, after notice and hearing, the Administration, the Department of State Police, or the police department of the county or municipal corporation where the crossing is located may terminate the use of the crossing on the ground that the crossing has become a danger to traffic because of increased traffic or for any other good reason.

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§ 8-627

(a) (1) In this section the following words have the meanings indicated.

(2) "Defense-related activity" means:

- (i) The preparation of the United States or a state for defense or war; or
 - (ii) The prosecution of war by the United States or a country with which the United States maintains friendly relations.
- (3) "Highway authority" means a governing body or individual with the authority under law to restrict or close a highway to the public.
- (4) "Political subdivision" means a county, municipal corporation, special taxing district, or public corporation of the State.

(5) "Public utility" includes a pipeline, gas, electric, heat, water, oil, sewer, communication, radio, transportation, railroad, airplane, or other system owned or operated for public use.

(b) This section applies to property owned by a person, the State, or a political subdivision:

(1) Engaged in, or preparing to engage in, the manufacture, transportation, or storage of a product to be used in a defense-related activity;

(2) Engaged in, or preparing to engage in, the manufacture, transportation, distribution, or storage of gas, oil, coal, electricity, or water; or

(3) Operating a public utility.

(c) An owner of property described in subsection (b) of this section, who believes that the property will be endangered if public use and travel is not restricted or prohibited on a highway abutting the property, may petition the highway authority of the State or a political subdivision, as appropriate, to close or restrict public use of and travel on the highway.

(d) On receiving the petition, the highway authority shall:

(1) Set a hearing date; and

(2) Provide notice of the hearing at least 7 days before the hearing by publication in a newspaper of general circulation in the political subdivision where the property is located.

(e) (1) After the hearing, the highway authority may by order close or reasonably restrict the use of a public highway if the highway authority determines that the public safety and the safety of the property require the closure or restriction.

(2) The highway authority shall conspicuously post a notice in letters at least 3 inches high at each end of a highway that the highway authority closes or restricts.

(f) The highway authority may issue a written permit to persons to travel on a closed or restricted highway under conditions that the highway authority establishes.

(g) The highway authority may revoke or modify an order issued under this section.

(h) A person who violates an order issued under this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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§ 8-629

(a) (1) With the concurrence of the local government, the Administration may require any developer of an industrial, commercial, or apartment area along a highway maintained by the Administration to construct sidewalks parallel to the highway.

(2) The construction of these sidewalks shall meet the conditions specified in entrance permits and the standards adopted by the Administration or the local government.

(b) Sidewalks may not be required under this section if the Administration determines that:

(1) The establishment of sidewalks would be contrary to public safety;

(2) The cost of establishing the sidewalks would be too great considering the need for them or their probable use; or

(3) The sparsity of population, the existence of other available ways, or any other factor indicates that there is no need for the sidewalks.

(c) After sidewalks are constructed under this section, they shall be maintained and repaired by the political subdivision in which they are located.

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§ 8-630

(a) (1) In this section the following words have the meanings indicated.

(2) "Municipal corporation" means a municipality as defined in § 1–101 of the Local Government Article.

(3) "Urban highway" means a highway, other than an expressway, that is:

- (i) 1. Constructed with a curb and gutter and an enclosed type storm drainage system;
- 2. Located in an urban area and on which is located a public facility that creates appreciable pedestrian traffic along the highway from adjacent areas;
- 3. Located within urban boundaries as defined by the U.S. Census Bureau; or
- 4. Located within the boundaries of a municipal corporation; and
- (ii) Part of the State highway system.
- (b) (1) Sidewalks shall be constructed at the time of construction or reconstruction of an urban highway, or in response to the request of a local government unless:
 - (i) The Administration determines that the cost or impacts of constructing the sidewalks would be too great in relation to the need for them or their probable use; or
 - (ii) The local government indicates that there is no need for sidewalks.
- (2) Sidewalks constructed under this section shall be consistent with area master plans and transportation plans adopted by the local planning commission.
- (c) (1) If sidewalks or bicycle pathways are constructed or reconstructed as part of a roadway construction or reconstruction project, the Administration shall fund the sidewalk or bicycle pathway construction or reconstruction as a part of the cost of the roadway project.
- (2) Except as provided in paragraphs (3) and (4) of this subsection, if sidewalks or bicycle pathways are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the cost to construct or reconstruct the sidewalk or bicycle pathway shall be shared equally between the State and local governments.
- (3) If sidewalks or bicycle pathways within a sustainable community as defined in § 6–301 of the Housing and Community Development Article are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the cost to construct or reconstruct the sidewalk or bicycle pathway may be funded entirely by the State.
- (4) (i) This paragraph does not apply to a priority funding area that is a sustainable community as defined in § 6–301 of the Housing and Community Development Article.
- (ii) If sidewalks or bicycle pathways within an area designated as a priority funding area under § 5–7B–02 of the State Finance and Procurement Article are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, and if the Administration determines that construction would not occur under this section due to insufficient contribution of funds by the local government, the cost to construct or reconstruct the sidewalk or bicycle pathway shall be shared between the State and local government as follows:
 - 1. 75 percent of the cost shall be funded by the State; and
 - 2. 25 percent of the cost shall be funded by the local government.
- (iii) If sidewalks or bicycle pathways within an area designated as a priority funding area under § 5–7B–02 of the State Finance and Procurement Article are constructed or reconstructed based on a determination by the Administration that a substantial public safety risk or significant impediment to pedestrian access exists and the adjacent roadway is not being concurrently constructed or reconstructed, then:
 - 1. The Administration shall categorize the sidewalk or bicycle pathway construction project as “system preservation” and give corresponding funding priority to the project; and
 - 2. The cost to construct or reconstruct the sidewalk or bicycle pathway may be funded entirely by the State.
- (5) If sidewalks or bicycle pathways are being constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the local government shall:
 - (i) Provide public notice and opportunities for community involvement prior to the construction of a sidewalk or bicycle pathway project; and
 - (ii) Secure any necessary right-of-way that may be needed beyond the right-of-way already owned by the State.

(6) (i) Except as provided in subparagraph (ii) of this paragraph, after sidewalks and bicycle pathways are constructed under this section, they shall be maintained and repaired by the political subdivision in which they are located.

(ii) Subject to approval and the availability of funds, the Administration promptly shall reimburse a political subdivision for the preapproved and documented costs incurred in reconstructing a segment of a sidewalk or bicycle pathway that has deteriorated to the extent that repair is not practical or desirable for public safety.

(d) The Administration may not construct any project that will result in the severance or destruction of an existing major route for pedestrian transportation traffic, unless the project provides for construction of a reasonable alternative route or such a route already exists.

(e) The Administration shall develop guidelines jointly with local governments to carry out the provisions of this section.

(f) The Administration shall maintain and repair all facilities for nighttime illumination that:

(1) Are constructed by the Administration for the safe conduct of vehicular traffic; and

(2) Exist adjacent to urban highways.

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§ 8-633

Except as otherwise provided by law, the Administration does not have any duties, responsibilities, or powers with respect to the construction, reconstruction, or maintenance of any highways except State highways.

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§ 8-635

At the request of any proper county agency, the Administration shall provide to the county engineering advice and information on the county's road program, including its farm-to-market road program. The Administration may not charge the cost of this advice or information either to the county, to the county's share of highway user revenues, or to other funds allocated to the county.

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§ 8-636

(a) Within 6 months after the end of each county's fiscal year, the county shall file with the Administration a complete report of each project constructed during the preceding fiscal year.

(b) The report shall include:

(1) A full audit of the county's accounts relating to the project; and

(2) An engineering statement that states separately and in detail all costs incurred in the project.

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§ 8-637

(a) (1) In this section, "traffic calming device" means a physical highway measure used to reduce vehicle speed and increase safety for bicyclists, motorists, and pedestrians.

(2) "Traffic calming device" includes:

(i) A speed bump;

(ii) A raised crosswalk;

(iii) A traffic circle; and

(iv) A narrowed road.

(b) (1) The Administration, in consultation with appropriate county and municipal authorities, shall compile best practices for siting, constructing, and maintaining traffic calming devices that address:

(i) The engineering and design of traffic calming devices; and

(ii) The costs and benefits of various methods of traffic calming.

(2) The Administration shall:

(i) Coordinate and act as a clearinghouse for best practices for siting, constructing, and maintaining traffic calming devices; and

(ii) Based on the best practices, publish and periodically update information about best practices for the siting, construction, and maintenance of traffic calming devices.

(3) The information on best practices required under paragraph (2) of this subsection shall include the estimated costs of construction for each traffic calming device.

(c) On the request of a county or municipality, the Administration shall provide information on best practices for the siting, construction, and maintenance of traffic calming devices.

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§ 8-639

(a) Unless approved by the Secretary on application to him, and notwithstanding any other statute to the contrary:

(1) Except for an industrial track spur or siding, a railroad may not:

(i) Construct, reconstruct, improve, widen, relocate, or otherwise alter a railroad grade crossing over a State, county, or municipal highway, except in Baltimore City, or over a private road; or

(ii) Change the crossing protection equipment at such a crossing; and

(2) A person may not:

(i) Construct, reconstruct, improve, widen, relocate, or otherwise alter either a railroad grade crossing over a public highway or a private road over a railroad; or

(ii) Change the crossing protection equipment at such a crossing.

(b) (1) The Secretary has authority, subject to the provisions of Division II of the State Finance and Procurement Article, to approve the construction or modification of a railroad grade crossing or a change of crossing protection equipment and to impose conditions necessary to insure public safety at the crossing.

(2) No other approval, safety condition, or protective measure may be required by any public authority.

(c) When an application is made to the Secretary for approval of the construction or modification of a railroad grade crossing or a change of crossing protection equipment, the Secretary, after notice to all parties in interest, including adjacent property owners, shall hold a hearing on the matter if:

(1) The Secretary considers a hearing to be necessary;

(2) A hearing is requested by any party in interest; or

(3) The proposed change would diminish or discontinue any crossing protection.

(d) With any technical advice from the Administration that the Secretary considers necessary, the Secretary may:

(1) Approve or disapprove the application; and

(2) Impose on the person initiating the crossing project, under uniform standards and regulations, any condition necessary to insure public safety at the crossing, including a requirement for the installation of, payment for, and maintenance of crossing protection equipment.

(e) For purposes of this section, the conversion of a private road grade crossing into a public highway grade crossing is a projection of a public highway over the railroad by the public authority taking jurisdiction of the private road.

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§ 8-640

(a) At each grade crossing of a highway and a railroad, the railroad shall:

(1) Keep its roadbed and the highway in proper repair so as to provide absolutely safe and easy approach to and crossing of the tracks; or

(2) Subject to approval by the Administration, construct a railroad grade separation.

(b) (1) The Administration may abandon, relocate, construct, or reconstruct any railroad grade crossing or railroad grade separation that is dangerous or inconvenient for public travel.

(2) If a railroad grade crossing is dangerous or inconvenient for public travel, the Administration may construct a railroad grade separation.

(c) (1) The Administration may require the railroad to do any of the work needed under this section, on the terms and conditions that the Administration specifies.

(2) If the railroad fails to do any work required of it under this section, the Administration may perform the work itself and collect the railroad's share of the cost from the railroad.

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§ 8-641

(a) The Administration shall pay the costs of relocation to any public or private utility whose facilities are altered or relocated because of a railroad grade crossing or railroad grade separation project. The plans for the alteration or relocation shall be approved by the utility.

(b) If the owner of land adjacent to any State highway suffers damages as the result of the elimination of a railroad grade crossing or railroad grade separation from that highway, the owner may sue the Administration and the railroad for these damages.

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§ 8-642

(a) As to the costs of any railroad grade crossing or railroad grade separation project or maintenance:

(1) 25 percent of these costs shall be paid by the railroads that benefit from the crossing or separation; and

(2) 75 percent of these costs shall be paid by the Administration.

(b) If two or more railroads benefit from the crossing or separation, the railroads' 25 percent share shall be apportioned among them as determined by the Administration.

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§ 8-643

(a) If any railroad does not comply with an order of the Administration under this part to do work on a railroad grade crossing or railroad grade separation or to pay its share of the costs of any railroad grade crossing or railroad grade separation project or maintenance, the railroad is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each day that the order is not complied with.

(b) The penalty provided for in this section is in addition to any other remedies available to the Administration.

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§ 8-644

(a) The Administration may erect an exempt highway–rail grade crossing plaque at each railroad grade crossing in the State that is no longer in use by a railroad.

(b) The design and placement of a plaque erected under this section shall be in accordance with the federal Manual on Uniform Traffic Control Devices.

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§ 8-646

(a) Except as permitted by this section or in accordance with a permit obtained from the Administration, a person may not:

(1) Make an opening in any State highway;

(2) Place any structure on any State highway;

(3) Change or renew any structure placed on any State highway;

- (4) Dig up any State highway for any purpose, including the placement of pipes, sewers, poles, wires, or rails;
 - (5) Plant or remove any tree on any State highway; or
 - (6) Place any obstruction or improvement on any State highway.
- (b) (1) The Administration may issue a permit for work otherwise prohibited by subsection (a) of this section.
- (2) Work done under the permit shall be performed to the satisfaction of the Administration and under its supervision.
- (3) If the work done under the permit will be performed within 1 mile of Washington Metropolitan Area Transit Authority rail or bus rapid transit stations or Maryland Transit Administration rail or bus rapid transit stations, including Maryland Area Regional Commuter (MARC) stations, the person to whom the permit is issued or by whom the work is done shall maintain a safe alternative pedestrian path at the work site in accordance with regulations adopted under this section.
- (4) The person to whom the permit is issued or by whom the work is done shall pay the cost of replacing the highway in as good a condition as before the work was done.
- (5) (i) The Administration shall require a nongovernment applicant for a permit issued under this subsection who is a developer to submit a performance bond, letter of credit, or other surety acceptable to the Administration.
- (ii) The Administration shall require a nongovernment applicant for a permit issued under this subsection to submit a payment bond, letter of credit, or other surety acceptable to the Administration if:
- 1. The amount of the improvement is estimated to exceed \$100,000;
 - 2. The project is financed, in whole or in part, by private funds; and
 - 3. The entire improvement is located outside the applicant's property.
- (c) The Administration may apply to the circuit court in the subdivision in which the violation occurred or is threatened for appropriate injunctive relief.
- (d) (1) (i) In this subsection the following words have the meanings indicated.
- (ii) "Bike lane" has the meaning stated in § 21-101 of this article.
- (iii) "Sidewalk shed" means a temporary structure erected over a sidewalk or pedestrian walkway to:
- 1. Protect pedestrians from debris that may fall from construction work above the sidewalk or pedestrian walkway; and
 - 2. Maintain pedestrian access to the sidewalk or pedestrian walkway when construction or maintenance occurs near the sidewalk or pedestrian walkway.
- (2) The Administration shall adopt regulations governing the maintenance of pedestrian access to the maximum extent practicable in areas where construction or maintenance work is performed in accordance with a permit issued under this section.
- (3) The regulations adopted under paragraph (2) of this subsection shall:
- (i) Prohibit the erection of a sidewalk shed unless:
- 1. The Administration has approved the erection of the sidewalk shed under a permit issued under this section; or
 - 2. The person that will apply for the permit or do the work determines that immediate erection of a sidewalk shed is necessary for public safety;
- (ii) Require the person specified under item (i)2 of this paragraph to apply for a permit within 24 hours after erecting the sidewalk shed;
- (iii) Specify standards and requirements for sidewalk sheds and other structures that maintain pedestrian access, including requirements regarding:
- 1. Length, width, and height of the structures;
 - 2. Lighting in and around the structures;
 - 3. Compliance with the federal Americans with Disabilities Act;
 - 4. The storage of supplies and other materials on the roof of a sidewalk shed;
 - 5. Temporary office facilities;

6. Circumstances under which a structure may block other highway features, including exits, entrances, loading areas, and street signs; and

7. Maintaining access to bike lanes, in the following descending order of priority:

A. Providing a bike lane on the same highway that the blocked bike lane is on by shifting and narrowing adjacent lanes of traffic;

B. Providing a bike lane in an existing lane of traffic;

C. Merging bicyclists and adjacent traffic into a shared lane of traffic; and

D. Providing a bike lane detour route; and

(iv) Address any other issue the Administration determines is necessary for the maintenance of pedestrian access to the maximum extent practicable in areas where construction or maintenance work is performed in accordance with a permit issued under this section.

(4) The Administration shall:

(i) Compile an inventory of best practices used in jurisdictions throughout the State and outside the State for the maintenance of pedestrian access in areas where construction or maintenance work is performed in State highway rights-of-way; and

(ii) Publish and make available the inventory of best practices to any interested party.

(5) In adopting the regulations required under this subsection, the Administration shall consider:

(i) Safety factors for pedestrians, bicyclists, and construction and maintenance workers;

(ii) The cost of maintaining pedestrian access under this section;

(iii) Best practices compiled under paragraph (4) of this subsection;

(iv) The need for storage and access to construction materials and equipment; and

(v) The need to separate different modes of travel.

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§ 8-647

(a) (1) A person may not remove any dirt, sand, gravel, stone, rock, or other material from the land adjoining any State highway, if the removal affects the surface or construction of the highway by changing the supporting slopes in a fill or the slopes supporting the adjoining land in a cut.

(2) If the Administration has built up barriers to protect or support any highway, such as sand fences, retaining walls, or any other structure, a person may not remove any dirt, sand, gravel, stone, rock, or other material from the land adjoining the highway, if the removal is harmful to the construction or protection of the highway.

(b) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to:

(1) For a first offense, a fine not exceeding \$100; and

(2) For any subsequent offense, a fine not exceeding \$1,000 or imprisonment not exceeding 6 months or both.

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§ 8-648

Any new or replacement storm drain cover, installed on a street or highway in the State, after January 1, 1980, shall consist of:

(1) Bars running perpendicular to the flow of traffic on the highway;

(2) A grating composed of intersecting bars; or

(3) Other designs approved by the Department of Transportation which meet safety design criteria as well as engineering and structural design demands.

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§ 8-649

The new bridge across the Choptank River in the vicinity of Cambridge shall be named the Senator Frederick C. Malkus, Jr. Bridge.

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§ 8-650

(a) The Administration shall designate the portion of Maryland Route 24 located between the U.S. Route 1 Bypass and U.S. Route 40 as the Vietnam Veterans Memorial Highway.

(b) The Administration shall designate the portion of Maryland Route 157 known as the Peninsula Expressway as the Vietnam Veterans Highway.

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§ 8-651

(a) The Administration shall designate Maryland Route 43 as the Korean War Veterans Memorial Highway.

(b) The Administration shall designate the portion of Interstate Highway 70 that is located in Frederick County, Maryland as the Korean War Veterans Memorial Highway.

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§ 8-652

The following flags shall be flown year round at each rest area, welcome center, and exhibit center within interstate and State highway rights-of-way:

- (1) The flag of the United States;
- (2) The State flag; and
- (3) The POW/MIA flag of the National League of Families of American Prisoners and Missing in Southeast Asia.

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§ 8-653

The Administration shall dedicate the portion of Interstate Highway 83 from the intersection of Interstate Highway 83 and Interstate Highway 695 to the Maryland-Pennsylvania border as the Veterans of Foreign Wars Memorial Highway.

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§ 8-654

(a) (1) In this section, "trenching" means a construction project in which a highway right-of-way surface is opened or removed for the purpose of laying or installing conduit, fiber, or similar infrastructure in excess of 1 mile in length.

(2) "Trenching" does not include a project for construction or maintenance of a highway facility, including drainage or culvert work.

(b) The following units of the State shall allow the use of any right-of-way or easement for the installation of broadband communication infrastructure provided by nonprofit telecommunications services providers in rural and underserved areas of the State without imposition of any charge for the use of the right-of-way or the easement:

- (1) The Department of Transportation, including the State Highway Administration, the Maryland Transportation Authority, and the Maryland Transit Administration;
- (2) The Board of Public Works;
- (3) The Department of Information Technology;
- (4) The Department of Natural Resources; and
- (5) The Department of the Environment.

(c) (1) Except as provided in paragraph (2) of this subsection, a unit of local government and the Department of Transportation, including the State Highway Administration, the Maryland Transportation Authority, and the Maryland

Transit Administration, shall allow joint trenching by broadband providers on a nonexclusive and nondiscriminatory basis.

(2) The Department or a unit of local government may deny joint trenching if:

(i) Joint trenching will hinder or obstruct highway safety or the construction, maintenance, operations, or related regulation of highway facilities; or

(ii) Joint trenching is not feasible because it will delay the repair or construction of a county's water, wastewater, electricity, or gas lines.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, the Department or a unit of local government may charge a fee to a broadband provider that participates in joint trenching on reasonable financial terms.

(ii) The Department or a unit of local government may not charge a fee to a nonprofit broadband provider that participates in joint trenching.

(iii) Revenues generated from fees charged by the Department under this section shall be evenly distributed across funds designed for investment in broadband infrastructure.

(iv) Revenues generated from fees charged by a unit of local government under this section shall be used to improve broadband access and adoption within that jurisdiction.

(d) This section may not be construed to limit or otherwise affect any right granted to the State or a unit of the State under § 253 of the federal Telecommunications Act of 1996 with regard to for profit telecommunications services providers.

(e) On or before January 1, 2022, the Department, after consulting with stakeholders including broadband providers, the Maryland Association of Counties, and the Maryland Municipal League, shall adopt regulations for the implementation of this section, including:

(1) Procedures for charging a fee to a broadband provider for joint trenching on reasonable financial terms; and

(2) Procedures for the Department and units of local government to provide notice of upcoming trenching projects to broadband providers.

(f) This section does not apply to a county or municipal corporation within the Washington Suburban Sanitary District.

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§ 8-655

(a) The Administration shall post the National Human Trafficking Resource Center Hotline information sign described in § 15–207 of the Business Regulation Article in each restroom at a rest area within the right-of-way of an interstate or State highway.

(b) A sign required under this section shall be posted:

(1) On the inside of each stall door in the restroom; or

(2) On the back of the door at the entrance to the restroom.

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§ 8-656

The Department shall establish a process by which a member of the General Assembly, another elected official, or any member of the general public may request that the Department dedicate a bridge or another appropriate transportation structure under the jurisdiction of the Department to:

(1) A deceased member of the armed forces:

(i) Whose home of record was in the State; and

(ii) Whose surviving spouse, parent, or next of kin is a recipient of the U.S. Department of Defense Gold Star memorializing that the member was killed in action; or

(2) A firefighter, law enforcement officer, or another emergency responder who died in the line of duty.

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§ 8-657

(a) (1) In this section the following words have the meanings indicated.

(2) "Federal facility" includes:

(i) An installation of the armed forces of the United States; and

(ii) Any property owned or leased by an agency of the United States.

(3) "Federal project" means a State highway project that is:

(i) Financed in whole or in part with federal funds; and

(ii) Designed to enhance access to a federal facility.

(4) "Publicly owned utility" means a utility owned or operated by a political subdivision of the State or by a public agency created under the laws of the State.

(5) "Relocate" includes to realign, raise, lower, rebuild, or remove.

(b) If, due to a federal project, it is necessary to relocate any water or sewer line of a publicly owned utility, the Administration shall:

(1) Notify the political subdivision or agency that owns the utility of the estimated cost of relocating the water or sewer line; and

(2) Investigate funding sources to help the political subdivision or agency that owns the utility to meet its share of the cost of relocating the water or sewer line and, if needed, to develop a payment plan.

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§ 8-658

The Administration shall dedicate the portion of Maryland Route 924 (Emmorton Road) between the intersection of Maryland Route 24 and Maryland Route 924 and the intersection of Singer Road and Maryland Route 924 as Heroes Highway.

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§ 8-659

The Administration shall dedicate the portion of Maryland Route 695A (Broening Highway) that is located between the Baltimore City–Baltimore County line and the intersection of Maryland Route 695A with Maryland Avenue and Avon Beach Road as Henrietta Lacks Way.

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§ 8-660

The Administration shall dedicate the bridge located at the intersection of Maryland Route 22 and Interstate Highway 95 as the Alfred B. Hilton Memorial Bridge.

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§ 8-661

(a) In this section, "traffic control device" has the meaning stated in § 11–167 of this article.

(b) The Administration shall establish a policy that allows for the installation of decorative treatments on traffic control devices that have been marred by graffiti or vandalism that includes:

(1) Illicit writings or drawings;

(2) Illegal postings; or

(3) Blight from incomplete mitigation of graffiti.

(c) (1) A person may apply to the appropriate district office within the Administration for a permit to install a decorative treatment, including a digitally printed vinyl wrap or paint, on a traffic control device.

(2) Subject to the requirements of this section, a district office may issue a permit to install a decorative treatment on a traffic control device within the jurisdiction of the district office.

(d) (1) The Administration shall adopt regulations for the installation of decorative treatments that prohibit decorative treatments from:

- (i) Interfering with the operation or maintenance of a traffic control device; or
- (ii) Obstructing access to and ventilation of a traffic control device.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Administration shall adopt viewpoint and content neutral regulations that provide the minimum requirements for decorative treatments.

(ii) A decorative treatment may not:

- 1. Contain an advertisement;
- 2. Contain an image or a description of graphic violence;
- 3. Contain profanity;
- 4. Contain pornography, obscene material, or images of nudity;
- 5. Demean or disparage an individual or a group of individuals;
- 6. Violate a copyright or any other legal ownership interest; or
- 7. Unnecessarily engage the attention of drivers or cause driver distraction.

(3) The Administration may adopt any additional regulations necessary to implement this section.

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§ 8-662

(a) The Administration may post information on suicide prevention, including a hotline number, on electronic signs along any highway within a 5-mile radius of a high suicide risk zone, as identified by the Administration.

(b) The Administration may adopt regulations to implement this section.

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§ 8-663

The Administration shall designate Maryland Route 210 as the Piscataway Highway.

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§ 8-664

(a) This section applies only in Montgomery County.

(b) (1) On or before December 31 each year, Montgomery County shall:

(i) Compile and make publicly available a report for the previous fiscal year on each school bus monitoring system operated by a local jurisdiction under this section; and

(ii) Submit the report to Montgomery County Public Schools, the Maryland Department of Transportation State Highway Administration, the Montgomery County Department of Transportation, the Montgomery County Vision Zero Coordinator, and, in accordance with § 2–1257 of the State Government Article, the Montgomery County Delegation to the General Assembly.

(2) The report shall include:

- (i) The number of violations that occurred at each school bus stop in the previous fiscal year;
- (ii) The number of violations that occurred at each school bus stop in each of the 5 fiscal years preceding the previous fiscal year;
- (iii) A breakdown of the violations by the direction in which each vehicle involved in a violation was travelling in relation to the stopped school bus;
- (iv) The total amount of fines issued for violations at each school bus stop in the previous fiscal year; and
- (v) The total amount of fines issued for violations at each school bus stop in each of the 5 fiscal years preceding the previous fiscal year.

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§ 8-701

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Erect" means, except as provided in paragraph (2) of this subsection, to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(2) "Erect" does not include any of the activities described in paragraph (1) of this subsection when performed only as an incident to a change of advertising message or the customary maintenance or repair of an outdoor sign or outdoor sign structure.

(c) (1) "Main traveled way" means:

(i) That part of a roadway that is used for the movement of vehicles and on which through traffic is carried; and

(ii) In the case of a divided highway, that part of each of the separated roadways that is used for the movement of vehicles and on which through traffic is carried in opposite directions.

(2) "Main traveled way" does not include:

(i) Shoulders; or

(ii) Frontage roads, turning roadways, parking areas, or similar facilities.

(d) "On premise outdoor sign" means any outdoor sign that, regardless of content, is designed, intended, or used to advertise or inform the traveling public of:

(1) The sale or lease of the property on which it is located;

(2) The sale or lease of a product grown, produced, or manufactured on the property on which it is located;

(3) The sale or lease of a service performed on the property on which it is located; or

(4) The name of the owner, agent, assignee, or lessee of the property on which it is located.

(e) "Outdoor sign" means any outdoor sign, display, light, structure, figure, painting, drawing, message, plaque, placard, poster, billboard, device, or other thing that is designed, intended, or used to advertise or inform the traveling public.

(f) "Visible" means capable of being seen, whether or not legible, without visual aid by a person of normal eyesight.

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§ 8-702

(a) The provisions of this subtitle are in addition to any other provisions of law that regulate or govern signs along highways or on public property.

(b) This subtitle does not prohibit the erection or maintenance of any traffic sign, signal, or other device by the Administration or any local authority in accordance with the Maryland Vehicle Law.

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§ 8-703

(a) This subtitle does not apply to the erection or maintenance of any school bus waiting shelter displaying outdoor signs if:

(1) The advertising does not exceed 32 square feet;

(2) The shelter has no more than one sign facing in any one direction; and

(3) The shelter has no more than two signs in all.

(b) All outdoor signs on school bus waiting shelters are subject to applicable local zoning regulations and standards approved by the State Highway Administration and, in an area to which Part IV of this subtitle applies, that are consistent with the Code of Federal Regulations regarding national standards for outdoor signs on interstate and federal-aid primary highways.

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§ 8-704

The Administration shall administer and enforce this subtitle.

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§ 8-705

(a) The Administration may adopt rules and regulations to carry out the provisions of this subtitle, including those rules and regulations that, consistent with the safety and welfare of the traveling public, the Administration considers necessary to govern:

- (1) The issuance of licenses and permits under this subtitle;
- (2) The location, size, lighting, and spacing requirements for any outdoor sign for which a permit is to be issued; and
- (3) The method of erecting and maintaining an outdoor sign under a permit.

(b) (1) Before a rule or regulation may be adopted under this subtitle, notice of a public hearing on the rule or regulation shall be published once a week for 2 successive weeks in at least two newspapers of general circulation in this State. The notice shall specify a time and place for the public hearing.

(2) After the hearing, the Administration may adopt the proposed rule or regulation.

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§ 8-708

A person may not engage in the business generally known as outdoor advertising for profit gained from rentals or other compensation received for the erection, use, or maintenance on real property of any outdoor sign, unless the person is licensed by the Administration under this part.

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§ 8-709

(a) Each application for a license under this part:

- (1) Shall be made on a form provided by the Administration; and
- (2) Shall include:
 - (i) The full name of the applicant;
 - (ii) The mailing address of the applicant; and
 - (iii) Any other relevant information that the Administration requires for consideration of the application.

(b) Each license issued under this part expires on the April 30 after its issuance and may be renewed annually on application and payment of the required fee.

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§ 8-710

(a) Each applicant for a license or the renewal of a license under this part shall pay an annual fee established by the Administration, based on the number of outdoor sign structures.

(b) If a license is issued in any month after May, the fee for that license shall be prorated according to the number of months, including the month of its issuance, that remain in the license year.

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§ 8-711

The Administration shall issue a license under this part to any applicant who has complied with the requirements of this part.

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§ 8-714

(a) Whether or not the person must be licensed under Part II of this subtitle, a person may not erect or maintain any outdoor sign outside the limits of any municipal corporation and within 500 feet of a State highway, unless the person has a permit issued by the Administration for that sign.

(b) A permit is not required under this section to erect or maintain any outdoor sign:

(1) That is used only to advertise the sale or lease of the property on which it is located;

(2) That is on or within 100 feet of any building or the entrance to any building in which the business advertised is carried on;

(3) That is used only to advertise:

(i) A Maryland historic shrine or institution; or

(ii) A county or church fair held in this State;

(4) That advertises a candidate or the support or defeat of any proposition. This sign:

(i) Shall comply with all provisions of the Election Law Article;

(ii) Shall comply with public safety requirements as set forth in § 8–716 of this subtitle;

(iii) Shall conform to all local restrictions and zoning requirements which are more restrictive than this section; and

(iv) Shall conform to the restrictions and requirements of Parts IV and V of this subtitle; or

(5) That is only a temporary outdoor sign that advertises the sale in season of fresh produce on property that adjoins a State highway by a person who has grown the fresh produce and who owns, rents, or has permission to sell on the property. This sign:

(i) Shall comply with public safety requirements as set forth in § 8–716 of this subtitle;

(ii) Shall conform to all local restrictions and zoning requirements that are more restrictive than this section, including any applicable time limitation;

(iii) Shall conform to the restrictions and requirements of Parts IV and V of this subtitle; and

(iv) Shall be removed or covered when produce is no longer for sale.

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§ 8-715

(a) Each application for a permit under this part:

(1) Shall be made on a form provided by the Administration;

(2) Shall be signed by the applicant; and

(3) Shall include the information required by this section.

(b) Each application for an outdoor sign permit shall include:

(1) The name of the county and election district and the approximate distance from the nearest municipal corporation where the applicant proposes to erect or maintain the sign;

(2) A statement as to whether or not the proposed location is within any area over which the General Assembly has granted zoning powers to any agency and, if the proposed location is within such an area:

(i) The name of that area; and

(ii) A certificate that satisfies the Administration that the appropriate agency has approved the erection or maintenance of the sign;

(3) Specifications as to each of the following:

(i) The dimensions and the area in square feet of advertising surface on the sign, as contained within a line drawn around the outer edge of its advertising matter, pictorial design, and all border and trim;

(ii) The distance from the ground to the top of the sign;

(iii) The material used in the construction of the sign; and

- (iv) The distance from the sign to the nearest highway;
- (4) A plat that accurately shows, for the area within 500 feet of the sign:
 - (i) The proposed location of the sign with reference to the location of each State highway;
 - (ii) The location of the boundaries of the State highway; and
 - (iii) The relative location of any intersection at grade of the State highway with another highway or with a railroad; and
- (5) Any other plats or information that the Administration considers necessary to determine whether the sign qualifies for a permit under § 8-716 of this subtitle.

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§ 8-716

The Administration may not issue a permit under this part for any outdoor sign if:

- (1) The area of its advertising surface, as required to be specified in the application, exceeds 1,000 square feet;
- (2) It might affect adversely the safety of public travel on any State highway by dangerously obstructing the clear view of the highway by the driver of a motor vehicle on it;
- (3) It is lighted in a way that makes it dangerous to drive a motor vehicle on a State highway; or
- (4) It is located, as to any intersection at grade of a State highway with another highway or with a railroad:
 - (i) At any point where it obstructs or interferes with the view of a train or other vehicle approaching the intersection; or
 - (ii) At any other point where it is dangerous to the public in any way.

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§ 8-717

- (a) Each permit issued under this part expires on the April 30 after its issuance.
- (b) (1) A permit issued under this part may be renewed annually on application and payment of the required fee.
- (2) If the renewal fee for a permit is not paid by July 1 of a permit year, the Administration may charge a \$5 late fee for the permit.
- (3) If the renewal fee for a permit is not paid by October 1 of a permit year, the Administration may remove the outdoor sign for which the fee is not paid, as provided in Part VI of this subtitle.

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§ 8-718

- (a) Each applicant for a permit or the renewal of a permit under this part shall pay an annual fee established by the Administration, based as to each outdoor sign on the area of its advertising surface.
- (b) If a permit is issued in any month after May, the fee for that permit shall be prorated according to the number of months, including the month of its issuance, that remain in the license year, but the fee may not be less than \$1.

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§ 8-719

- (a) The Administration shall issue a permit under this part to any applicant who has complied with the requirements of this part.
- (b) The permits issued under this part shall be numbered consecutively.

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§ 8-720

Any person whose application for a permit under this part is rejected by the Administration may appeal to the circuit court for the county in which the outdoor sign is to be located. The appeal shall be heard de novo.

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§ 8-721

On each outdoor sign for which a permit is required under this part, there shall be written plainly, in the manner that the Administration requires:

- (1) The name and mailing address of the person owning or controlling the sign; and
- (2) The number and expiration date of the permit for the sign.

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§ 8-722

(a) Except for payment of the annual fee required by § 8-718 of this subtitle, this part does not affect any outdoor sign in existence on June 1, 1931, unless the sign:

- (1) Affects adversely the safety of public travel on any State highway by dangerously obstructing the clear view of the highway by the driver of a motor vehicle on it; or
- (2) Is lighted in a way that makes it dangerous to drive a motor vehicle on any State highway.

(b) If the outdoor sign affects adversely the safety of public travel or is dangerously lighted as described in subsection (a) of this section, the Administration may remove the sign as provided in Part VI of this subtitle, after 15 days' written notice and an opportunity to be heard.

(c) Any person whose outdoor sign is ordered removed under this section may appeal to the circuit court for the county in which the sign is located. The appeal shall be heard de novo.

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§ 8-725

(a) In this part the following words have the meanings indicated.

(b) (1) In this definition, "commercial or industrial activity" means any activity generally recognized as commercial or industrial by local zoning authorities in this State, except for the following activities:

- (i) Outdoor advertising;
- (ii) Agricultural, forestry, ranching, grazing, farming, and related activities, including wayside fresh produce stands;
- (iii) Activities normally or regularly in operation less than 3 months of the year;
- (iv) Transient or temporary activities;
- (v) Activities conducted in a building principally used as a residence; and
- (vi) Railroad tracks and minor sidings.

(2) "Commercial or industrial area" means any area along the side of a highway:

- (i) That is reserved under a local zoning ordinance or regulation for business, commerce, or trade;
- (ii) That is not zoned and on which there are located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is conducted, whether or not a permanent structure is located there, including the area that, along or parallel to the edge or pavement of that side of the highway, extends 660 feet from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity.

(c) "Double-faced" means abutting and facing the same direction.

(d) "Federal-aid primary highway" means any State highway that is part of the national federal-aid primary system as of June 1, 1991, or any highway on the national highway system, as designated by the Administration and approved by the United States Secretary of Transportation under Title 23 of the United States Code.

(e) "Scenic byway" means a transportation corridor designated by the Administration as having special scenic, historic, recreational, cultural, archaeological, or natural qualities that have been recognized as such through legislation or some other official declaration.

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§ 8-726

(a) The General Assembly finds and declares that, except for on premise advertising, outdoor advertising along and adjacent to the federal-aid primary system of highways is a commercial use of these highways that should be regulated to:

- (1) Prevent unreasonable distraction of the drivers of motor vehicles;
- (2) Prevent confusion as to traffic lights, signs, controls, or signals, and prevent interference with the effectiveness of traffic regulations;
- (3) Promote the prosperity, economic well-being, health, safety, morals, order, convenience, and general welfare of this State;
- (4) Promote the enjoyment of travel on and protection of the public investment in highways in this State; and
- (5) Preserve and enhance the natural scenic beauty or esthetic features and values of these highways and their adjacent areas.

(b) (1) It is a policy of this State that:

(i) The erection and maintenance of outdoor advertising along the rights-of-way of the federal-aid primary system of highways in this State should be limited and regulated in accordance with this part and the rules and regulations adopted by the Administration under it; and

(ii) All outdoor advertising that does not meet the requirements of this part and these rules and regulations is not in the public interest.

(2) By enacting this part, the General Assembly intends to provide a statutory basis for the regulation of outdoor advertising consistent with the public policy for areas adjacent to federal-aid primary highways, as declared by the Congress in the federal Highway Beautification Act of 1965 and the Federal-Aid Highway Amendment of 1974.

(c) This part shall be liberally construed to carry out the legislative policy stated in this section.

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§ 8-727

(a) Except as otherwise provided in this section, this part regulates the erection and maintenance of an outdoor sign along or near a federal-aid primary highway, only if:

(1) The sign is wholly or partly visible from the main traveled way of the highway; and

(2) The sign is:

(i) 660 feet or less from the nearest edge of the right-of-way of the highway; or

(ii) More than 660 feet from the nearest edge of the right-of-way of the highway, and intended to be read from the main traveled way of the highway.

(b) Except as provided in §§ 8-734 and 8-735 of this subtitle as to the removal of nonconforming signs, this part does not apply to:

(1) An outdoor sign that is 660 feet or less from the nearest edge of a federal-aid primary highway, if the sign was erected on or before July 1, 1968; or

(2) An outdoor sign that is more than 660 feet from the nearest edge of a federal-aid primary highway, if the sign was erected on or before July 1, 1975.

(c) This part does not apply to on premise outdoor signs.

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§ 8-728

A person may not use his property or allow his property to be used by any other person for the erection or maintenance of any outdoor sign along or near any federal-aid primary highway, unless:

(1) The sign is in a commercial or industrial area; or

(2) The sign is:

(i) In an urban area; and

(ii) More than 660 feet from the nearest edge of the right-of-way of the highway.

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§ 8-729

(a) A person may not erect or maintain any outdoor sign along or near any federal-aid primary highway, unless the person has a permit issued by the Administration for that sign.

(b) A permit required by this section shall be issued in the same manner and is subject to the same annual permit fee and other requirements and limitations as are provided for a permit issued under Part III of this subtitle.

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§ 8-730

(a) Except as provided in subsection (b) of this section, the Administration may not issue a permit for any outdoor sign along or near any federal-aid primary highway, if the sign:

(1) Imitates or resembles any official traffic sign, signal, or device;

(2) Is erected or maintained on any tree or painted or drawn on any rock or other natural feature;

(3) Is erected or maintained in a way that:

(i) Obscures or otherwise interferes with the effectiveness of an official traffic sign, signal, or device; or

(ii) Obstructs or interferes with a driver's view of approaching, merging, or intersecting traffic;

(4) Is located within 250 feet of any public park, public forest, playground, or cemetery that is adjacent to a federal-aid primary highway; or

(5) Is along or near a scenic byway located on the federal-aid primary highway.

(b) (1) This subsection applies only in Calvert County and St. Mary's County.

(2) The Administration may, in conformance with federal law, issue a permit for an outdoor sign along or near a scenic byway located on a federal-aid primary highway if the sign:

(i) Was erected on or before January 1, 2008; or

(ii) Is a directional sign for a facility that:

1. Sells principally local agricultural or aquacultural products; and

2. Is located within a 5-mile radius of the sign.

(3) A sign erected under this subsection shall be erected and maintained in a manner that is safe and does not detract from the scenic or cultural character of the scenic byway along which the sign is located.

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§ 8-731

(a) The size of an outdoor sign along or near a federal-aid primary highway shall conform to the limitations specified in this section.

(b) For purposes of this section, the area of a sign shall be measured by any combination of the smallest square, rectangle, triangle, or circle that will encompass the entire sign, including its border and trim but excluding any ornamental base, apron supports, or other structural members.

(c) An outdoor sign may not have an area greater than 1,000 square feet, with a maximum height of 25 feet and a maximum length of 50 feet.

(d) (1) An outdoor sign structure may contain one or two signs per facing and may be double-faced, back-to-back, or v-type, but the total area of any facing may not exceed 800 square feet.

(2) An outdoor sign that exceeds 400 square feet may not be double-faced.

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§ 8-732

(a) In this section, "centerline" means:

- (1) The centerline of the main traveled way of a nondivided highway; or
 - (2) A line equidistant from the edges of the median separating the main traveled ways of a divided highway.
- (b) The location of an outdoor sign structure located between highways entering into or intersecting the main traveled way of any federal-aid primary highway shall conform to the minimum spacing criteria specified in this section, to be applied separately to each side of the federal-aid primary highway.
- (c) If the distance between the centerlines of intersecting highways is less than 1,000 feet, a maximum of three sign structures, whether double-faced, back-to-back, or v-type, may be permitted between the intersecting highways, and the minimum spacing between the structures shall be 100 feet.
- (d) If the distance between the centerlines of intersecting highways is 1,000 feet or more, the minimum spacing between sign structures, whether double-faced, back-to-back, or v-type, shall be 300 feet.
- (e) (1) For purposes of this subsection, the following rules apply.
- (2) Alleys, undeveloped rights-of-way, private roads, and driveways may not be regarded as intersecting highways.
 - (3) Only highways that enter directly into the main traveled way of the federal-aid primary highway may be regarded as intersecting.
 - (4) Official and "on premise" signs, as defined in Title 23, § 131(c) of the United States Code, may not be counted, and measurements may not be made from them for purposes of determining compliance with the spacing requirements.
 - (5) The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs.
 - (6) The minimum spacing criteria specified in this section do not apply to sign structures separated by a building or other obstruction so that only one sign structure is visible from any one place on the main traveled way.

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§ 8-733

- (a) Except as otherwise provided by law, an outdoor sign along or near a federal-aid primary highway may be lighted, but is subject to the restrictions specified in this section.
- (b) A sign that includes or is lighted by any flashing, intermittent, or moving light is prohibited, unless that sign is giving public service information such as time, date, temperature, weather, or similar information.
- (c) A sign that is not effectively shielded so as to prevent its light beams or rays from being directed at any part of the main traveled ways of the federal-aid primary highway is prohibited, if the beams or rays:
- (1) Are of such intensity or brilliance as to cause glare or impair the vision of the driver of any motor vehicle; or
 - (2) Otherwise interfere with any driver's operation of a motor vehicle.
- (d) A sign may not be lighted in any way that obscures or otherwise interferes with the effectiveness of an official traffic sign, signal, or device.

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§ 8-734

- (a) If appropriate matching federal funds are available to this State under the federal Highway Beautification Act of 1965 and the Federal-Aid Highway Amendment of 1974, the Administration shall acquire, by purchase, gift, or condemnation, and remove any outdoor sign that, on July 1, 1975, lawfully existed along or near any federal-aid primary highway and that does not comply with this part.
- (b) In controlling outdoor signs adjacent to federal-aid primary highways under the federal Highway Beautification Act of 1965, the Federal-Aid Highway Amendment of 1974, and any related agreement between the Administration and the federal government, the Administration is not required to remove any sign that advertises a natural wonder or a scenic or

historical attraction, if the sign conforms to national standards for such signs under Title 23 of the United States Code.

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§ 8-735

(a) The Administration may acquire, by purchase, gift, or condemnation, and remove any outdoor sign:

- (1) That lawfully existed along or near any federal-aid primary highway on July 1, 1975;
- (2) That was lawfully erected and, after July 1, 1975, became nonconforming; or
- (3) That lawfully existed along or near any highway that was made a part of the federal-aid primary system on or after October 22, 1965.

(b) (1) The Administration may pay compensation under this section only for:

- (i) The taking from the owner of the outdoor sign of all interest in the sign; and
- (ii) The taking from the owner of the land on which the outdoor sign is located of the right to erect and maintain outdoor signs at that location.

(2) The Administration may not spend funds to control outdoor signs under the federal Highway Beautification Act of 1965 and the Federal-Aid Highway Amendment of 1974, until appropriate matching federal funds are available to this State under these acts.

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§ 8-736

(a) The political subdivisions of this State have full authority, under their respective zoning powers:

- (1) To zone areas for commercial or industrial purposes; and
- (2) In these areas, to govern the size, spacing, and lighting of outdoor signs.

(b) Notwithstanding any provision of this part or any rule or regulation of the Administration:

- (1) Local zoning regulations that relate to outdoor signs in commercial or industrial areas shall govern within the zoned area; and
- (2) If a political subdivision adopts comprehensive zoning that includes the regulation of outdoor signs:
 - (i) The Administration may so certify to the Federal Highway Administrator; and
 - (ii) On certification, the control of outdoor signs in commercial or industrial areas transfers to the political subdivision.

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§ 8-737

(a) A county or municipality may not remove an outdoor sign which is adjacent to a federal-aid primary highway and which was lawfully erected and maintained under State law and in existence or in litigation on or after November 6, 1978 unless just compensation is paid by the Administration.

(b) The Administration is not required to spend any funds under this section until appropriate matching federal funds are available to the State.

(c) The provisions of subsection (a) of this section shall not apply to any outdoor sign which is not eligible for matching federal funds.

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§ 8-739

In this part, "expressway" includes an interstate highway.

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§ 8-740

(a) Except as otherwise provided in this section, this part regulates the erection and maintenance of an outdoor sign along or near an expressway, only if:

(1) The sign is 660 feet or less from the nearest edge of the right-of-way of the expressway; or

(2) The sign is:

(i) More than 660 feet from the nearest edge of the right-of-way of the expressway;

(ii) Wholly or partly visible from the main traveled way of the expressway; and

(iii) Intended to be read from the main traveled way of the expressway.

(b) Except as provided in § 8-743 of this subtitle as to the removal of nonconforming signs, this part does not apply to:

(1) An outdoor sign that is 660 feet or less from the nearest edge of the right-of-way of an expressway, if the sign was erected on or before June 1, 1959; or

(2) An outdoor sign that is more than 660 feet from the nearest edge of the right-of-way of an expressway, if the sign was erected on or before July 1, 1975.

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§ 8-741

A person that owns property may not use the property or allow the property to be used by any other person for the erection or maintenance of any outdoor sign along or near any expressway, unless the sign is located in an urban area and:

(1) (i) Is 660 feet or less from the nearest edge of the right-of-way of the expressway;

(ii) Is located in a commercial or industrial zone that is within a locally designated geographic area of signage control that has been adopted as part of comprehensive rezoning regarding signage; and

(iii) Has received a permit from the Administration in accordance with § 8-744 of this subtitle; or

(2) More than 660 feet from the nearest edge of the right-of-way of the expressway.

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§ 8-742

This part does not prohibit the erection or maintenance of:

(1) Any on premise outdoor sign that complies with § 8-744 of this subtitle;

(2) Any outdoor sign used to identify a church or a historical monument or location, if the sign is erected in accordance with the rules and regulations of the Administration; or

(3) Any outdoor sign along a highway that is not an expressway, even if the highway runs parallel or partially parallel to an expressway, if the sign faces that highway.

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§ 8-743

(a) The Administration may acquire, by purchase, gift, or condemnation, and remove any outdoor sign that, on July 1, 1975, lawfully existed along or near any expressway and that does not comply with this part.

(b) (1) The Administration may pay compensation under this section only for:

(i) The taking from the owner of the outdoor sign of all interest in the sign; and

(ii) The taking from the owner of the land on which the outdoor sign is located of the right to erect and maintain outdoor signs at that location.

(2) The Administration is not required to spend any funds under the federal Highway Beautification Act of 1965 and the Federal-Aid Highway Amendment of 1974, until appropriate matching federal funds are available to this State under these acts.

(c) Compensation may not be paid for any outdoor sign erected after July 1, 1975, in violation of this part.

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§ 8-744

(a) On premise outdoor signs are permitted along expressways in accordance with the local zoning laws or ordinances that are in effect in the political subdivision through which the expressway passes, if these local zoning laws or ordinances embrace and regulate outdoor advertising.

(b) For any area in which local zoning laws or ordinances are not in effect or for which the local zoning laws or ordinances do not embrace outdoor advertising:

(1) The Administration may adopt rules and regulations governing on premise signs along expressways; and

(2) If local zoning laws or ordinances embracing outdoor advertising later are adopted, the local zoning prevails.

(c) (1) A person may not erect or maintain any outdoor sign along or near any expressway unless the person has a permit issued by the Administration for that sign.

(2) There is no fee or bond requirement for a permit issued under this subsection.

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§ 8-745

(a) A county or municipality may not remove an outdoor sign which is adjacent to an interstate highway and which was lawfully erected and maintained under State law and in existence or in litigation on or after November 6, 1978 unless just compensation is paid by the Administration.

(b) The Administration is not required to spend any funds under this section until appropriate matching federal funds are available to the State.

(c) The provisions of subsection (a) of this section shall not apply to any outdoor sign which is not eligible for matching federal funds.

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§ 8-747

Except as otherwise provided in this subtitle, before any outdoor advertising license or outdoor sign permit may be issued or renewed under this subtitle to any person who is not a resident of this State, the person shall execute and file with the Administration a bond to this State, with surety approved by the Administration, in the amount of \$1,000 and conditioned that the obligor:

(1) Will pay to this State all money required to be paid by him under this subtitle; and

(2) Will comply with all of the provisions of this subtitle and the rules and regulations adopted under it.

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§ 8-748

(a) If any outdoor sign is erected or maintained contrary to the provisions of this subtitle, the Administration may remove it after 15 days' written notice to the person owning or controlling the sign.

(b) All signs removed by the Administration under this section become the property of the Administration.

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§ 8-749

Any person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

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§ 8-750

(a) In this part the following words have the meanings indicated.

(b) "Bus passenger shelter" means a shelter located at a designated transit bus stop for the convenience of passengers of a public transportation system owned and operated by a governmental unit, public authority, or transit operator.

(c) "Commercial advertising sign" means any sign, display, or device designed, intended, or used to encourage or promote the purchase or use of goods or services.

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§ 8-751

The Administration may, consistent with Division II of the State Finance and Procurement Article, enter into agreements for the construction, operation, and maintenance of bus passenger shelters displaying commercial advertising signs on the rights-of-way of State highways, subject to applicable federal requirements and to any terms and conditions prescribed by the Administration, including the payment of compensation.

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§ 8-752

(a) Subject to any applicable provisions of this section, a municipal corporation or a county that owns or operates a transit system or in which a transit system operates or a transit operator may enter into an agreement to construct, operate, and maintain bus passenger shelters on a State right-of-way.

(b) An agreement under this section may allow commercial advertising signs to be displayed on bus passenger shelters consistent with applicable State, local, and federal law.

(c) A municipal corporation shall apply to the Administration for a permit to erect bus passenger shelters on State rights-of-way located within the municipal corporation.

(d) (1) A county shall apply to the Administration for a permit to erect bus passenger shelters on State rights-of-way located within the county but not within a municipal corporation.

(2) With the concurrence of the municipal corporation, a county shall apply to the Administration for a permit to erect bus passenger shelters on State rights-of-way that are located within a municipal corporation.

(e) A transit operator shall apply to the Administration for a permit to erect bus passenger shelters:

(1) On State rights-of-way located within a municipal corporation, with the concurrence of the municipal corporation; and

(2) On State rights-of-way located within an unincorporated area, with the concurrence of the county.

(f) (1) On receipt of an application for a permit to erect a bus passenger shelter, the Administration may issue a permit under § 8-646 of this title after determining that:

(i) The location, design, and construction of the bus passenger shelter do not interfere with vehicular or pedestrian safety; and

(ii) The construction of the bus passenger shelter, including any commercial advertising signs displayed on the bus passenger shelter, conforms with applicable State, local, and federal law.

(2) A permit for a bus passenger shelter shall:

(i) Include a provision requiring continued compliance with the requirements under paragraph (1) of this subsection;

(ii) Include a provision that the State is not responsible to any party to an agreement under this section for any costs resulting from enforcement of the permit; and

(iii) Serve as an agreement with the State as may be required under applicable federal regulation.

(3) The Administration may not unreasonably withhold approval of a permit under this subsection to a municipal corporation, county, or transit operator that has complied with the provisions of this section.

(g) Notwithstanding subsection (a) of this section, the Administration may enter into agreements to construct, operate, and maintain bus passenger shelters at fixed-route bus stops used by the Maryland Transit Administration.

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§ 8-755

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Department" means the Department of Commerce.
- (3) "Program" means the Tourist Area and Corridor Signage Program.
- (b) There is a Tourist Area and Corridor Signage Program.
- (c) The purpose of the Program is to create a system of supplemental guide signs to direct motorists to eligible individual attractions by directing the motorists first to groups of attractions.
- (d) The Administration, in collaboration with the Department, shall administer the Program.
- (e) (1) (i) The Administration and the Department shall develop standards and procedures for determining the eligibility of an attraction for a sign.
- (ii) If the Department provides an initial approval of an attraction's application based on the criteria established under subparagraph (i) of this paragraph, the Department, in coordination with the requesting attraction, shall prepare a signage plan and submit the signage plan to the Administration for review.
- (2) (i) The Administration shall review the signage plan for compliance with federal, State, and local laws and regulations and right-of-way laws and regulations.
- (ii) In reviewing a signage plan, the Administration may consult with other State agencies and offices.
- (iii) 1. As part of the review required under subparagraph (i) of this paragraph, the Administration shall investigate whether there is space available at the proposed site along the State highway for a sign for the attraction.
2. Approval of a signage plan is subject to space availability based on the Administration's regulations and requirements.
- (3) (i) 1. If the Administration approves a signage plan and issues a required permit to the attraction, the attraction shall design, fabricate, and install the signs in the signage plan using standards and specifications approved by the Administration.
2. The attraction shall bear all costs for the design, fabrication, and installation of the signs in the signage plan.
- (ii) An attraction that applies for a sign shall pay an amount the Administration considers appropriate for the review of each sign included in the signage plan and the issuance of all required permits.
- (f) (1) The Administration may charge an attraction a reasonable annual administrative fee to administer and manage the Program for the duration that each sign in the signage plan is installed.
- (2) (i) An attraction's sign may be removed by the Administration if the attraction fails to pay the annual administrative fee.
- (ii) The attraction shall be responsible for maintaining, removing, and replacing signs at the direction of the Administration if an existing approved sign is determined to be noncompliant with Program requirements for reasons including damage, fading, or safety concerns.
- (iii) The Administration may remove any attraction sign that does not comply with the requirements of the Program.
- (iv) An attraction whose sign is removed under subparagraph (iii) of this paragraph shall resubmit new or replacement signage for review and approval.
- (g) (1) The Administration may amend the Program if the Administration determines that the Program may result in a sanction by the Federal Highway Administration, including a decrease in federal funds provided to the State for highway use.
- (2) The Administration shall notify the following legislative committees at least 30 days before amending the Program to avoid a sanction:
- (i) The Senate Finance Committee;
- (ii) The Senate Budget and Taxation Committee;
- (iii) The House Environment and Transportation Committee; and
- (iv) The House Appropriations Committee.
- (h) (1) To be eligible for signage, an attraction may not, based on a determination by the Administration and the Department, already be well-signed on a Tourist Area Corridor.

(2) An attraction may not bring reputational harm to the State.

(i) (1) Except as provided in paragraph (2) of this subsection, a sign developed under the Program may include only the following elements:

(i) The name of the attraction;

(ii) A directional arrow to guide individuals to the attraction; and

(iii) The approximate mileage to the attraction from the location of the sign.

(2) A sign may include a generic symbol used to represent a category of attractions identified by the Department if, on the request of the Department, the Administration determines that there is a generic symbol approved for use in the Manual on Uniform Traffic Control Devices.

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§ 8-801

(a) In this subtitle the following words have the meanings indicated.

(b) "Automobile graveyard" means an establishment or place of business that is maintained, operated, or used for storing wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(c) "Automotive dismantler and recycler facility" means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. All requirements in any statute, rule, or regulation applicable to automobile graveyards also apply to automobile dismantler and recycler facilities.

(d) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel, and any other old or scrap material.

(e) "Junkyard" means an establishment or place of business that is maintained, operated, or used:

(1) For storing, keeping, buying, or selling junk;

(2) For an automobile graveyard; or

(3) As a garbage dump or sanitary fill.

(f) "Main traveled way" has the meaning stated in § 8-701 of this title.

(g) "Primary highway" means any State highway that is designated under this title as a primary highway and approved by the United States Secretary of Transportation under Title 23 of the United States Code.

(h) "Scrap metal processing facility" means an establishment:

(1) That has facilities for processing iron, steel, or nonferrous scrap metal; and

(2) The principal product of which is scrap iron, scrap steel, or nonferrous scrap for sale only for resmelting purposes.

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§ 8-802

The General Assembly of Maryland finds and declares that, to promote the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investments in highways, and to preserve and enhance the scenic beauty of lands bordering public highways:

(1) It is in the public interest to regulate and restrict the establishment, operation, and maintenance of automotive dismantler or recycler facilities, scrap metal processing facilities, and junkyards near the interstate and primary highways in this State; and

(2) Junkyards, automotive dismantler or recycler facilities, and scrap metal processing facilities are to conform to the requirements of this subtitle.

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§ 8-803

(a) A person may not establish, operate, or maintain any new junkyard, automotive dismantler and recycler facility, or scrap metal processing facility or expand the area of any existing junkyard or automotive dismantler and recycler facility, if any part of the junkyard or facility is within 1,000 feet of the nearest edge of the right-of-way of any interstate or primary highway and is visible from the main traveled way of that highway, unless the person is licensed by the Administration under this subtitle.

(b) This section does not apply to any junkyard or facility that was in existence on or before January 1, 1968, unless the area of its operation is expanded.

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§ 8-804

(a) Each application for a license under this subtitle:

- (1) Shall be made on a form provided by the Administration; and
- (2) Shall include the information that the Administration requires for consideration of the application.

(b) Each license issued under this subtitle expires on the December 31 after its issuance and may be renewed annually on application and payment of the required fee.

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§ 8-805

(a) Each applicant for a license or the renewal of a license under this subtitle shall pay an annual fee established by the Administration.

(b) If a license is issued in any month after December, the fee for that license shall be prorated according to the number of months, including the month of its issuance, that remain in the license year.

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§ 8-806

The Administration shall issue a license under this subtitle to any applicant who has complied with the requirements of this subtitle.

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§ 8-807

(a) The Administration may not issue a license under this subtitle for the establishment, operation, or maintenance of any new junkyard, automotive dismantler and recycler facility, or scrap metal processing facility or for the expansion of any existing junkyard, automotive dismantler and recycler facility, or scrap metal processing facility if any part of the junkyard or facility is within 1,000 feet of the nearest edge of the right-of-way of any interstate or primary highway, unless the junkyard or facility is:

- (1) Screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the highway;
- (2) Otherwise not visible from the main traveled way of the highway;
- (3) Located in an area that is zoned for industrial use under authority of local law; or
- (4) Located in an area that is not zoned for industrial use, but that is used for industrial activities as determined by the Administration with the approval of the United States Secretary of Transportation under the federal Highway Beautification Act of 1965.

(b) This section does not permit the Administration to preempt any zoning act or ordinance of any political subdivision. If a political subdivision later zones any area for a use that conflicts with a determination of the Administration, the determination of the Administration is void.

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§ 8-808

(a) The Administration may adopt rules and regulations that:

(1) It considers necessary to govern the establishment, operation, screening, fencing, and maintenance of any junkyard, automotive dismantler and recycler facility, or scrap metal processing facility that is required to be licensed under this subtitle; and

(2) Consistent with the national standards adopted by the United States Secretary of Transportation under Title 23 of the United States Code, are necessary for the safety, welfare, and enjoyment of the traveling public.

(b) (1) Before a rule or regulation may be adopted under this subtitle, notice of a public hearing on the rule or regulation shall be published once a week for 2 successive weeks in at least two newspapers of general circulation in this State. The notice shall specify a time and place for the public hearing.

(2) After the hearing, the Administration may adopt the proposed rule or regulation.

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§ 8-809

(a) (1) Except as provided in subsection (b) of this section, if a junkyard, automotive dismantler and recycler facility, or scrap metal processing facility that lawfully existed on January 1, 1968, is within 1,000 feet of the nearest edge of the right-of-way of an interstate or primary highway, is visible from the main traveled way of that highway, and is not located in an area described in § 8-807(a)(3) or (4) of this subtitle, the Administration shall screen the junkyard or facility so that it is not visible from the main traveled way of the highway.

(2) A junkyard or facility shall be screened under this section:

(i) If feasible, on the highway right-of-way; or

(ii) Otherwise, on other property acquired for that purpose.

(b) If the Administration determines that the topography of the land or economic factors prevent adequate screening of a junkyard, automotive dismantler and recycler facility, or scrap metal processing facility under this section, the Administration, with the approval of the local government, shall:

(1) Acquire any real property necessary to relocate the junkyard or facility; and

(2) Pay the costs of relocating, removing, or disposing of the junkyard or facility.

(c) (1) Except as provided in paragraph (2) of this subsection, property may be acquired under Subtitle 3 of this title for any purpose specified in this section.

(2) Property to relocate a junkyard, automotive dismantler and recycler facility, or scrap metal processing facility under subsection (b) of this section may be acquired by condemnation only if the property is located in an area zoned for industrial use or in an unzoned area that is used for an industrial activity.

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§ 8-810

The Administration may not spend funds under this subtitle to pay the cost of screening or relocating any junkyard, automotive dismantler and recycler facility, or scrap metal processing facility until appropriate matching federal funds are available to this State under the federal Highway Beautification Act of 1965.

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§ 8-811

This subtitle does not abrogate or affect any statute, ordinance, regulation, or resolution that is more restrictive in the regulation of junkyards, automotive dismantler and recycler facilities, or scrap metal processing facilities than this subtitle.

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§ 8-812

(a) If a junkyard, automotive dismantler and recycler facility, or scrap metal processing facility is in violation of any provision of this subtitle, the Administration may apply for an injunction to a court of equity in the county where the junkyard or facility is located.

(b) (1) Any person who violates any provision of this subtitle or of any rule or regulation adopted under it is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(2) If the Administration gives written notice to a person that he is in violation of any provision of this subtitle or of a rule or regulation adopted under it, each day that the violation continues after the thirtieth day after the notice is received constitutes a separate offense.

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§ 8-901

(a) In this subtitle the following words have the meanings indicated.

(b) "Certified jurisdiction" means a local government that has been certified by the Department in accordance with § 8-905 of this subtitle.

(c) "Complete streets" means streets that provide accommodations for users of multiple modes of transportation.

(d) "Complete streets design features" has the meaning stated in § 2-112 of this article.

(e) "Complete streets policy" means a law, a bylaw, an ordinance, or an administrative policy adopted by a local government in accordance with § 8-905 of this subtitle.

(f) "Eligible project" means a local government or State highway, street, or road retrofit project that includes the addition of or significant repair to facilities that provide access for users of multiple modes of transportation.

(g) "Green stormwater infrastructure" means infrastructure implemented using best management practices that reduce the volume of stormwater runoff through infiltration, evapotranspiration, the beneficial reuse of water, or any other effective method.

(h) "Local government" means a county or municipality in the State.

(i) "Program" means the Complete Streets Program established under this subtitle.

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§ 8-902

There is a competitive matching grant program within the Department known as the "Complete Streets Program".

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§ 8-903

(a) The purpose of the Program is to provide matching grants to certified jurisdictions to encourage:

(1) The regular and routine inclusion of complete streets design features and infrastructure during the planning, design, construction, and reconstruction of new or existing locally funded roads;

(2) The adoption of urban retrofit street ordinances designed to provide safe access to users of multiple modes of transportation; and

(3) The development of ranking systems for complete streets projects that consider the needs of underinvested and underserved communities in specific geographic regions of the State.

(b) The goals of the Program are to:

(1) Promote healthy communities by encouraging the use of multiple modes of transportation other than single-occupancy motor vehicles;

(2) Improve safety by designing streets to include design features such as:

(i) Wider sidewalks;

(ii) Dedicated bike facilities;

(iii) Medians;

(iv) Pedestrian streetscape design features; and

(v) Green stormwater infrastructure;

- (3) Protect the environment and improve water quality by using green stormwater infrastructure to reduce stormwater runoff from rights-of-way;
- (4) Reduce congestion by providing safe alternatives to single-occupancy motor vehicle driving;
- (5) Preserve community character by:
 - (i) Involving local and diverse communities and stakeholders in planning, prioritization, and design decisions; and
 - (ii) Facilitating access to retail stores that provide healthy foods and other necessities, especially in food deserts designated under § 6–308(c) of the Housing and Community Development Article; and
- (6) Provide for the equitable distribution of complete streets funds that takes into consideration the needs of underinvested and underserved communities in specific geographic regions of the State.

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§ 8-904

Funds for the Program shall be as provided by the Governor in the State budget.

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§ 8-905

- (a) A local government that has adopted a complete streets policy in accordance with subsection (b) of this section may apply to the Department for designation as a certified jurisdiction.
- (b) (1) A complete streets policy adopted by a local government shall:
 - (i) Identify the body, entity, or individual responsible for implementing the Program;
 - (ii) Require the development of procedures to follow when conducting local road repairs, upgrades, or expansion projects to incorporate complete streets design features;
 - (iii) Facilitate projects to achieve the goals established under § 8–903(b) of this subtitle;
 - (iv) Require the establishment of a review process for private development proposals to ensure complete streets components are incorporated into new construction according to terms specified by the local government;
 - (v) Set a 5–year goal for an increased mode share of specified modes of transportation other than single-occupancy motor vehicles;
 - (vi) Require the development of a program to meet the goal established under item (v) of this paragraph;
 - (vii) Comply with any other requirements that the Department considers necessary; and
 - (viii) Be approved by the Department.
- (2) A local government shall hold at least one public hearing prior to the adoption of a complete streets policy.

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§ 8-906

- (a) A certified jurisdiction may:
 - (1) Apply for matching grants from the Program; and
 - (2) Use matching grant funds only for costs associated with:
 - (i) The implementation of the complete streets policy, including the development and updates of policies, ordinances, procedures, and design manuals; and
 - (ii) The design and planning of eligible projects.
- (b) A certified jurisdiction that receives a matching grant shall:
 - (1) Maintain and update its complete streets policy;
 - (2) Coordinate with the Department to confirm the accuracy of the baseline inventory of pedestrian and bicycle accommodations to identify priority projects;

- (3) Submit an annual progress report to the Department, in a form and manner prescribed by the Department; and
- (4) Comply with any other requirements that the Department considers necessary.

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§ 8-907

The Secretary shall adopt regulations to carry out this subtitle.

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§ 8-908

(a) On or before December 31 each year, the Department shall submit a report to the Senate Finance Committee, Senate Budget and Taxation Committee, House Appropriations Committee, House Environment and Transportation Committee, and Baltimore City Delegation to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the status of the Program.

(b) The report required under subsection (a) of this section shall include:

- (1) The status of any grant projects funded by the Program; and
- (2) A discussion of whether there is a need to reevaluate the Program to ensure that it is meeting the goals stated in § 8–903(b) of this subtitle.

(c) The report required under subsection (a) of this section shall be made available on the Department's website.

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§ 8-1001

(a) In this subtitle the following words have the meanings indicated.

(b) "Coordinator" means the individual designated by the Department to oversee the implementation of Vision Zero throughout the State.

(c) "Vision Zero" means a program for planning and developing a State roadway system that has zero vehicle–related deaths or serious injuries.

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§ 8-1002

There is a program within the Department known as Vision Zero.

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§ 8-1003

(a) The purpose of Vision Zero is to develop strategies to make roadways safer for drivers and passengers of motor vehicles, bicyclists, and pedestrians.

(b) The goal of Vision Zero is to have zero vehicle–related deaths or serious injuries on roadways by the year 2030.

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§ 8-1004

(a) The Department shall designate a coordinator to oversee the implementation of Vision Zero throughout the State.

(b) (1) In implementing Vision Zero, the coordinator shall collaborate with other State agencies and local authorities, including local transportation agencies, law enforcement agencies, educational institutions, and fire and rescue services, to:

(i) Identify strategies for achieving the Vision Zero goal established under § 8–1003(b) of this subtitle as enumerated under § 8–1005 of this subtitle;

(ii) Analyze infrastructure reviews completed under § 8–204.2 of this title;

(iii) Provide guidance on any other issue directly related to roadway safety; and

(iv) Advise the Governor and State and local agencies on:

1. The implementation of Vision Zero;
2. Policies, programs, and services affecting traffic safety for pedestrians, bicyclists, and drivers and passengers of motor vehicles; and
3. Priorities and needs for roadway safety.

(2) (i) The coordinator shall hold a quarterly public meeting on the implementation of Vision Zero with:

1. The Administrator or the Administrator's designee;
2. The Motor Vehicle Administrator or the Motor Vehicle Administrator's designee;
3. The Executive Director of the Maryland Transportation Authority or the Executive Director's designee; and
4. A representative of the Office of the Secretary as designated by the Secretary.

(ii) The coordinator may request that any other appropriate State or local official participate in or take questions at a quarterly public meeting.

(iii) At a quarterly public meeting, the participants identified under subparagraph (i) of this paragraph shall:

1. Address and make recommendations on any Vision Zero development and implementation issues identified by the coordinator under paragraph (1)(i) of this subsection;
2. A. Discuss each infrastructure review completed under § 8–204.2 of this title and analyzed by the coordinator; and
B. Vote to accept the infrastructure review or to return the infrastructure review to the person that conducted it for a response to questions or comments or for further review as appropriate; and
3. Discuss and recommend any guidance or advice for the coordinator to provide under paragraph (1) of this subsection.

(iv) 1. A quarterly public meeting shall be live streamed.

2. The Department shall maintain on its website a complete and unedited archived video recording of each quarterly public meeting for a minimum of 5 years after the date of the meeting.

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§ 8-1005

The implementation of Vision Zero shall include strategies for:

- (1) Identifying State and local laws, policies, and regulations that hinder the development and implementation of Vision Zero;
- (2) Proposing changes to State and local laws to allow for innovative engineering and traffic calming;
- (3) Creating a Vision Zero website that contains information related to Vision Zero;
- (4) Collecting and publishing motor vehicle collision data;
- (5) Connecting with other states and communities that have implemented a similar Vision Zero program;
- (6) Reviewing existing traffic safety programs to determine their effectiveness;
- (7) Working with research organizations to develop best practices;
- (8) Prioritizing resources for investment in the communities most affected by motor vehicle collisions;
- (9) Proactively engaging community members to address their traffic safety concerns;
- (10) Developing and publishing a long-term plan for the continued development of Vision Zero; and
- (11) Investing more resources into construction needs for high-accident intersections and roadway sections.

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§ 8-1006

Funds for Vision Zero shall be as provided by the Governor in the State budget.

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§ 8-1007

(a) On or before December 31 each year, the Department shall submit a report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly that includes:

- (1) The status of Vision Zero;
- (2) The activities, and any findings and recommendations, of the coordinator; and
- (3) A summary of each quarterly public meeting held in the previous year.

(b) The Department shall make the report required under subsection (a) of this section available on its website.

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Title 10 — Accident Reports

§ 10-101

A word used in the compact set forth in this subtitle, unless the context clearly requires otherwise, has the same meaning as is indicated by a definition of the word in § 5-101 of this article.

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§ 10-102

An interstate compact, substantially as it appears in § 10-103 of this subtitle, is enacted into law and entered into with the State of West Virginia.

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§ 10-103

1. The county commissions of Mineral County, West Virginia, and of other West Virginia counties contiguous to Mineral County, and the governing bodies of municipal corporations situated in those counties, may enter into intergovernmental agreements with this State, Allegany County, Maryland, other Maryland counties contiguous to Allegany County and Cumberland, Maryland, and other municipal corporations situated in those Maryland counties, and with the Potomac Highlands Airport Authority regarding the operation and use of the Cumberland Municipal Airport situated in Mineral County, West Virginia. The agreements shall be reciprocal in nature and may include, but are not limited to, conditions governing the operation, use, and maintenance of airport facilities, taxation of aircraft owned by Maryland residents and others, and user fees.
2. The county commissions of Mineral County, West Virginia, and of other West Virginia counties contiguous to Mineral County, and the governing bodies of municipal corporations situated in those counties, or any one or more of them, jointly and severally, may create and establish, with proper governmental units of this State, Allegany County, Maryland, other Maryland counties contiguous to Allegany County, and Cumberland, Maryland, and other municipal corporations situated in those Maryland counties, or any one or more of them, a public agency to be known as the “Potomac Highlands Airport Authority” in the manner and for the purposes set forth in this Compact.
3. When created, the Authority and the members of the Authority shall constitute a public corporation and, as such, shall have perpetual succession, may contract and be contracted with, sue and be sued, and have and use a common seal.
4. The Authority may acquire, equip, maintain, and operate an airport or landing field and appurtenant facilities in Mineral County, on the Potomac River near Ridgeley, West Virginia, to serve the area in which it is located.
5. (a) The management and control of the Potomac Highlands Airport Authority, its property, operations, business and affairs, shall be lodged in a board of seven or more persons who shall be known as members of the Authority and who shall be appointed for terms of three years each by those counties, municipal corporations, or other governmental units situated in West Virginia and Maryland as contribute to the funds of the Authority, in such proportion between those states and counties, municipal corporations, and units, and in whatever manner, as may from time to time be provided in the bylaws adopted by the Authority.
(b) The first board shall be appointed as follows:

(1) The County Commission of Mineral County shall appoint two members for terms of two and three years, respectively;

(2) The governing official or body of the municipal corporation of Cumberland, Maryland, shall appoint three members for terms of one, two, and three years, respectively; and

(3) The governing official or body of Allegany County, Maryland, shall appoint two members for terms of one and two years, respectively.

6. The Potomac Highlands Airport Authority has power and authority as follows:

(1) To make and adopt all necessary bylaws, rules, and regulations for its organization and operations not inconsistent with law;

(2) To take all legal actions necessary or desirable in relation to the general operation, governance, capital expansion, management, and protection of the Cumberland Municipal Airport;

(3) To increase the number of members of the Authority, and to set the terms of office and appointment procedures for those additional members;

(4) To elect its own officers, to appoint committees, and to employ and fix the compensation for personnel necessary for its operation;

(5) To enter into contracts with any person, firm, or corporation, and generally to do anything necessary for the purpose of acquiring, equipping, expanding, maintaining, and operating an airport;

(6) To delegate any authority given to it by law to any of its officers, committees, agents, or employees;

(7) To apply for, receive, and use grants in aid, donations, and contributions from any sources;

(8) To take or acquire lands by purchase, holding title to it in its own name;

(9) To purchase, own, hold, sell, and dispose of personal property and to sell and dispose of any real estate which it may have acquired and may determine not to be needed for its purposes;

(10) To borrow money;

(11) To extend its funds in the execution of the powers and authority hereby given;

(12) To take all necessary steps to provide for proper police protection at the airport; and

(13) To inventory airplanes and other personal property at the airport and provide the assessor of Mineral County and other proper governmental officials with full particulars in regard to the inventory.

7. (a) The county commissions of Mineral County and of counties contiguous to Mineral County, and the governing bodies of municipal corporations situated in those counties, or any one or more of them, jointly and severally, may appoint members of the Authority and contribute to the cost of acquiring, equipping, maintaining, and operating the airport and appurtenant facilities.

(b) Any of the foregoing county commissions or municipal corporations may transfer and convey to the Authority property of any kind acquired previously by the county commission or municipal corporation for airport purposes.

8. (a) Contributions may be made to the Authority from time to time by the various bodies contributing to its funds and shall be deposited in whatever bank or banks a majority of the members of the Authority direct and may be withdrawn from them in whatever manner the Authority directs.

(b) The Authority shall keep strict account of all of its receipts and expenditures and shall make quarterly reports to the public and private bodies contributing to its funds, containing an itemized account of its operations in the preceding quarter. The accounts of the Authority shall be regularly examined by the State Tax Commissioner in the manner required by Article nine, Chapter six of the Code of West Virginia.

9. The Authority is exempt from the payment of any taxes or fees to the State of West Virginia or any Subdivisions of that State or to any officer or employee of the State or other subdivision of it. The property of the Authority is exempt from all local and municipal taxes. Notes, debentures, and other evidence of indebtedness of the Authority are declared to be issued for a public purpose and to be public instrumentalities, and, together with interest on them, are exempt from taxes.

10. In the event all of the public corporations contributing to the funds of the Authority so determine, the Authority shall make sale of all of its properties and assets and distribute the proceeds of the sale among those contributing to its funds.

In the alternative, if such of the supporting corporations contributing a majority of the funds of the Authority so determine, the Authority may lease all of its property and equipment upon whatever terms and conditions the Authority may fix and determine.

11. All eligible employees of the Authority are considered to be within the Workmen's Compensation Act of West Virginia, and premiums on their compensation shall be paid by the Authority as required by law.

12. It is the purpose of this Compact to provide for the maintenance and operation of an airport in a prudent and economical manner, and this Compact shall be liberally construed as giving to the Authority full and complete power reasonably required to give effect to the purposes hereof. The provisions of this Compact are in addition to and not in derogation of any power existing in the county commissions and municipal corporations herein named under any constitutional, statutory, or charter provisions which they or any of them may now have or may hereafter acquire or adopt.

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§ 10-201

(a) In the Compact set forth in this subtitle, unless the context clearly requires otherwise, "article", "section", and "title" mean an article, section, and title, respectively, of the Compact.

(b) The definitions in § 1-101 of this article do not apply to the Compact set forth in this subtitle.

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§ 10-202

On behalf of this State, the Governor shall execute, with the District of Columbia and the Commonwealth of Virginia, an interstate compact substantially as it appears in §§ 10-203 and 10-204 of this subtitle.

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§ 10-203

Preamble

WHEREAS, the Commonwealth of Virginia (Chapter 627, 1958 Acts of Assembly), the State of Maryland (Chapter 613, Acts of General Assembly, 1959), and the Commissioners of the District of Columbia (Resolution of the Board of Commissioners, December 22, 1960) entered into and executed the Washington Metropolitan Area Transit Regulation Compact on December 22, 1960; and

WHEREAS, the Congress of the United States has, by Joint Resolution approved October 9, 1962 (Public Law 87-767; 76 Stat. 764), given its consent to the State of Maryland, and the Commonwealth of Virginia to effectuate certain clarifying amendments to the Compact, and has authorized and directed the Commissioners of the District of Columbia to effectuate the amendments on behalf of the United States for the District of Columbia; and

WHEREAS, the Commonwealth of Virginia (Chapter 67, 1962 Acts of Assembly), the State of Maryland (Chapter 114, Acts of General Assembly, 1962), and the Commissioners of the District of Columbia (Resolution of the Board of Commissioners adopted on March 19, 1963) have adopted those clarifying amendments to the Compact;

NOW, THEREFORE, the states of Maryland and Virginia and the District of Columbia, hereafter referred to as the signatories, covenant and agree as follows:

TITLE I

General Compact Provisions

Article I

There is created the Washington Metropolitan Area Transit District, referred to as the Metropolitan District, which shall include: the District of Columbia; the cities of Alexandria and Falls Church of the State of Virginia; Arlington County and Fairfax County of the State of Virginia, the political subdivisions located within those counties, and that portion of Loudoun County, Virginia, occupied by the Washington Dulles International Airport; Montgomery County and Prince George's County of the State of Maryland, and the political subdivisions located within those counties; and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of those counties, cities, and airports.

Article II

1. The signatories hereby create the "Washington Metropolitan Area Transit Commission", hereafter called the "Commission", which shall be an instrumentality of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland, and shall have the powers and duties set forth in the Compact and those additional powers and duties conferred upon it by subsequent action of the signatories.
2. The Commission shall have jurisdiction coextensive with the Metropolitan District for the regulation of passenger transportation within the Metropolitan District on a coordinated basis, without regard to political boundaries within the Metropolitan District, as set forth in this Compact.

Article III

1. (a) The Commission shall be composed of 3 members, one member appointed by the Governor of Virginia from the Department of Motor Vehicles of the Commonwealth of Virginia, one member appointed by the Governor of Maryland from the Maryland Public Service Commission, and one member appointed by the Mayor of the District of Columbia from a District of Columbia agency with oversight of matters relating to the Commission.
(b) A member appointed shall serve for a term coincident with the term of that member on the agency of the signatory, and a member may be removed or suspended from office as the law of the appointing signatory provides.
(c) Vacancies shall be filled for an unexpired term in the same manner as an original appointment.
(d) An amendment to Section 1(a) of this Article shall not affect any member in office on the amendment's effective date.
2. A person in the employment of or holding an official relation to a person or company subject to the jurisdiction of the Commission or having an interest of any nature in a person or company or affiliate or associate thereof, may not hold the office of commissioner or serve as an employee of the Commission or have any power or duty or receive any compensation in relation to the Commission.
3. (a) The Commission shall select a chairman from among its members.
(b) The chairman shall be responsible for the Commission's work and shall have all powers to discharge that duty.
4. A signatory may pay the Commissioner from its jurisdiction the salary or expenses, if any, that it considers appropriate.
5. (a) The Commission may employ engineering, technical, legal, clerical, and other personnel on a regular, part-time, or consulting basis to assist in the discharge of its functions.
(b) The Commission is not bound by any statute or regulation of a signatory in the employment or discharge of an officer or employee of the Commission, except that contained in this Compact.
6. The Commission shall establish its office at a location to be determined by the Commission within the Metropolitan District and shall publish rules and regulations governing the conduct of its operations.

Article IV

1. (a) The signatories shall bear the expenses of the Commission in the manner set forth here.
(b) The Commission shall submit to the Governor of Virginia, the Governor of Maryland, and the Mayor of the District of Columbia, when requested, a budget of its requirements for the period required by the laws of the signatories for presentation to the legislature.
(c) The Commission shall allocate its expenses among the signatories in the proportion that the population of each signatory within the Metropolitan District bears to the total population of the Metropolitan District.
(d) (i) The Commission shall base its allocation on the latest available population statistics of the Bureau of the Census; or
(ii) If current population data are not available, the Commission may, upon the request of a signatory, employ estimates of population prepared in a manner approved by the Commission and by the signatory making the request.
(e) The governors of the two states and the Mayor of the District of Columbia shall approve the allocation made by the Commission.
2. (a) The signatories shall appropriate their proportion of the budget for the expenses of the Commission and shall pay that appropriation to the Commission.

(b) The budget of the Commission and the appropriations of the signatories may not include a sum for the payment of salaries or expenses of the commissioners.

(c) The provisions of § 2.1–30 (1979) of the Code of Virginia do not apply to any official or employee of the Commonwealth of Virginia acting or performing services under this Act.

3. (a) If the Commission requests and a signatory makes available personnel, services, or material which the Commission would otherwise have to employ or purchase, the Commission shall:

(i) Determine an amount; and

(ii) Reduce the expenses allocable to a signatory.

(b) If any services in kind are rendered, the Commission shall return to the signatory an amount equivalent to the savings to the Commission represented by the contribution in kind.

4. (a) The Commission shall have the power to establish fees under regulations, including but not limited to filing fees and annual fees.

(b) The Commission shall return to the signatories fees established by it in proportion to the share of the Commission's expenses borne by each signatory in the fiscal year during which the fees were collected.

5. (a) The Commission shall keep accurate books of account, showing in full its receipts and disbursements.

(b) The books of account shall be open for inspection by representatives of the respective signatories at any reasonable time.

Article V

1. An action by the Commission may not be effective unless a majority of the members concur.

2. An order entered by the Commission under the provisions of Title II of this Act which affect operations or matters solely intrastate or solely within the District of Columbia may not be effective unless the commissioner from the affected signatory concurs.

3. Two members of the Commission are a quorum.

4. The Commission may delegate by regulation the tasks that it considers appropriate.

Article VI

This Compact does not amend, alter, or affect the power of the signatories and their political subdivisions to levy and collect taxes on the property or income of any person or company subject to this Act or upon any material, equipment, or supplies purchased by that person or company or to levy, assess, and collect franchise or other similar taxes, or fees for the licensing of vehicles and their operation.

Article VII

This amended Compact shall become effective 90 days after the signatories adopt it.

Article VIII

1. (a) This Compact may be amended from time to time without the prior consent or approval of the Congress of the United States and any amendment shall be effective unless, within one year, the Congress disapproves that amendment.

(b) An amendment may not be effective unless adopted by each of the signatories.

2. (a) A signatory may withdraw from the Compact upon written notice to the other signatories.

(b) In the event of a withdrawal, the Compact shall be terminated at the end of the Commission's next full fiscal year following the notice.

3. Upon the termination of this Compact, the jurisdiction over the matters and persons covered by this Act shall revert to the signatories and the federal government, as their interests may appear, and the applicable laws of the signatories and the federal government shall be reactivated without further legislation.

Article IX

Each of the signatories pledges to each of the other signatories faithful cooperation in the regulation of passenger transportation within the Metropolitan District and agrees to enact any necessary legislation to achieve the objectives of

the Compact for the mutual benefit of the citizens living in the Metropolitan District.

Article X

1. If a provision of this Act or its application to any person or circumstance is held invalid in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.
2. In accordance with the ordinary rules for construction of interstate compacts, this Act shall be liberally construed to effectuate its purposes.

TITLE II

Compact Regulatory Provisions

Article XI

1. This Act shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District, including but not limited to:
 - (a) As to interstate and foreign commerce, transportation performed over a regular route between a point in the Metropolitan District and a point outside the Metropolitan District if:
 - (i) The majority of passengers transported over that regular route are transported between points within the Metropolitan District; and
 - (ii) That regular route is authorized by a certificate of public convenience and necessity issued by the Interstate Commerce Commission; and
 - (b) The rates, charges, regulations, and minimum insurance requirements for taxicabs and other vehicles that perform a bona fide taxicab service, where the taxicab or other vehicle:
 - (i) Has a seating capacity of 9 persons or less, including the driver; and
 - (ii) Provides transportation from one signatory to another within the Metropolitan District.
2. Solely for the purposes of this section and § 18 of this article:
 - (a) The Metropolitan District shall include that portion of Anne Arundel County, Maryland, occupied by the Baltimore–Washington International Thurgood Marshall Airport; and
 - (b) Jurisdiction of the Commission shall apply to taxicab rates, charges, regulations, and minimum insurance requirements for interstate transportation between the Baltimore–Washington International Thurgood Marshall Airport and other points in the Metropolitan District, unless conducted by a taxicab licensed by the State of Maryland or a political subdivision of the State of Maryland, or operated under a contract with the State of Maryland.
3. Excluded from the application of this Act are:
 - (a) Transportation by water, air, or rail;
 - (b) Transportation performed by the federal government, the signatories to this Compact, or any political subdivision of the signatories;
 - (c) Transportation performed by the Washington Metropolitan Area Transit Authority;
 - (d) Transportation by a motor vehicle employed solely in transporting teachers and school children through grade 12 to or from public or private schools;
 - (e) Transportation performed over a regular route between a point in the Metropolitan District and a point outside the Metropolitan District, including transportation between those points on the regular route that are within the Metropolitan District, if:
 - (i) The majority of passengers transported over the regular route are not transported between points in the Metropolitan District; and
 - (ii) The regular route is authorized by a certificate of public convenience and necessity issued by the Interstate Commerce Commission;

(f) Matters other than rates, charges, regulations, and minimum insurance requirements relating to vehicles and operations described in §§ 1(b) and 2 of this article;

(g) Transportation solely within the Commonwealth of Virginia and the activities of persons performing that transportation; and

(h) The exercise of any power or the discharge of any duty conferred or imposed upon the State Corporation Commission of the Commonwealth of Virginia by the Virginia Constitution.

Definitions

4. In this Act the following words have the meanings indicated.

(a) "Carrier" means a person who engages in the transportation of passengers by motor vehicle or other form or means of conveyance for hire.

(b) "Motor vehicle" means an automobile, bus, or other vehicle propelled or drawn by mechanical or electrical power on the public streets or highways of the Metropolitan District and used for the transportation of passengers.

(c) "Person" means an individual, firm, copartnership, corporation, company, association or joint stock association, and includes a trustee, receiver, assignee, or personal representative of them.

(d) "Taxicab" means a motor vehicle for hire (other than a vehicle operated under a certificate of authority issued by the Commission) having a seating capacity of 9 persons or less, including the driver, used to accept or solicit passengers along the public streets for transportation.

General duties of carriers

5. Each authorized carrier shall:

(a) Provide safe and adequate transportation service, equipment, and facilities; and

(b) Observe and enforce Commission regulations established under this Act.

Certificates of authority

6. (a) A person may not engage in transportation subject to this Act unless there is in force a "certificate of authority" issued by the Commission authorizing the person to engage in that transportation.

(b) On the effective date of this Act a person engaged in transportation subject to this Act under an existing "certificate of public convenience and necessity" or order issued by the Commission shall be issued a new "certificate of authority" within 120 days after the effective date of this amendment.

(c) (i) Pending issuance of the new certificate of authority, the continuance of operations shall be permitted under an existing certificate or order issued by the Commission which will continue in effect on the effective date of this Act.

(ii) The operations described in paragraph (i) of this subsection shall be performed according to the rates, regulations, and practices of the certificate holder on file with the Commission on the effective date of this Act.

7. (a) When an application is made under this section for a certificate of authority, the Commission shall issue a certificate to any qualified applicant, authorizing all or any part of the transportation covered by the application, if it finds that:

(i) The applicant is fit, willing, and able to perform that transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and

(ii) That the transportation is consistent with the public interest.

(b) If the Commission finds that the requirements of subsection (a) of this section have not been met, the application shall be denied by the Commission.

(c) The Commission shall act upon applications under this Act as soon as possible.

(d) The Commission may attach to the issuance of a certificate and to the exercise of the rights granted under it any term, condition, or limitation that is consistent with the public interest.

(e) A term, condition, or limitation imposed by the Commission may not restrict the right of a carrier to add to equipment and facilities over the routes or within the territory specified in the certificate, as business development and public demand may require.

(f) A person applying for or holding a certificate of authority shall comply with Commission regulations regarding maintenance of a surety bond, insurance policy, self-insurance qualification, or other security or agreement in an amount that the Commission may require to pay any final judgment against a carrier for bodily injury or death of a person, or for loss or damage to property of another, resulting from the operation, maintenance, or use of a motor vehicle or other equipment in performing transportation subject to this Act.

(g) A certificate of authority is not valid unless the holder is in compliance with the insurance requirements of the Commission.

8. Application to the Commission for a certificate under this Act shall be:

(a) Made in writing;

(b) Verified; and

(c) In the form and with the information that the Commission regulations require.

9. (a) A certificate of authority issued by the Commission shall specify the route over which a regularly scheduled commuter service or other regular-route service will operate.

(b) A certificate issued by the Commission authorizing irregular-route service shall be coextensive with the Metropolitan District.

(c) A carrier subject to this Act may not provide any passenger transportation for hire on an individual fare paying basis in competition with an existing, scheduled, regular-route, passenger transportation service performed by, or under a contract with, the federal government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority, notwithstanding any "certificate of authority".

(d) A certificate for the transportation of passengers may include authority to transport newspapers, passenger baggage, express, or mail in the same vehicle, or to transport passenger baggage in a separate vehicle.

10. (a) Certificates shall be effective from the date specified on them and shall remain in effect until amended, suspended, or terminated.

(b) Upon application by the holder of a certificate, the Commission may suspend, amend, or terminate the certificate of authority.

(c) Upon complaint or the Commission's own initiative, the Commission, after notice and hearing, may suspend or revoke all or part of any certificate of authority for willful failure to comply with:

(i) A provision of this Act;

(ii) An order, rule, or regulation of the Commission; or

(iii) A term, condition, or limitation of the certificate.

(d) The Commission may direct that a carrier cease an operation conducted under a certificate if the Commission finds the operation, after notice and hearing, to be inconsistent with the public interest.

11. (a) A person may not transfer a certificate of authority unless the Commission approves the transfer as consistent with the public interest.

(b) A person other than the person to whom an operating authority is issued by the Commission may not lease, rent, or otherwise use that operating authority.

12. (a) A carrier may not abandon any scheduled commuter service operated under a certificate of authority issued to the carrier under this Act, unless the Commission authorizes the carrier to do so by a Commission order.

(b) Upon application by a carrier, the Commission shall issue an order, after notice and hearing, if it finds that abandonment of the route is consistent with the public interest.

(c) The Commission, by regulation or otherwise, may authorize the temporary suspension of a route if it is consistent with the public interest.

(d) As long as the carrier has an opportunity to earn a reasonable return in all its operations, the fact that a carrier is operating a service at a loss will not, of itself, determine the question of whether abandonment of service is consistent with the public interest.

13. (a) When the Commission finds that there is an immediate need for service that is not available, the Commission may grant temporary authority for that service without a hearing or other proceeding up to a maximum of 180 consecutive days, unless suspended or revoked for good cause.

(b) A grant of temporary authority does not create any presumption that permanent authority will be granted at a later date.

Rates and tariffs

14. (a) Each carrier shall file with the Commission, publish, and keep available for public inspection tariffs showing:

(i) Fixed-rates and fixed-fares for transportation subject to this Act; and

(ii) Practices and regulations, including those affecting rates and fares, required by the Commission.

(b) Each effective tariff shall:

(i) Remain in effect for at least 60 days from its effective date, unless the Commission orders otherwise; and

(ii) Be published and kept available for public inspection in the form and manner prescribed by the Commission.

(c) A carrier may not charge a rate or fare for transportation subject to this Act other than the applicable rate or fare specified in a tariff filed by the carrier under this Act and in effect at the time.

15. (a) A carrier proposing to change a rate, fare, regulation, or practice specified in an effective tariff shall file a tariff showing the change in the form and manner, and with the information, justification, notice, and supporting material prescribed by the Commission.

(b) Each tariff filed under subsection (a) of this section shall state a date on which the tariff shall take effect, which shall be at least 7 calendar days after the date on which the tariff is filed, unless the Commission orders an earlier effective date or rejects the tariff.

(c) (i) A tariff filed for approval with the Commission may be refused acceptance for filing if it is not consistent with this Act and Commission regulations; and

(ii) A tariff refused for filing shall be void.

16. (a) The Commission may hold a hearing upon complaint or upon the Commission's own initiative after reasonable notice to determine whether a rate, fare, regulation, or practice relating to a tariff is unjust, unreasonable, unduly discriminatory, or unduly preferential between classes of riders or between locations within the Metropolitan District.

(b) Within 120 days of the hearing, the Commission shall pass an order prescribing the lawful rate, fare, regulation, or practice, or affirming the tariff.

Through routes, joint fares

17. With the approval of the Commission, any carrier subject to this Act may establish through routes and joint fares with any other lawfully authorized carrier.

Taxicab fares

18. (a) The Commission shall prescribe reasonable rates for transportation by taxicab, only when:

(i) The trip is between a point in the jurisdiction of one signatory and a point in the jurisdiction of another signatory; and

(ii) Both points are within the Metropolitan District.

(b) The fare or charge for taxicab transportation may be calculated on a mileage basis, a zone basis, or on any other basis approved by the Commission.

(c) The Commission may not require the installation of a taximeter in any taxicab when a taximeter is not permitted or required by the jurisdiction licensing and otherwise regulating the operation and service of the taxicab.

(d) A person licensed by a signatory to own or operate a taxicab shall comply with Commission regulations regarding maintenance of a surety bond, insurance policy, self-insurance qualification, or other security or agreement in an amount that the Commission may require to pay a final judgment for bodily injury or death of a person, or for loss or damage to property of another, resulting from the operation, maintenance, or use of a taxicab in performing transportation subject to this Act.

Article XII

Accounts, records, and reports

1. (a) The Commission may prescribe that any carrier subject to this Act:

- (i) Submit special reports and annual or other periodic reports;
- (ii) Make reports in a form and manner required by the Commission;
- (iii) Provide a detailed answer to any question about which the Commission requires information;
- (iv) Submit reports and answers under oath; and
- (v) Keep accounts, records, and memoranda of its activity, including movement of traffic and receipt and expenditure of money in a form and for a period required by the Commission.

(b) The Commission shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.

(c) This section shall apply to any person controlling, controlled by, or under common control with a carrier subject to this Act, whether or not that person otherwise is subject to this Act.

(d) A carrier that has its principal office outside of the Metropolitan District and operates both inside and outside of the Metropolitan District may keep all accounts, records, and memoranda at its principal office, but the carrier shall produce those materials before the Commission when directed by the Commission.

(e) This section does not relieve a carrier from recordkeeping or reporting obligations imposed by a state or federal agency or regulatory commission for transportation service rendered outside the Metropolitan District.

Issuance of securities

2. This Act does not impair any authority of the federal government and the signatories to regulate the issuance of securities by a carrier.

Consolidations, mergers, and acquisition of control

3. (a) A carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to:

- (i) Consolidate or merge any part of the ownership, management, or operation of its property or franchise with a carrier that operates in the Metropolitan District;
- (ii) Purchase, lease, or contract to operate a substantial part of the property or franchise of another carrier that operates in the Metropolitan District; or
- (iii) Acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means.

(b) Application for Commission approval of a transaction under this section shall be made in the form and with the information that the regulations of the Commission require.

(c) If the Commission finds, after notice and hearing, that the proposed transaction is consistent with the public interest, the Commission shall pass an order authorizing the transaction.

(d) Pending determination of an application filed under this section, the Commission may grant "temporary approval" without a hearing or other proceeding up to a maximum of 180 consecutive days if the Commission determines that grant to be consistent with the public interest.

Article XIII

Investigations by the Commission and complaints

1. (a) A person may file a written complaint with the Commission regarding anything done or omitted by a person in violation of a provision of this Act, or in violation of a requirement established under it.

(b) (i) If the respondent does not satisfy the complaint and the facts suggest that there are reasonable grounds for an investigation, the Commission shall investigate the matter.

(ii) If the Commission determines that a complaint does not state facts which warrant action, the Commission may dismiss the complaint without hearing.

(iii) The Commission shall notify a respondent that a complaint has been filed at least 10 days before a hearing is set on the complaint.

(c) The Commission may investigate on its own motion a fact, condition, practice, or matter to:

(i) Determine whether a person has violated or will violate a provision of this Act or a rule, regulation, or order;

(ii) Enforce the provisions of this Act or prescribe or enforce rules or regulations under it; or

(iii) Obtain information to recommend further legislation.

(d) If, after hearing, the Commission finds that a respondent has violated a provision of this Act or any requirement established under it, the Commission shall:

(i) Issue an order to compel the respondent to comply with this Act; and

(ii) Effect other just and reasonable relief.

(e) For the purpose of an investigation or other proceeding under this Act, the Commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry.

Hearings; rules of procedure

2. (a) Hearings under this Act shall be held before the Commission, and records shall be kept.

(b) Rules of practice and procedure adopted by the Commission shall govern all hearings, investigations, and proceedings under this Act, but the Commission may apply the technical rules of evidence when appropriate.

Administrative powers of Commission; rules, regulations, and orders

3. (a) The Commission shall perform any act, and prescribe, issue, make, amend, or rescind any order, rule, or regulation that it finds necessary to carry out the provisions of this Act.

(b) The rules and regulations of the Commission shall prescribe the form of any statement, declaration, application, or report filed with the Commission, the information it shall contain, and the time of filing.

(c) The rules and regulations of the Commission shall be effective 30 days after publication in the manner which the Commission shall prescribe, unless a different date is specified.

(d) Orders of the Commission shall be effective on the date and in the manner which the Commission shall prescribe.

(e) For the purposes of its rules and regulations, the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for them.

(f) Commission rules and regulations shall be available for public inspection during reasonable business hours.

Reconsideration of orders

4. (a) A party to a proceeding affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting Commission reconsideration of the matter involved, and stating specifically the errors claimed as grounds for the reconsideration.

(b) The Commission shall grant or deny the application within 30 days after it has been filed.

(c) If the Commission does not grant or deny the application by order within 30 days, the application shall be deemed denied.

(d) If the application is granted, the Commission shall rescind, modify, or affirm its order or decision with or without a hearing, after giving notice to all parties.

(e) Filing an application for reconsideration may not act as a stay upon the execution of a Commission order or decision, or any part of it unless the Commission orders otherwise.

(f) An appeal may not be taken from an order or decision of the Commission until an application for reconsideration has been filed and determined.

(g) Only an error specified as a ground for reconsideration may be used as a ground for judicial review.

Judicial review

5. (a) Any party to a proceeding under this Act may obtain a review of the Commission's order in the United States Court of Appeals for the Fourth Circuit, or in the United States Court of Appeals for the District of Columbia Circuit, by filing within 60 days after Commission determination of an application for reconsideration, a written petition praying that the order of the Commission be modified or set aside.

(b) A copy of the petition shall be delivered to the office of the Commission and the Commission shall certify and file with the court a transcript of the record upon which the Commission order was entered.

(c) The court shall have exclusive jurisdiction to affirm, modify, remand for reconsideration, or set aside the Commission's order.

(d) The court's judgment shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in Title 28 U.S.C. §§ 1254 and 2350.

(e) The commencement of proceedings under subsection (a) of this section may not operate as a stay of the Commission's order unless specifically ordered by the court.

(f) The Commission and its members, officers, agents, employees, or representatives are not liable to suit or action or for any judgment or decree for damages, loss, or injury resulting from action taken under the Act, nor required in any case arising or any appeal taken under this Act to make a deposit, pay costs, or pay for service to the clerks of a court or to the Marshal of the United States or give a supersedeas bond or security for damages.

Enforcement of Act; penalty for violations

6. (a) Whenever the Commission determines that a person is engaged or will engage in an act or practice which violates a provision of this Act or a rule, regulation, or order under it, the Commission may bring an action in the United States District Court in the district in which the person resides or conducts business or in which the violation occurred to enjoin the act or practice and to enforce compliance with this Act or a rule, regulation, or order under it.

(b) If the court makes a determination under subsection (a) of this section, that a person has violated or will violate this Act or a rule, regulation, or order under the Act, the court shall grant a permanent or temporary injunction or decree or restraining order without bond.

(c) Upon application of the Commission, the United States District Court for the district in which the person resides or conducts business, or in which the violation occurred, shall have jurisdiction to issue an order directing that person to comply with the provisions of this Act or a rule, regulation, or order of the Commission under it, and to effect other just and reasonable relief.

(d) The Commission may employ attorneys necessary for:

(i) The conduct of its work;

(ii) Representation of the public interest in Commission investigations, cases, or proceedings on the Commission's own initiative or upon complaint; or

(iii) Representation of the Commission in any court case.

(e) The expenses of employing an attorney shall be paid out of the funds of the Commission, unless otherwise directed by the court.

(f) (i) A person who knowingly and willfully violates a provision of this Act, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation.

(ii) Each day of the violation shall constitute a separate violation.

(iii) Civil forfeitures shall be paid to the Commission with interest as assessed by the court.

(iv) The Commission shall pay to each signatory a share of the civil forfeitures and interest equal to the proportional share of the Commission's expenses borne by each signatory in the fiscal year during which the civil forfeiture is collected by the Commission.

Article XIV

Expenses of investigations and other proceedings

1. (a) A carrier shall bear all expenses of an investigation or other proceeding conducted by the Commission concerning the carrier, and all litigation expenses, including appeals, arising from an investigation or other proceeding.
- (b) When the Commission initiates an investigation or other proceeding, the Commission may require the carrier to pay to the Commission a sum estimated to cover the expenses that will be incurred under this section.
- (c) Money paid by the carrier shall be deposited in the name and to the credit of the Commission, in any bank or other depository located in the Metropolitan District designated by the Commission, and the Commission may disburse that money to defray expenses of the investigation, proceeding, or litigation in question.
- (d) The Commission shall return to the carrier any unexpended balance remaining after payment of expenses.

Applicability of other laws

2. (a) The applicability of each law, rule, regulation, or order of a signatory relating to transportation subject to this Act shall be suspended on the effective date of this Act.
- (b) The provisions of subsection (a) of this section do not apply to a law of a signatory relating to inspection of equipment and facilities.
- (c) During the existence of the Compact, the jurisdiction of the Interstate Commerce Commission is suspended to the extent it is in conflict with the provisions of this Act.

Existing rules, regulations, orders, and decisions

3. All Commission rules, regulations, orders, or decisions that are in force on the effective date of this Act shall remain in effect and be enforceable under this Act, unless otherwise provided by the Commission.

Pending actions or proceedings

4. A suit, action, or other judicial proceeding commenced prior to the effective date of this Act by or against the Commission is not affected by the enactment of this Act and shall be prosecuted and determined under the law applicable at the time the proceeding was commenced.

Annual report of the Commission

5. The Commission shall make an annual report for each fiscal year ending June 30, to the Governor of Virginia and the Governor of Maryland, and to the Mayor of the District of Columbia as soon as practicable after June 30, but no later than the 1st day of January of each year, which may contain, in addition to a report of the work performed under this Act, other information and recommendations concerning passenger transportation within the Metropolitan District as the Commission considers advisable.

PreviousNext

§ 10-205

- (a) In accordance with and subject to the principle that, if there is substantial State financial support for the planned rapid rail mass transit system in one metropolitan area of this State, there should be substantial State financial support for the planned rapid rail mass transit system in the other metropolitan area of this State, and subject to the appropriation requirements and budgetary provisions of § 3–216(d) of this article, the Department shall provide for grants to the Washington Suburban Transit District in an amount equal to the current expenditures required of the Washington Suburban Transit District in accordance with capital contributions agreements between the Washington Metropolitan Area Transit Authority, the Washington Suburban Transit District, and other participating jurisdictions. The Washington Suburban Transit District shall consult with the Secretary of Transportation prior to the execution of any capital contributions agreement.
- (b) (1) Subject to the appropriation requirements and budgetary provisions of § 3–216(d) of this article and upon receipt of an approval of a grant application in such form and detail as the Secretary shall reasonably require, the Department shall provide for annual grants to the Washington Suburban Transit District for a share of the operating deficits of the regional transit system for which the District is responsible. "Operating deficit" means operating costs less:
 - (i) The greater of operating revenues or 50 percent of the operating costs; and
 - (ii) All federal operating assistance.

(2) The Department's share shall equal 100 percent of the operating deficit.

(3) (i) Beginning in fiscal year 2028, for any fiscal year in which the total Maryland operating assistance provided in the approved Washington Metropolitan Area Transit Authority budget increases by more than 3% over the total operating assistance provided in the prior fiscal year's approved Washington Metropolitan Area Transit Authority budget, the Secretary shall withhold an amount equal to 35% of the funds available under paragraphs (1) and (2) of this subsection.

(ii) For purposes of calculating a budget increase under subparagraph (i) of this paragraph, the following items may not be included:

1. The cost of any service, equipment, or facility that is required by law;
2. A capital project approved by the board of directors of the Washington Metropolitan Area Transit Authority;
3. Any payments or obligations arising from or related to legal disputes or proceedings or arbitration proceedings between or among the Washington Metropolitan Area Transit Authority and any other person; and
4. Any service increases approved by the board of directors of the Washington Metropolitan Area Transit Authority.

(4) The Secretary shall withhold an amount equal to 35% of the funds available under paragraphs (1) and (2) of this subsection for any fiscal year in which:

(i) The chairman of the board of directors of the Washington Metropolitan Area Transit Authority:

1. Has served as chairman for at least 2 prior years; or
2. Represents the same jurisdiction as the member who served as chairman for the 2 immediately preceding years; or

(ii) The Purple Line, as defined in § 2–103.8 of this article, is in service and is not included on the maps posted at Washington Metropolitan Area Transit Authority stations.

(c) Subject to the appropriation requirements and budgetary provision of § 3–216(d) of this article, the Department shall provide for grants to the Washington Suburban Transit District in an amount equal to 75 percent of the net debt service assigned to the Washington Suburban Transit District on bonds issued by the Washington Metropolitan Area Transit Authority. In no event shall the amount of net debt service, including the refinancing of any debt, required of the Washington Suburban Transit District exceed the amount presently assigned on a year by year basis to the Washington Suburban Transit District, and payable through the year 2014. Nothing in this article shall preclude the use of bond proceeds for capital improvements and replacements of the "Adopted Regional System – 1968" revised as of January 1, 1992.

(d) (1) In accordance with and subject to the principle that, if there is substantial State financial support for rapid rail and bus transit capital replacement costs in one metropolitan area of this State, there should be substantial State financial support for the costs of similar needs in the other metropolitan area of this State, and in recognition of the fact that timely replacement of capital facilities and equipment is essential to safe and reliable transit service, the Department shall provide grants to fully fund the Washington Suburban Transit District's share of the Washington Metropolitan Area Transit Authority's capital equipment replacement programs.

(2) The grants under this subsection:

(i) Shall be made subject to the appropriation and budgetary provisions of § 3–216(d) of this article;

(ii) Shall be included in the State budget beginning in fiscal year 2000;

(iii) Notwithstanding any other provision of law, may be funded with revenues derived from:

1. Any State–enacted transportation fees or taxes; or
2. Federal transportation grants available to the State to fund transit capital equipment replacement; and

(iv) Shall be contingent on the receipt of a request by the District to the Department, based on annual capital improvements programs adopted by the Washington Metropolitan Area Transit Authority.

(e) Subject to the appropriation requirements and budgetary provisions of § 3–216(d) of this article, the Department shall provide grants from amounts derived from the Transportation Trust Fund to the Washington Suburban Transit District for the purpose of funding Maryland's required share of local funds for the Washington Metropolitan Area Transit Authority to match any federal funds appropriated in any given year authorized under Title VI, § 601, P.L. 110–432.

(f) (1) Except as provided in paragraph (2) of this subsection, the Governor shall include an appropriation in the annual budget of at least the amount specified in paragraph (4) of this subsection for the sole purpose of providing grants to the Washington Suburban Transit District to pay the capital costs of the Washington Metropolitan Area Transit Authority.

(2) (i) The Governor is not required to make the appropriation under paragraph (1) of this subsection in a fiscal year unless the Department certifies to the Governor in writing before the beginning of the immediately preceding fiscal year that the Washington Metropolitan Area Transit Authority has submitted to the Department:

1. Performance and condition assessments and reports regarding:

A. The safety and reliability of rapid heavy rail and bus systems;

B. The financial performance of the Washington Metropolitan Area Transit Authority as it relates to rail and bus operations, including fare box recovery, service per rider, and cost per service hour;

C. The monthly ridership of rail and bus systems broken down by Metrorail station, Metrorail line, bus route, and bus line;

D. Strategies to reduce costs and improve the Washington Metropolitan Area Transit Authority's operational efficiency; and

E. The comparison of annual capital investments and approved budgets; and

2. The Washington Metropolitan Area Transit Authority's:

A. Annual budget;

B. Annual independent financial audit;

C. Annual National Transit Database profile; and

D. Single audit reports issued in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards under 2 C.F.R. Part 200.

(ii) If the Commonwealth of Virginia or the District of Columbia reduce the amount of dedicated capital funding for the Washington Metropolitan Area Transit Authority, the Governor may reduce the appropriation under paragraph (1) of this subsection by a proportional amount.

(iii) 1. The Governor shall withhold 35% of the appropriation under paragraph (1) of this subsection if:

A. The Washington Metropolitan Area Transit Authority has received a modified audit opinion as a result of an annual independent audit conducted in accordance with Article XVI, Section 70 of the Washington Metropolitan Area Transit Authority Compact under § 10–204 of this subtitle; and

B. The Department has not certified to the Governor in writing before the beginning of the immediately preceding fiscal year that the Washington Metropolitan Area Transit Authority has submitted in writing to the board of directors of the Washington Metropolitan Area Transit Authority and the Maryland General Assembly a satisfactory corrective plan that addresses the reasons for the modified audit opinion.

2. The Governor shall release the portion of the appropriation withheld under subparagraph 1 of this subparagraph if the Washington Metropolitan Area Transit Authority submits in writing to the board of directors of the Washington Metropolitan Area Transit Authority and, in accordance with § 2–1257 of the State Government Article, the Maryland General Assembly a satisfactory corrective action plan that addresses the reasons for the modified audit opinion.

(3) The Governor shall make the appropriation under paragraph (1) of this subsection from the Transportation Trust Fund.

(4) (i) For the first fiscal year in which the mandated appropriation under this subsection applies, the appropriation under paragraph (1) of this subsection shall equal at least the amount appropriated in the fiscal year 2019 State budget as enacted for the Washington Suburban Transit District to pay the capital costs of the Washington Metropolitan Area Transit Authority.

(ii) For each fiscal year after the first fiscal year in which the mandated appropriation under this subsection applies, the appropriation under paragraph (1) of this subsection shall be equal to the amount of the appropriation for the preceding fiscal year increased by 3%.

(g) (1) The Governor shall include in the State budget an appropriation for the purposes specified under paragraph (2) of this subsection of \$167,000,000 from the revenues available for the State capital program in the Transportation Trust Fund.

(2) The Department shall provide an annual grant of at least \$167,000,000 to the Washington Suburban Transit District to be used only to pay the capital costs of the Washington Metropolitan Area Transit Authority.

(3) The grant required under paragraph (2) of this subsection is in addition to the appropriation required under subsection (f)(1) of this section.

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§ 10-206

A proposed extension or revision in this State of a route of transit facilities of the Washington Metropolitan Area Transit Authority requires approval of the Secretary.

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§ 10-207

(a) (1) In this section the following words have the meanings indicated.

(2) "Costs" means operating costs of eligible local bus service, plus operating costs under § 10–205 of this subtitle.

(3) "Eligible local bus service":

(i) Means the number of annual platform miles and annual platform hours of fixed route, scheduled local bus service, that previously replaced comparable service operated by the Washington Metropolitan Area Transit Authority, plus the number of annual platform miles and annual platform hours of any new fixed route, scheduled local bus service added after June 30, 1989; and

(ii) Is limited to service operated by or on behalf of and in Montgomery County or Prince George's County.

(4) "Service deficit" means costs less:

(i) The greater of:

1. Revenues collected under this section and § 10–205(b) of this subtitle; or
2. 35 percent of the costs; and

(ii) All federal operating assistance.

(b) (1) Subject to the appropriation requirements and budgetary provisions of § 3–216 of this article and upon receipt of an approval of a grant application in the form or detail as the Secretary shall reasonably require, the Department shall provide for annual grants to Prince George's County and Montgomery County for eligible local bus service as defined in this section. The amount of these grants shall be equal to:

(i) 100 percent of the service deficit attributable to each county; less

(ii) Each county's share of the Department's annual grant to the Washington Suburban Transit District as determined under § 10–205(b) of this subtitle.

(2) Notwithstanding the provisions of this section, the Secretary may authorize payments to Prince George's County and Montgomery County:

(i) To subsidize new bus service for a period of 36 months from the initiation of service; and

(ii) For the loss of revenues from fare modifications for a period of 36 months from the date of the modification.

(c) The Department's grant for any eligible local bus service may not be greater than the operating grant that the Department would incur from the same bus service if operated by the Washington Metropolitan Area Transit Authority. This requirement shall be applied on a line by line basis.

(d) Except with the specific approval of the Secretary, notwithstanding the provisions of § 10–205 of this subtitle, the combined grants for bus service to each county under this section and § 10–205(b) of this subtitle may not exceed the level of the combined grants for the prior fiscal year adjusted for inflation by the projected Consumer Price Index CPI–U for the fiscal year in which the grant under this section is being awarded, using the actual Consumer Price Index CPI–U at the close of the fiscal year. Adjustments shall be made to increase or decrease the combined grants in the subsequent fiscal year to reflect the actual inflation rate.

(e) (1) The Department shall provide an annual capital grant to Prince George's County and Montgomery County for the purchase of buses to be used in eligible local bus service.

(2) Grants provided under paragraph (1) of this subsection shall be in addition to any federal funds received by the State for bus services operated by Prince George's County and Montgomery County.

(f) (1) For fiscal year 2001 and thereafter, Prince George's County and Montgomery County shall implement performance indicators, in addition to the farebox recovery indicator, to track service efficiency for mass transit in their respective jurisdictions, including:

(i) Operating expenses per vehicle mile;

(ii) Operating expenses per passenger trip; and

(iii) Passenger trips per vehicle mile.

(2) The counties shall submit an annual performance report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year on:

(i) The status of the performance indicators for the prior fiscal year;

(ii) The status of any performance goals of their jurisdictions as they pertain to mass transit service; and

(iii) Comparisons of performance indicators for mass transit in their jurisdictions and other similar systems nationwide.

(g) (1) Prince George's County and Montgomery County shall each provide for an independent management audit of the operational costs and revenues of mass transit in their respective jurisdictions every 4 years.

(2) The audit shall provide data on fares, cost containment measures, comparisons with other similar mass transit systems, and other information necessary in evaluating the operations of their transit systems.

(3) The findings from the audit shall be used as a benchmark for the annual performance reports.

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§ 10-208

Preamble

WHEREAS, The Washington Metropolitan Area Transit Authority, an interstate compact agency of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland, provides transportation services to millions of people each year, the safety of whom is paramount; and

WHEREAS, An effective and safe Washington Metropolitan Area Transit Authority system is essential to the commerce and prosperity of the National Capital region; and

WHEREAS, The Tri-State Oversight Committee, created by a memorandum of understanding amongst these three jurisdictions, has provided safety oversight of the Washington Metropolitan Area Transit Authority; and

WHEREAS, 49 U.S.C. § 5329 requires the creation of a legally and financially independent state authority for safety oversight of all fixed rail transit facilities; and

WHEREAS, The District of Columbia, the Commonwealth of Virginia, and the State of Maryland intend to create a Washington Metrorail Safety Commission to act as the state safety oversight authority for the Washington Metropolitan Area Transit Authority system under 49 U.S.C. § 5329; and

WHEREAS, This compact is created for the benefit of the people of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland and for the increase of their safety, commerce, and prosperity;

Now, Therefore, the State of Maryland, the Commonwealth of Virginia, and the District of Columbia, hereafter referred to as the signatories, covenant and agree as follows:

ARTICLE I.

Definitions

1. As used in this MSC Compact, the following words and terms shall have the meanings set forth below, unless the context clearly requires a different meaning. Capitalized terms used herein, but not otherwise defined in this act, shall have the definition set forth in regulations issued under 49 U.S.C. § 5329, as they may be revised from time to time.

- (a) "Alternate Member" means an alternate member of the Board.
- (b) "Board" means the board of directors of the Commission.
- (c) "Commission" means the Washington Metrorail Safety Commission.
- (d) "Member" means a member of the Board.
- (e) "MSC Compact" means this Washington Metrorail Safety Commission Interstate Compact created by this act.
- (f) "Public Transportation Agency Safety Plan" means the comprehensive agency safety plan for a rail transit agency required by 49 U.S.C. § 5329 and the regulations issued thereunder, as may be amended or revised from time to time.
- (g) "Public Transportation Safety Certification Training Program" means the federal certification training program, as established and amended from time to time by applicable federal laws and regulations, for federal and state employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems, and employees of public transportation agencies directly responsible for safety oversight.
- (h) "Safety Sensitive Position" means any position held by a WMATA employee or contractor designated in the Public Transportation Agency Safety Plan for the WMATA Rail System and approved by the Commission as directly or indirectly affecting the safety of the passengers or employees of the WMATA Rail System.
- (i) "Signatory" means the State of Maryland, the Commonwealth of Virginia, and the District of Columbia.
- (j) "State", "state", or "jurisdiction" means the District of Columbia, the State of Maryland, or the Commonwealth of Virginia.
- (k) "Washington Metropolitan Area Transit Authority" or "WMATA" is the entity created by the WMATA Compact, which entity is responsible for providing certain rail fixed guideway public transportation system services.
- (l) "WMATA Compact" means the Washington Metropolitan Area Transit Authority Compact, approved November 6, 1966.
- (m) "WMATA Rail System" or "Metrorail" means the rail fixed guideway public transportation system and all other real and personal property owned, leased, operated, or otherwise used by WMATA rail services and shall include WMATA rail projects under design or construction by owners other than WMATA.

ARTICLE II.

Purpose and Functions

2. The Signatories to the WMATA Compact hereby adopt this MSC Compact pursuant to 49 U.S.C. § 5329. The Commission created hereunder shall have safety regulatory and enforcement authority over the WMATA Rail System and shall act as the state safety oversight authority for WMATA under 49 U.S.C. § 5329, as may be amended from time to time. WMATA shall be subject to the Commission's rules, regulations, actions, and orders.
3. The purpose of this MSC Compact is to create a state safety oversight authority for the WMATA Rail System, pursuant to the mandate of federal law, as a common agency of each Signatory, empowered in the manner hereinafter set forth to review, approve, oversee, and enforce the safety of the WMATA Rail System, including, without limitation, to:
 - (a) Have exclusive safety oversight authority and responsibility over the WMATA Rail System pursuant to federal law, including, without limitation, the power to restrict, suspend, or prohibit rail service on all or part of the WMATA Rail System as set forth in this MSC Compact;
 - (b) Develop and adopt a written state safety oversight program standard;
 - (c) Review and approve the WMATA Public Transportation Agency Safety Plan;
 - (d) Investigate Hazards, Incidents, and Accidents on the WMATA Rail System;
 - (e) Require, review, approve, oversee, and enforce Corrective Action Plans developed by WMATA; and
 - (f) Meet other requirements of federal and State law relating to safety oversight of the WMATA Rail System.

ARTICLE III.

Establishment and Organization

- A. Washington Metrorail Safety Commission.

4. The Commission is hereby created as an instrumentality of each Signatory, which shall be a public body corporate and politic, and which shall have the powers and duties set forth in this MSC Compact.

5. The Commission shall be financially and legally independent from WMATA.

B. Board Membership.

6. The Commission shall be governed by a Board of 6 Members with 2 Members appointed or reappointed (including to fill an unexpired term) by each Signatory pursuant to the Signatory's applicable laws.

7. Each Signatory shall also appoint or reappoint (including to fill an unexpired term) one Alternate Member pursuant to the Signatory's applicable laws.

8. An Alternate Member shall participate and take action as a Member only in the absence of one or both Members appointed from the same jurisdiction as the Alternate Member's appointing jurisdiction and, in such instances, may cast a single vote.

9. Members and Alternate Members shall have backgrounds in transit safety, transportation, relevant engineering disciplines, or public finance.

10. No Member or Alternate Member shall simultaneously hold an elected public office, serve on the WMATA board of directors, be employed by WMATA, or be a contractor to WMATA.

11. Each Member and Alternate Member shall serve a 4-year term and may be reappointed for additional terms; except that, each Signatory shall make its initial appointments as follows:

(a) One Member shall be appointed for a 4-year term;

(b) One Member shall be appointed for a 2-year term; and

(c) The Alternate Member shall be appointed for a 3-year term.

12. Any person appointed to fill a vacancy shall serve for the unexpired term.

13. Members and Alternate Members shall be entitled to reimbursement for reasonable and necessary expenses and shall be compensated for each day spent meeting on the business of the Commission at a rate of \$200 per day or at such other rate as may be adjusted in appropriations approved by all of the Signatories.

14. A Member or an Alternate Member may be removed or suspended from office only for cause in accordance with the laws of such Member's or Alternate Member's appointing jurisdiction.

C. Quorum and Actions of the Board.

15. Four Members shall constitute a quorum. The affirmative vote of 4 Members is required for action of the Board, other than as provided in Section 32. Quorum and voting requirements under this paragraph may be met with one or more Alternate Members pursuant to section 8.

16. The Commission's action shall become effective upon enactment unless otherwise provided for by the Commission.

D. Oath of Office.

17. Before entering office, each Member and Alternate Member shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation as the constitution or laws of the Signatory he or she represents shall provide:

"I, _____, hereby solemnly swear (or affirm) that I will support and defend the Constitution and the laws of the United States as a Member (or Alternate Member) of the Board of the Washington Metrorail Safety Commission and will faithfully discharge the duties of the office upon which I am about to enter."

E. Organization and Procedure.

18. The Board shall provide for its own organization and procedure. Meetings of the Board shall be held as frequently as the Board determines, but in no event less than quarterly. The Board shall keep minutes of its meetings and establish rules and regulations governing its transactions and internal affairs, including, without limitation, policies regarding records retention that are not in conflict with applicable federal record retention laws.

19. The Commission shall keep commercially reasonable records of its financial transactions in accordance with accounting principles generally accepted in the United States of America.

20. The Commission shall establish an office for the conduct of its affairs at a location to be determined by the Commission.

21. The Commission shall adopt the Federal Freedom of Information Act, codified at 5 U.S.C. § 552(a)–(d) and (g), and Government in the Sunshine Act, codified at 5 U.S.C. § 552b, as both may be amended from time to time, as its freedom-of-information policy and open-meeting policy, respectively, and shall not be subject to the comparable laws or policies of any Signatory.

22. Reports of investigations or inquiries adopted by the Board shall be made publicly available.

23. The Commission shall adopt a policy on conflict of interest that shall be consistent with the regulations issued under 49 U.S.C. § 5329, as they may be revised from time to time, which, among other things, places appropriate separation between Members, officers, employees, contractors, and agents of the Commission and WMATA.

24. The Commission shall adopt and utilize its own administrative procedure and procurement policies in conformance with applicable federal regulations and shall not be subject to the administrative procedure or procurement laws of any Signatory.

F. Officers and Employees.

25. The Board shall elect a Chairman, Vice Chairman, Secretary, and Treasurer from among its Members, each for a 2-year term and shall prescribe their powers and duties.

26. The Board shall appoint and fix the compensation and benefits of a chief executive officer who shall be the chief administrative officer of the Commission and who shall have expertise in transportation safety and one or more industry-recognized transportation safety certifications.

27. Consistent with 49 U.S.C. § 5329, as may be amended from time to time, the Commission may employ, under the direction of the chief executive officer, such other technical, legal, clerical, and other employees on a regular, part-time, or as-needed basis as it determines necessary or desirable for the discharge of its duties.

28. The Commission shall not be bound by any statute or regulation of any Signatory in the employment or discharge of any officer or employee of the Commission, but shall develop its own policies in compliance with federal law. The MSC shall, however, consider the laws of the Signatories in devising its employment and discharge policies, and when it deems it practical, devise policies consistent with the laws of the Signatories.

29. The Board may fix and provide policies for the qualification, appointment, removal, term, tenure, compensation benefits, workers' compensation, pension, and retirement rights of its employees subject to federal law. The Board may also establish a personnel system based on merit and fitness and, subject to eligibility, participate in the pension, retirement, and workers' compensation plans of any Signatory or agency or political subdivision thereof.

ARTICLE IV.

Powers

A. Safety Oversight Powers.

30. In carrying out its purposes, the Commission, through its Board or designated employees or agents, shall, consistent with federal law:

(a) Adopt, revise, and distribute a written State Safety Oversight Program;

(b) Review, approve, oversee, and enforce the adoption and implementation of WMATA's Public Transportation Agency Safety Plan;

(c) Require, review, approve, oversee, and enforce the adoption and implementation of any Corrective Action Plans that the Commission deems appropriate;

(d) Implement and enforce relevant federal and State laws and regulations relating to safety of the WMATA Rail System; and

(e) Audit every 3 years the compliance of WMATA with WMATA's Public Transportation Agency Safety Plan or conduct such an audit on an ongoing basis over a 3-year time frame.

31. In performing its duties, the Commission, through its Board or designated employees or agents, may:

(a) Conduct, or cause to be conducted, inspections, investigations, examinations, and testing of WMATA personnel and contractors, property, equipment, facilities, rolling stock, and operations of the WMATA Rail System, including, without limitation, electronic information and databases through reasonable means, which may include issuance of subpoenas;

(b) Enter upon the WMATA Rail System and, upon reasonable notice and a finding by the chief executive officer that a need exists, upon any lands, waters, and premises adjacent to the WMATA Rail System, including, without limitation, property owned or occupied by the federal government, for the purpose of making inspections, investigations, examinations, and testing as the Commission may deem necessary to carry out the purposes of this MSC Compact, and such entry shall not be deemed a trespass. The Commission shall make reasonable reimbursement for any actual damage resulting to any such adjacent lands, waters, and premises as a result of such activities;

(c) Compel WMATA's compliance with any Corrective Action Plan or order of the Commission by such means as the Commission deems appropriate, including, without limitation, by:

(1) Taking legal action in a court of competent jurisdiction;

(2) Issuing citations or fines with funds going into an escrow account for spending by WMATA on Commission-directed safety measures;

(3) Directing WMATA to prioritize spending on safety-critical items;

(4) Removing a specific vehicle, infrastructure element, or Hazard from the WMATA Rail System; and

(5) Compelling WMATA to restrict, suspend, or prohibit rail service on all or part of the WMATA Rail System with an appropriate notice period dictated by the circumstances;

(d) Direct WMATA to suspend or disqualify from performing in any Safety Sensitive Position an individual who is alleged to or has violated safety rules, regulations, policies, or laws;

(e) Compel WMATA's Office of the Inspector General, created under WMATA Board Resolution 2006-18, or any successor WMATA office or organization having similar duties, to conduct safety-related audits or investigations and to provide its findings to the Commission; and

(f) Take such other actions as the Commission may deem appropriate consistent with its purpose and powers.

32. Action by the Board under section 31(c)(5) shall require the unanimous vote of all Members present and voting. The Commission shall coordinate its enforcement activities with appropriate federal and State governmental authorities.

B. General Powers.

33. In addition to the powers and duties set forth above, the Commission may:

(a) Sue and be sued;

(b) Adopt, amend, and repeal rules and regulations respecting the exercise of the powers conferred by this MSC Compact;

(c) Create and abolish offices, employments, and positions (other than those specifically provided for in this MSC Compact) necessary or desirable for the purposes of the Commission;

(d) Determine a staffing level for the Commission that is commensurate with the size and complexity of the WMATA Rail System, and require that employees and other designated personnel of the Commission, who are responsible for safety oversight, be qualified to perform such functions through appropriate training, including, without limitation, successful completion of the Public Transportation Safety Certification Training Program;

(e) Contract for or employ consulting attorneys, inspectors, engineers, and such other experts necessary or desirable and, within the limitations prescribed in this MSC Compact, prescribe their powers and duties and fix their compensation;

(f) Enter into and perform contracts, leases, and agreements necessary or desirable in the performance of its duties and in the execution of the powers granted under this MSC Compact;

(g) Apply for, receive, and accept such payments, appropriations, grants, gifts, loans, advances, and other funds, properties, and services as may be transferred or made available to it by the United States government or any other public or private entity or individual, subject to the limitations specified in section 42;

(h) Adopt an official seal and alter the same at its pleasure;

- (i) Adopt and amend by-laws, policies, and procedures governing the regulation of its affairs;
- (j) Appoint one or more advisory committees; and
- (k) Do such other acts necessary or desirable for the performance of its duties and the execution of its powers under this MSC Compact.

34. Consistent with this MSC Compact, the Commission shall promulgate rules and regulations to carry out the purposes of this MSC Compact.

ARTICLE V.

General Provisions

A. Annual Safety Report.

35. The Commission shall make and publish annually a status report on the safety of the WMATA Rail System, which shall include, among other requirements established by the Commission and federal law, status updates of outstanding Corrective Action Plans, Commission directives, and ongoing investigations. A copy of each such report shall be provided to:

- (a) The Administrator of the Federal Transit Administration;
- (b) The Governor of Virginia, the Governor of Maryland, and the Mayor of the District of Columbia;
- (c) The Chair of the Council of the District of Columbia;
- (d) The President of the Maryland Senate and the Speaker of the Maryland House of Delegates;
- (e) The President of the Virginia Senate and the Speaker of the Virginia House of Delegates; and
- (f) The General Manager and each member of the board of directors of WMATA.

36. The Commission may prepare, publish, and distribute such other safety reports that it deems necessary or desirable.

B. Annual Report of Operations.

37. The Commission shall make and publish an annual report on its programs, operations, and finances, which shall be distributed in the same manner provided by section 35.

38. The Commission may also prepare, publish, and distribute such other public reports and informational materials as it deems necessary or desirable.

C. Annual Independent Audit.

39. An independent annual audit shall be made of the financial accounts of the Commission. The audit shall be made by qualified certified public accountants selected by the Board, who shall have no personal interest, direct or indirect, in the financial affairs of the Commission or any of its officers or employees. The report of audit shall be prepared in accordance with generally accepted auditing principles and shall be distributed in the same manner provided by section 35. Members, employees, agents, and contractors of the Commission shall provide access to information necessary or desirable for the conduct of the annual audit.

D. Financing.

40. The Commission's operations shall be funded, independently of WMATA, by the Signatory jurisdictions and, when available, by federal funds. The Commission shall have no authority to levy taxes.

41. The Signatories shall unanimously agree on adequate funding levels for the Commission and make equal contributions of such funding, subject to annual appropriation, to cover the portion of Commission operations not funded by federal funds.

42. The Commission may borrow up to 5% of its last annual appropriations budget in anticipation of receipts, or as otherwise set forth in the appropriations budget approved by all of the Signatories, from any lawful lending institution for any purpose of this MSC Compact, including, without limitation, for administrative expenses. Such loans shall be for a term not to exceed 2 years, or at such longer term approved by each Signatory pursuant to its laws as evidenced by the written authorization by the Mayor of the District of Columbia and the Governors of Maryland and Virginia, and at such rates of interest as shall be acceptable to the Commission.

43. With respect to the District of Columbia, the commitment or obligation to render financial assistance to the Commission shall be created, by appropriation or in such other manner, or by such other legislation, as the District of Columbia shall determine; provided, that any such commitment or obligation shall be approved by Congress pursuant to the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1–201.01 et seq.).

44. Pursuant to the requirements of 31 U.S.C. §§ 1341, 1342, 1349 to 1351, and 1511 to 1519, and D.C. Official Code §§ 47–105 and 47–355.01 to 355.08 (collectively, the “Anti-Deficiency Acts”), the District cannot obligate itself to any financial commitment in any present or future year unless the necessary funds to pay that commitment have been appropriated and are lawfully available for the purpose committed. Thus, pursuant to the Anti-Deficiency Acts, nothing in the MSC Compact creates an obligation of the District in anticipation of an appropriation for such purpose, and the District’s legal liability for the payment of any amount under this MSC Compact does not and may not arise or obtain in advance of the lawful availability of appropriated funds for the applicable fiscal year.

E. Tax Exemption.

45. The exercise of the powers granted by this MSC Compact shall in all respects be for the benefit of the people of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland and for the increase of their safety, commerce, and prosperity, and as the activities associated with this MSC Compact shall constitute the performance of essential governmental functions, the Commission shall not be required to pay any taxes or assessments upon the services or any property acquired or used by the Commission under the provisions of this MSC Compact or upon the income therefrom, and shall at all times be free from taxation within the District of Columbia, the Commonwealth of Virginia, and the State of Maryland.

F. Reconsideration of Commission Orders.

46. WMATA shall have the right to petition the Commission for reconsideration of an order based on rules and procedures developed by the Commission.

47. Consistent with section 16, the filing of a petition for reconsideration shall not act as a stay upon the execution of a Commission order, or any part of it, unless the Commission orders otherwise. WMATA may appeal any adverse action on a petition for reconsideration as set forth in section 48.

G. Judicial Matters.

48. The United States District Court for the Eastern District of Virginia, Alexandria Division, the United States District Court for the District of Maryland, Southern Division, and the United States District Court for the District of Columbia shall have exclusive and original jurisdiction of all actions brought by or against the Commission and to enforce subpoenas under this MSC Compact.

49. The commencement of a judicial proceeding shall not operate as a stay of a Commission order unless specifically ordered by the court.

H. Liability and Indemnification.

50. The Commission and its Members, Alternate Members, officers, agents, employees, or representatives shall not be liable for suit or action or for any judgment or decree for damages, loss, or injury resulting from action taken within the scope of their employment or duties under this MSC Compact, nor required in any case arising or any appeal taken under this MSC Compact to give a supersedeas bond or security for damages. Nothing in this section shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

51. The Commission shall be liable for its contracts and for its torts and those of its Members, Alternate Members, officers, agents, employees, and representatives committed in the conduct of any proprietary function, in accordance with the law of the applicable Signatory (including, without limitation, rules on conflict of laws) but shall not be liable for any torts occurring in the performance of a governmental function. The exclusive remedy for such breach of contract or tort for which the Commission shall be liable, as herein provided, shall be by suit against the Commission. Nothing contained in this MSC Compact shall be construed as a waiver by the District of Columbia, the Commonwealth of Virginia, or the State of Maryland of any immunity from suit.

I. Commitment of Parties.

52. Each of the Signatories pledges to each other faithful cooperation in providing safety oversight for the WMATA Rail System, and, to affect such purposes, agrees to consider in good faith and request any necessary legislation to achieve the objectives of this MSC Compact.

J. Amendments and Supplements.

53. Amendments and supplements to this MSC Compact shall be adopted by legislative action of each of the Signatories and the consent of Congress. When one Signatory adopts an amendment or supplement to an existing section of this MSC Compact, that amendment or supplement shall not be immediately effective, and the previously enacted provision or provisions shall remain in effect in each jurisdiction until the amendment or supplement is approved by the other Signatories and is consented to by Congress.

K. Withdrawal and Termination.

54. Any Signatory may withdraw from this MSC Compact, which action shall constitute a termination of this MSC Compact.

55. Withdrawal from this MSC Compact shall be by a Signatory's repeal of this MSC Compact from its laws, but such repeal shall not take effect until 2 years after the effective date of the repealed statute and written notice of the withdrawal being given by the withdrawing Signatory to the governors or mayor, as appropriate, of the other Signatories.

56. Prior to termination of this MSC Compact, the Commission shall provide to each Signatory:

- (a) A mechanism for concluding the operations of the Commission;
- (b) A proposal to maintain state safety oversight of the WMATA Rail System in compliance with applicable federal law;
- (c) A plan to hold surplus funds in a trust for a successor regulatory entity for 4 years after the termination of this MSC Compact; and
- (d) A plan to return any surplus funds that remain 4 years after the creation of the trust.

L. Construction and Severability.

57. This MSC Compact shall be liberally construed to effectuate the purposes for which it is created.

58. If any part or provision of this MSC Compact or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this MSC Compact or the application thereof to other persons or circumstances, and the Signatories hereby declare that they would have entered into this MSC Compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

M. Adoption; Effective Date.

59. This MSC Compact shall be adopted by the Signatories in the manner provided by law therefor and shall be signed and sealed in 4 duplicate original copies. One such copy shall be filed with the Secretary of State of the State of Maryland, the Secretary of the Commonwealth of Virginia, and the Secretary of the District of Columbia in accordance with the laws of each jurisdiction. One copy shall be filed and retained in the archives of the Commission upon its organization. This MSC Compact shall become effective upon the enactment of concurring legislation by the District of Columbia, the Commonwealth of Virginia, and the State of Maryland, and consent thereto by Congress and when all other acts or actions have been taken, including, without limitation, the signing and execution of this MSC Compact by the Governors of Maryland and Virginia and the Mayor of the District of Columbia.

N. Conflict of Laws.

60. Any conflict between any authority granted herein, or the exercise of such authority, and the provisions of the WMATA Compact shall be resolved in favor of the exercise of such authority by the Commission.

61. All other general or special laws inconsistent with this MSC Compact are hereby declared to be inapplicable to the Commission or its activities.

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§ 10-209

It is the intent of the General Assembly that the sovereign immunity of the State not extend to the Washington Metropolitan Area Transit Authority for the purposes of claims brought against the Washington Metropolitan Area Transit Authority by an employee or former employee under:

- (1) The False Claims Act, 31 U.S.C. § 3729 et seq., as amended; and
- (2) Title 5, Subtitle 3 of the State Personnel and Pensions Article.

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Title 11 — Rules of the Road

§ 11-101

In the Maryland Vehicle Law, the following words have the meanings indicated, unless the context requires otherwise.

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§ 11-102

“Administration” means the Motor Vehicle Administration.

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§ 11-103

“Administrator” means the Motor Vehicle Administrator.

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§ 11-104

“Bicycle” means:

- (1) A vehicle that:
 - (i) Is designed to be operated by human power;
 - (ii) Has two or three wheels, of which one is more than 14 inches in diameter; and
 - (iii) Has a drive mechanism other than by pedals directly attached to a drive wheel;
- (2) An electric bicycle;
- (3) A moped; or
- (4) An electric low speed scooter.

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§ 11-105

“Bus” means:

- (1) A motor vehicle that is designed to carry more than ten passengers and is used to carry people; and
- (2) Any other motor vehicle that is designed and used to carry people for compensation, except for a taxicab.

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§ 11-106

“Camping trailer” means a vehicle that:

- (1) Is mounted on wheels; and
- (2) Has collapsible partial sidewalls that fold for towing by another vehicle and unfold to provide temporary living quarters for recreational, camping, or travel use.

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§ 11-107

"Cancel", as used in reference to a driver's license issued under Title 16 of this article, means to annul or terminate, by formal action of the Administration, an individual's driver's license because of some error or defect in the license or because the individual no longer is entitled to the license, but without prejudice to the right of the individual to apply for a new driver's license at any time.

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§ 11-108

"Combination" means a combination of a motor vehicle with one or more other vehicles propelled or pushed as a unit.

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§ 11-109

"Commercial driver's license" and "CDL" means a license issued in accordance with Title 16, Subtitle 8 of this article or by another state pursuant to the federal Commercial Motor Vehicle Safety Act of 1986 to an individual which authorizes the individual to drive a class of commercial motor vehicle.

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§ 11-110

(a) "Conviction" means:

- (1) A final conviction, even if the penalty is refunded, suspended, or probated;
- (2) An unvacated forfeiture of collateral deposited to secure a defendant's appearance in court;
- (3) A plea of nolo contendere accepted by the court; or
- (4) The payment of a fine.

(b) "Conviction" does not include a finding of probation on a stay of entering judgment.

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§ 11-111

"Dealer" means a person who is in the business of buying, selling, or exchanging vehicles including a person who during any 12-month period offers to sell five or more vehicles, the ownership of which was acquired for resale purposes.

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§ 11-112

"Distributor" means any person who:

- (1) Sells or distributes to dealers in this State new vehicles of a type required to be registered under Title 13 of this article; or
- (2) Maintains distributor representatives in this State for these purposes.

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§ 11-113

"Divided highway" means a highway that is divided into two or more roadways by:

- (1) An intervening space;
- (2) A barrier; or
- (3) A clearly indicated dividing section constructed to impede vehicular traffic.

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§ 11-114

"Drive" means to drive, operate, move, or be in actual physical control of a vehicle, including the exercise of control over or the steering of a vehicle being towed by a motor vehicle.

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§ 11-115

"Driver" means any individual who drives a vehicle.

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§ 11-116

(a) "Driver's license" means any license or permit to drive a motor vehicle that is issued under Title 16 of this article.

(b) "Driver's license" does not include an electronic credential issued under Title 16, Subtitle 10 of this article.

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§ 11-117

(a) "Educational purposes" includes those activities of schools certified by the Department of Education, activities of centers for individuals with an intellectual disability and physically handicapped individuals, church schools, Sunday schools and church related functions, child care centers, day camps, or summer camps, or any other activity that provides some educational experience for its participants.

(b) This definition shall be liberally construed.

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§ 11-118

"Emergency vehicle" means any of the following vehicles that are designated by the Administration as entitled to the exemptions and privileges set forth in the Maryland Vehicle Law for emergency vehicles:

- (1) Vehicles of federal, State, or local law enforcement agencies;
- (2) Vehicles of volunteer fire companies, rescue squads, fire departments, the Maryland Institute for Emergency Medical Services Systems, and the Maryland Fire and Rescue Institute;
- (3) State vehicles used in response to oil or hazardous materials spills;
- (4) State vehicles designated for emergency use by the Commissioner of Correction;
- (5) Ambulances;
- (6) Organ delivery vehicles; and
- (7) Special vehicles funded or provided by federal, State, or local government and used for emergency or rescue purposes in this State.

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§ 11-119

"Explosive" means any chemical compound or mechanical mixture that is commonly used or intended to produce an explosion and that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases and resultant gaseous pressures capable of injuring people or property.

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§ 11-120

(a) "Farm equipment" means a vehicle that:

- (1) Is designed and adapted only for agricultural, horticultural, or livestock raising operations;
- (2) Is designed and adapted only for lifting or carrying a vehicle described in paragraph (1) of this subsection; or
- (3) Is designed and adapted for splitting firewood.

(b) Farm equipment also includes silvicultural equipment weighing 62,000 pounds or less gross weight.

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§ 11-121

"Farm tractor" means a motor vehicle that is designed and used primarily as a farm implement for drawing farm equipment.

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§ 11-122

(a) "Fixed termini" includes any city, town, village, state line, county line, city line, or any other geographical point marking the beginning or the end of a carriage of property or passengers in this State, if the termini are at least five miles apart.

(b) This definition shall be liberally construed.

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§ 11-123

"Flammable liquid" means any liquid that has a flash point of 100 degrees or less Fahrenheit, as determined by a Tagliabue or equivalent closed cup test device.

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§ 11-124

"Foreign vehicle" means any vehicle that:

- (1) Is of a type required to be registered under Title 13 of this article;
- (2) Is brought into this State from any other state or country, otherwise than in the ordinary course of business by or through a manufacturer, distributor, or dealer; and
- (3) Is not registered in this State.

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§ 11-125

"Franchise" means a written arrangement, whether or not for a definite period, in which a manufacturer, distributor, or factory branch grants to a dealer or distributor a license or right to use a trade name, trademark, service mark, or related characteristic in the sale, leasing, or servicing of new vehicles.

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§ 11-126

"Gross weight" means the weight of a vehicle and its load.

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§ 11-127

"Highway" means:

- (1) The entire width between the boundary lines of any way or thoroughfare of which any part is used by the public for vehicular travel, whether or not the way or thoroughfare has been dedicated to the public and accepted by any proper authority; and
- (2) For purposes of the application of State laws, the entire width between the boundary lines of any way or thoroughfare used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the State.

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§ 11-128

(a) "License", as used in reference to the operation of a motor vehicle, means any:

- (1) Driver's license; and
- (2) Any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including:

- (i) Any temporary license;
 - (ii) A learner's instructional permit;
 - (iii) A provisional license;
 - (iv) The privilege of any individual to drive a motor vehicle, whether or not that individual is formally licensed by this or any other jurisdiction;
 - (v) Any nonresident's privilege to drive, as defined in this subtitle; and
 - (vi) A commercial driver's license.
- (b) "License" does not include an electronic credential issued under Title 16, Subtitle 10 of this article.

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§ 11-129

"Licensed dealer", "licensed distributor", "licensed factory branch", and "licensed manufacturer" mean, respectively, a dealer, distributor, factory branch, or manufacturer licensed in this State under Title 15 of this article.

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§ 11-130

"Local authority" means a political subdivision or a local board or other body that, under the laws of this State, has authority to enact laws and adopt local police regulations relating to traffic.

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§ 11-131

"Mail" means to deposit in the United States mail, properly addressed and with postage prepaid.

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§ 11-132

- (a) "Manufacturer" means a person in the business of constructing or assembling vehicles of a type required to be registered under Title 13 of this article.
- (b) "Manufacturer" includes the first-stage manufacturer and the second-stage manufacturer of a two-stage vehicle, as these terms are defined in § 13-113.2 of this article.

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§ 11-133

"Metal tire" means a tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

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§ 11-134

"Mobile home" means:

- (1) A trailer or semitrailer that is designed, constructed, and equipped as a permanent or temporary living or sleeping place and for use as a conveyance on highways, but that does not qualify as a camping trailer or a travel trailer as these terms are defined in this subtitle; or
- (2) A trailer or a semitrailer that has a chassis and exterior shell designed and constructed as described in item (1) of this section, but that is used instead, either permanently or temporarily, for the advertising, sale, display, or promotion of merchandise or services, as an office, or for any other similar purpose, except the transportation of property for hire or the transportation of property for distribution by a private carrier.

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§ 11-135

(a) (1) "Motor vehicle" means, except as provided in subsection (b) of this section, a vehicle that:

- (i) Is self-propelled or propelled by electric power obtained from overhead electrical wires; and
- (ii) Is not operated on rails.

(2) "Motor vehicle" includes a low speed vehicle.

(b) "Motor vehicle" does not include:

- (1) A moped, as defined in § 11-134.1 of this subtitle;
- (2) A motor scooter, as defined in § 11-134.5 of this subtitle;
- (3) An electric bicycle, as defined in § 11-117.1 of this subtitle;
- (4) An electric low speed scooter, as defined in § 11-117.2 of this subtitle; or
- (5) A personal delivery device, as defined in § 21-104.5 of this article.

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§ 11-136

(a) "Motorcycle" means a motor vehicle that:

- (1) (i) Has motive power;
 - (ii) Has a seat or saddle for the use of the rider;
 - (iii) Is designed to travel:
 - 1. On not more than three wheels in contact with the ground; and
 - 2. At speeds exceeding 35 miles per hour; and
 - (iv) Is of a type required to comply with all motor vehicle safety standards applicable to motorcycles under federal law; or
 - (2) Is an autocycle.
- (b) A detachable sidecar is an accessory to and not a part of a motorcycle.

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§ 11-137

"Name" means:

- (1) True or legal name;
- (2) In the case of an individual, the name given at birth to the individual by his parents, or as changed under the common law of this State or any other state, by marriage, or by court order; and
- (3) In the case of an individual party to an absolute divorce, the individual may elect to use any legal or true name previously used by the individual if this name is used consistently and nonfraudulently.

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§ 11-138

"New vehicle" means a vehicle:

- (1) The owner of which is a manufacturer, distributor, or licensed dealer; and
- (2) That never has been used to destroy its newness or to convert it into or make it a used or secondhand vehicle, as these terms are commonly used or understood in trade or business.

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§ 11-139

"Nonresident" means any person who is not a resident, as that term is defined in this subtitle.

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§ 11-140

"Nonresident's privilege to drive" means the privilege granted to a nonresident by the laws of this State to drive a motor vehicle in this State or to use in this State a vehicle owned by the nonresident.

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§ 11-141

"Operate", as used in reference to a vehicle, means to drive, as defined in this subtitle.

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§ 11-142

"Operator", as used in reference to a vehicle, means driver, as defined in this subtitle.

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§ 11-143

"Owner", as used in reference to a vehicle:

- (1) Means a person who has the property in or title to the vehicle;
- (2) Includes a person who, subject to a security interest in another person, is entitled to the use and possession of the vehicle;
- (3) Does not include a lessee under a lease not intended as security; and
- (4) Includes a lessee under a lease intended as a security.

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§ 11-144

"Park" means to halt a vehicle, whether or not it is occupied, other than temporarily:

- (1) When necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device; or
- (2) For the purpose of and while actually engaged in loading or unloading property or passengers.

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§ 11-145

"Pedestrian" means an individual afoot.

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§ 11-146

"Pole trailer" means a vehicle that:

- (1) Has no motive power;
- (2) Is designed to be towed by another vehicle and attached to the towing vehicle by a reach or pole or by being boomed or otherwise secured to the towing vehicle; and
- (3) Ordinarily is used to transport long or irregularly shaped loads, such as poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

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§ 11-147

"Police officer" means an officer authorized to direct or regulate traffic or to make arrests for violations of any of the provisions of the Maryland Vehicle Law or of local or other traffic laws or regulations.

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§ 11-148

(a) "Regular schedule" means the carriage of property or passengers by at least:

- (1) One single trip between fixed termini per week, for 4 consecutive weeks; or
- (2) Three single trips between fixed termini within a period of 10 days.
- (b) If property or passengers are carried by any vehicle as described in subsection (a) of this section, any one of the described trips is a regular schedule.
- (c) This section shall be liberally construed.

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§ 11-149

"Resident" means any person:

- (1) Who is domiciled in this State;
- (2) (i) Who owns, leases, or rents a primary place of residence in this State; and
(ii) Who regardless of the person's domicile resides in this State for more than a year;
- (3) (i) Who maintains a main or branch office or warehouse facility in this State; and
(ii) Who bases and operates motor vehicles intrastate in this State; or
- (4) Who has filed as a Maryland resident for income tax purposes.

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§ 11-150

"Revoke", as used in reference to any license to drive a vehicle, means to terminate, by formal action of the Administration, an individual's license to drive a motor vehicle on highways in this State.

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§ 11-151

- (a) "Roadway" means that part of a highway that is improved, designed, or ordinarily used for vehicular travel, other than the shoulder.
- (b) If a highway includes two or more separate roadways, the term "roadway" as used in the Maryland Vehicle Law refers to any one roadway separately, and not to all of the roadways collectively.

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§ 11-152

(a) "Salvage" means any vehicle that:

- (1) Has been damaged by collision, fire, flood, accident, trespass, or other occurrence to the extent that the cost to repair the vehicle for legal operation on a highway exceeds 75% of the fair market value of the vehicle prior to sustaining the damage, as determined under § 13-506(c)(4) of this article;
- (2) Has been acquired by an insurance company as a result of a claim settlement; or
- (3) Has been acquired by an automotive dismantler and recycler:
 - (i) As an abandoned vehicle, as defined under § 25-201 of this article; or
 - (ii) For rebuilding or for use as parts only.

(b) For purposes of this section, a vehicle has not been acquired by an insurance company if an owner retains possession of the vehicle upon settlement of a claim concerning the vehicle by the insurance company.

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§ 11-153

"School bus" means a Type I school vehicle, as defined in this subtitle.

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§ 11-154

(a) "School vehicle" means, except as provided in subsection (b) of this section, any motor vehicle that:

(1) Is used regularly for the exclusive transportation of children, students, or teachers for educational purposes or in connection with a school activity; and

(2) Is:

(i) A Type I school vehicle, as defined in this subtitle;

(ii) A Type II school vehicle, as defined in this subtitle; or

(iii) A vehicle that:

1. Was originally titled in another state and used to transport children, students, or teachers for educational purposes or in connection with a school activity in that state;

2. Complies with regulations on transporting children enrolled in the federally funded Head Start Program adopted by the United States Department of Health and Human Services; and

3. Is used only for transporting children to and from a Head Start program.

(b) "School vehicle" does not include:

(1) A privately owned vehicle while it is carrying members of its owner's household and not operated for compensation; or

(2) A vehicle that is registered as a Class M (multipurpose) vehicle under § 13–937 of this article or a Class A (passenger) vehicle under § 13–912 of this article and used to transport children between one or more schools or licensed child care centers or to and from designated areas that are approved by the Administration if:

(i) The vehicle is designed for carrying 15 persons or less, including the driver;

(ii) The children are permitted to embark or exit the vehicle only at a school or child care center or a designated area approved by the Administration;

(iii) The owner has obtained vehicle liability insurance or other security as required by Title 17 of this article; and

(iv) The vehicle is equipped with proper seat belts or safety seats so as to permit each child to be secured in a seat belt or a safety seat as required by §§ 22–412.2 and 22–412.3 of this article.

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§ 11-155

"Secured party" means a person who has in his favor a security interest in a vehicle.

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§ 11-156

"Security agreement" means a written agreement that reserves or creates a security interest.

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§ 11-157

"Security interest":

(1) Means an interest in a vehicle that is reserved or created by agreement and that secures payment or performance of an obligation; and

(2) Includes the interest of a lessor under a lease intended as security.

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§ 11-158

(a) "Semitrailer" means, except as provided in subsection (b) of this section, a vehicle that:

(1) Has no motive power;

(2) Is designed to carry people or property and to be towed by a motor vehicle; and

(3) Is constructed so that some of its weight and load rests on or is carried by another vehicle.

(b) "Semitrailer" does not include a pole trailer.

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§ 11-159

(a) "Special mobile equipment" means, except as provided in subsection (c) of this section, a vehicle that:

(1) Is not used primarily for highway transportation of people or property; and

(2) Is operated or moved on a highway only as an incident to its nonhighway use.

(b) "Special mobile equipment" includes a road construction or maintenance machine, mobile crane, ditchdigger, well driller, concrete mixer, jobsite office vehicle, or portable power generator.

(c) "Special mobile equipment" does not include a farm tractor or any farm equipment.

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§ 11-160

"Stand" means to halt a vehicle, whether or not it is occupied, other than temporarily:

(1) When necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device; or

(2) For the purpose of and while actually engaged in receiving or discharging passengers.

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§ 11-161

"State" means a state of the United States, the District of Columbia, and a province or territory of Canada.

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§ 11-162

"Stop" means:

(1) Where used in a mandatory sense, the complete cessation from movement; and

(2) Where used in a prohibitory sense, to halt even momentarily a vehicle, whether or not it is occupied, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device.

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§ 11-163

"Street" means a highway, as defined in this subtitle.

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§ 11-164

"Suspend", as used in reference to any license to drive a vehicle, means to withdraw temporarily, by formal action of the Administration, an individual's license to drive a motor vehicle on highways in this State, but only for a period specifically designated by the Administration.

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§ 11-165

(a) "Taxicab" means, except as provided in subsection (b) of this section, a motor vehicle for hire that:

(1) Is designed to carry seven or fewer individuals, including the driver; and

(2) Is used to accept or solicit passengers for transportation for hire between those points along highways in this State as the passengers request.

(b) "Taxicab" does not include a motor vehicle operated on regular schedules and between fixed termini with the approval of the Public Service Commission.

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§ 11-166

"Traffic" means pedestrians, vehicles and other conveyances, and ridden or herded animals, either singly or together, while using any highway for travel.

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§ 11-167

"Traffic control device" means any sign, signal, marking, or device that:

- (1) Is not inconsistent with the Maryland Vehicle Law; and
- (2) Is placed by authority of an authorized public body or official to regulate, warn, or guide traffic.

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§ 11-168

"Traffic control signal" means any traffic control device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop and permitted to proceed.

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§ 11-169

(a) "Trailer" means, except as provided in subsection (b) of this section, a vehicle that:

- (1) Has no motive power;
- (2) Is designed to carry people or property and to be towed by a motor vehicle; and
- (3) Is constructed so that no part of its weight rests on the towing vehicle.

(b) "Trailer" does not include a pole trailer.

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§ 11-170

(a) "Travel trailer" means a vehicle that is:

- (1) (i) Mounted on wheels;
- (ii) Of such a size and weight as not to require any special highway movement permit when towed by a motor vehicle;
- (iii) Designed and constructed primarily to provide temporary living quarters for recreational, camping, or travel use; and
- (iv) No longer than 40 feet; or
- (2) A park model recreational vehicle.

(b) "Travel trailer" includes a fifth wheel travel trailer.

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§ 11-171

"Truck" means a motor vehicle, except a multipurpose passenger vehicle, that is designed, used, or maintained primarily to carry property.

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§ 11-172

"Truck tractor" means the noncargo carrying power unit that operates in combination with a semitrailer or trailer, except that a truck tractor and semitrailer engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit.

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§ 11-173

(a) "Type I school vehicle" means a school vehicle that:

- (1) Is designed and constructed to carry passengers;
- (2) Is either of the body-on-chassis type construction or integral type construction; and
- (3) Has a gross vehicle weight of more than 15,000 pounds and provides a minimum of 13 inches of seating space per passenger.

(b) "Type I school vehicle" does not include any bus operated by a common carrier under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself.

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§ 11-174

"Type II school vehicle" means a school vehicle that:

- (1) Is designed and constructed to carry passengers;
- (2) Is either of the body-on-chassis type construction or integral type construction; and
- (3) Has a gross vehicle weight of 15,000 pounds or less and provides a minimum of 13 inches of seating space per passenger.

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§ 11-175

"Used vehicle" means any vehicle that is not a new vehicle, as defined in this subtitle.

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§ 11-176

(a) (1) "Vehicle" means, except as provided in subsection (b) of this section, any device in, on, or by which any individual or property is or might be transported or towed on a highway.

(2) "Vehicle" includes a low speed vehicle and an off-highway recreational vehicle.

(b) "Vehicle" does not include:

- (1) An electric personal assistive mobility device, as defined in § 21-101(j) of this article; or
- (2) A personal delivery device, as defined in § 21-104.5 of this article.

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§ 11-177

"Vehicle identification number" means the numerals, letters, or combination of numerals and letters on a vehicle that the Administration designates for the purpose of identifying the vehicle.

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§ 11-178

"Veteran" has the meaning stated in § 9-901 of the State Government Article.

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§ 11-201

In case of dispute, the Administration may determine the extent of applicability of any definition in the Maryland Vehicle Law.

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§ 11-202

The portions of the Maryland Vehicle Law that are identical with corresponding portions of the Uniform Vehicle Code shall be interpreted and construed to make uniform the law of those states that enact them.

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§ 11-203

The Maryland Vehicle Law does not have a retroactive effect and does not apply to any traffic accident, to any cause of action or judgment arising out of a traffic accident, or to any violation of the vehicle laws of this State occurring before July 1, 1977.

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§ 11-204

A provision of the Maryland Vehicle Law may not be repealed by any subsequent act unless the provision is referred to expressly in or expressly repealed by the subsequent act.

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§ 11-206

Titles 11 through 27 of this article may be cited as the Maryland Vehicle Law.

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Title 12 — Equipment of Vehicles

§ 12-101

There is a Motor Vehicle Administration in the Department.

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§ 12-102

(a) The head of the Administration is the Motor Vehicle Administrator, who shall be appointed by the Secretary with the approval of the Governor.

(b) (1) The Administrator serves at the pleasure of the Secretary and shall report directly to him.

(2) Subject to the authority of the Secretary, the Administrator is responsible for carrying out:

(i) The powers and duties vested by law in the Administration; and

(ii) Those powers and duties vested in the Secretary and delegated to the Administrator by the Secretary.

(c) The Administrator is entitled to the salary provided in the State budget.

(d) (1) With the approval of the Secretary, the Administrator shall appoint a chief deputy administrator who has the duties provided by law or delegated by the Administrator.

(2) The chief deputy administrator is the acting administrator during periods when the Administrator is absent or disabled.

(3) The chief deputy administrator serves at the pleasure of the Administrator and is entitled to the salary provided in the State budget.

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§ 12-103

(a) The exercise of the powers and duties of the Administration is subject to the authority of the Secretary.

(b) By regulation or directive, the Secretary may require that the exercise of any power or duty of the Administration be subject to the prior approval of the Secretary.

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§ 12-104

(a) In addition to the specific powers granted and duties imposed by this title, the Administration has the powers and duties set forth in this section.

(b) The Administration may adopt rules and regulations to carry out:

(1) Those provisions of the Maryland Vehicle Law that relate to or are administered and enforced by the Administration; and

(2) The provisions of any other law that the Administration is authorized to administer and enforce.

(c) (1) The Administration shall maintain as many offices in this State as the Administrator considers necessary to carry out the powers and duties of the Administration.

(2) Each office shall be open on the days and during the hours that the Secretary determines are needed to serve the public.

(d) (1) With the approval of the Secretary, the Administration shall employ the deputies, subordinate officers, clerks, investigators, and other employees necessary to carry out the powers and duties of the Administration.

(2) Except as otherwise provided by law, and subject to § 2-103.4 of this article, each deputy, officer, and employee of the Administration:

(i) Is in the State Personnel Management System; and

(ii) Is entitled to the salary provided in the pay plan established under Title 8, Subtitle 1 of the State Personnel and Pensions Article.

(e) The Administration may delegate to the Office of Administrative Hearings the power and authority under the Maryland Vehicle Law to conduct hearings under this article and render final decisions in hearings conducted under this article.

(f) In accordance with § 6-313 of the Courts Article and the Maryland Rules, the Administration shall serve as the agent to receive a subpoena, a summons, or other process for a nonresident driver named as a party in an action brought in a court of this State.

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§ 12-105

The Administration shall prepare and provide suitable forms for all applications, certificates of title, registration cards, notices of security interests, drivers' licenses, and other notices and documents needed to carry out the provisions of the Maryland Vehicle Law and any other law that the Administration is required to administer.

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§ 12-106

(a) The Administration shall examine and determine the genuineness, regularity, and legality of each application made to it under the Maryland Vehicle Law.

(b) The Administration shall reject an application:

(1) If it is not satisfied as to the genuineness, regularity, or legality of the application or the truth of any statement it contains; or

(2) For any other reason authorized by law.

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§ 12-107

(a) In this section, "lease" means the rental or leasing of a vehicle for a period exceeding 180 days.

(b) The Administration may conduct investigations and inquiries and require additional information concerning:

(1) Any application made to it under the Maryland Vehicle Law; or

(2) Any other matter subject to the jurisdiction of the Administration.

(c) Each person who leases a motor vehicle, trailer, or semitrailer to another person shall keep a record of:

(1) The registration number of the leased vehicle; and

(2) The name and address of the lessee.

(d) Any police officer or authorized representative of the Administration may inspect the records kept under subsection (c) of this section.

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§ 12-108

(a) In any matter subject to its jurisdiction, the Administration may subpoena any person or documents and take the testimony of any person, in the same manner and with the same fees and mileage as provided for by law in civil cases.

(b) If any person fails to comply with a lawful order or subpoena issued by the Administration, the Administration may petition a court of competent jurisdiction to compel obedience to the subpoena or order and to compel the production of relevant documents and other evidence.

(c) (1) If the Administration concludes that continuing conduct of a person alleged to be in violation of Title 15 of this article may result in substantial harm to any other person, the Administration may sue for injunctive relief against the conduct.

(2) If the Administration sues for injunctive relief under this subsection against a person who is alleged to have engaged in conduct that requires a license under Title 15 of this article, but who does not have a license, the Administration need not:

(i) Post bond; or

(ii) Show that no adequate remedy at law exists.

(3) A suit under this subsection shall be brought in the circuit court for the county where:

(i) The alleged violation occurs; or

(ii) The principal place of business of the alleged violator is located.

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§ 12-109

(a) In administering the Maryland Vehicle Law, the Administrator or any other officer or employee of the Administration designated by the Administrator may administer oaths and take acknowledgments of signatures.

(b) (1) If a person is required to submit any statement or information to the Administration under oath, verification, affirmation, certification, affidavit, or any other similar form, the Administration may require instead that the person sign a certification under penalty of perjury.

(2) A certification required under this section shall be substantially in the following form: "I certify, under penalty of perjury, that the statements made herein are true and correct, to the best of my knowledge, information, and belief."

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§ 12-110

(a) The Administration may take possession of any certificate of title, registration card, permit, license, or registration plate:

(1) That is fictitious;

(2) That is issued by it and that:

(i) Has expired;

(ii) Has been canceled, suspended, or revoked; or

(iii) Was issued unlawfully or erroneously; or

(3) That has been issued by another jurisdiction but is being illegally used or displayed.

(b) (1) The Administration shall establish a fee for the issuance of any certificate of title, registration card, permit, license, or registration plate issued as a replacement for any certificate of title, registration card, permit, license, or registration plate repossessed by the Administration under this section.

(2) The fee is to be retained by the Administration, and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

(3) Any fee imposed under this subsection shall be in addition to any other fee or penalty imposed by the Administration.

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§ 12-111

(a) The Administration shall keep a record of each application or other document filed with it and each certificate or other official document that it issues.

(b) (1) Subject to § 4–320 of the General Provisions Article, and except as otherwise provided by law, all records of the Administration are public records and open to public inspection during office hours.

(2) Subject to paragraph (4) of this subsection, the Administrator may classify as confidential and not open to public inspection any record or record entry:

(i) That is over 5 years old; or

(ii) That relates to any happening that occurred over 5 years earlier.

(3) Subject to § 4–320 of the General Provisions Article, a record or record entry of any age shall be open to inspection by authorized representatives of any federal, State, or local governmental agency.

(4) Subject to paragraph (3) of this subsection, the Administrator may not open to public inspection any record or record entry that is:

(i) All or part of a licensed driver's public driving record; and

(ii) Over 3 years old.

(5) Subject to paragraph (6) of this subsection, the Administration may not permit public inspection of a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Administration.

(6) The Administration may make a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Administration available to:

(i) The courts;

(ii) Criminal justice agencies;

(iii) Driver license authorities;

(iv) The individual;

(v) The individual's attorney;

(vi) Third parties designated by the individual; and

(vii) The Child Support Administration.

(c) Except for records required by law to be kept in their original or other specified form, the Administrator may order any record of the Administration to be kept on microfilm or in other microform, and the original destroyed.

(d) Except for records required by law to be kept longer, the Administrator may destroy any record of the Administration that it has kept for 3 years or more and that the Administrator considers obsolete and unnecessary to the work of the Administration.

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§ 12-112

(a) Unless the information is classified as confidential under § 12–111 of this subtitle or otherwise as provided by law, and subject to § 4–320 of the General Provisions Article, the Administration may furnish listings of vehicle registration and other public information in its records to those persons who request them, but only if the Administration approves of the purpose for which the information is requested.

(b) The Administration shall charge a fee for any listing furnished under this section. The fee charged may not be less than the cost to this State of preparing that listing. The revenue from the fee shall not be subject to the distribution

provisions of Title 8, Subtitle 4 of this article.

(c) A person furnished any information under this section is prohibited from distributing or otherwise using the information for any purpose other than that for which it was furnished.

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

(ii) "Personal information" has the meaning indicated in § 4–101(g) of the General Provisions Article.

(iii) "Telephone solicitation" has the meaning indicated in § 4–320(a) of the General Provisions Article.

(2) The Administration may not disclose personal information for inclusion in listings of information for use in surveys, marketing, or solicitations without written consent from the person in interest.

(3) An individual may allow disclosure of personal information under this section when applying for or renewing a driver's license, certificate of title, registration, or identification card or by notifying the Administrator in writing at any time.

(4) The Administration may not disclose personal information under this section for use in telephone solicitations.

(5) This subsection does not prevent the Administration from furnishing personal information under this section:

(i) To another governmental agency, including the Uninsured Division of the Maryland Automobile Insurance Fund to carry out the Uninsured Division's functions under Title 20 of the Insurance Article; or

(ii) For another purpose permissible under § 4–320 of the General Provisions Article.

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§ 12-113

(a) (1) Subject to § 12–111 of this subtitle and § 4–320 of the General Provisions Article, the Administrator or any other officer or employee of the Administration designated by the Administrator may furnish on request a copy or a certified copy of any record of the Administration.

(2) The Administration may establish and charge a fee for each record it furnishes or certifies. The revenue from the fee shall not be subject to the distribution provisions of Title 8, Subtitle 4 of this article.

(3) No charge shall be made to a police agency, fire department, or court in this or any other state or a police agency or court of the United States government.

(4) The fee established and charged under this section may exceed the amounts authorized under § 4–206 of the General Provisions Article.

(b) (1) A certified copy of any record of the Administration or comparable agency of any state is admissible in any judicial proceeding in the same manner as the original of the record.

(2) (i) A computer printout of any driving record or vehicle registration record of the Administration that has been obtained by a law enforcement unit, as defined in § 10–101(f) of the Criminal Procedure Article, or court through a computer terminal tied into the Administration is admissible in any judicial proceeding in the same manner as the original of the record.

(ii) The computer printout of the driving record or vehicle registration record shall contain:

1. The date the record was printed; and

2. A jurisdiction code identifying the site where the record was printed.

(3) If a subpoena is issued to the Administrator or any other official or employee of the Administration for the production in any judicial proceeding of the original or a copy of any book, paper, entry, record, proceeding, or other document of the Administration:

(i) The Administrator or other official or employee of the Administration need not appear personally; and

(ii) Submission of a certified copy or photostat of the requested document is full compliance with the subpoena.

(4) On motion and for good cause shown, the court may compel the attendance of an authorized representative of the Administration to answer the subpoena for the production of documents.

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§ 12-114

(a) Unless another method for giving notice is specifically required, the Administration shall give any notice that it is required or authorized to give under the Maryland Vehicle Law or any other law, either:

(1) By personal delivery to the person to be notified; or

(2) By mail to the person at the address of the person on record with the Administration.

(b) If notice is given by mail, the notice is effective at the end of the fifth day after its deposit in the mail.

(c) Proof that notice has been given may be made by the certificate of any officer or employee of the Administration or the affidavit of any adult, naming the person to whom the notice was given and stating the time, place, and manner of giving the notice.

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§ 12-115

(a) The Administration may publish a summary of the laws of this State that relate to the operation of vehicles and may give a copy of the summary, without charge, with each original vehicle registration and original driver's license that it issues.

(b) (1) The Administration may publish copies of the Maryland Vehicle Law and related laws and of the rules and regulations adopted under those laws, which shall be made available to the public on request.

(2) The Administration shall charge a price for each copy, not to exceed the cost of its preparation, publication, and mailing. However, copies of the laws may be given free of charge to law enforcement agencies, public officials, and courts.

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§ 12-116

If any person gives a check to the Administration to pay for any charge or for any other purpose and the check is not honored by the bank on which it is drawn, the Administration may impose a service charge to be retained by the Administration for the purpose of recovering check handling costs and shall not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article. This service charge shall be equal to the greater of:

(1) Not more than 10 percent of the amount of the check; or

(2) \$25.

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§ 12-117

In or near any building or property used by the Administration for its business, a person may not:

(1) Interfere with any person doing business for or with the Administration; or

(2) For a fee charged directly or indirectly, solicit any person:

(i) To assist that person in obtaining a driver's license, certificate of title, vehicle registration, or other license or document; or

(ii) To file any statement for that person.

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§ 12-118

(a) Except as specifically provided by law, all money received under the Maryland Vehicle Law shall be accounted for and remitted to the State Comptroller.

(b) Out of the money remitted to the State Comptroller under the Maryland Vehicle Law, the State Comptroller shall:

(1) Pay or retain enough to pay all refunds of taxes or fees provided for in the Maryland Vehicle Law;

(2) Credit to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund the revenues specified in § 8–402 of this article, after retaining enough to pay:

- (i) The salaries and other expenses of the State Highway Administration in enforcing Title 24 of this article;
- (ii) The salaries and other expenses of the Commercial Vehicle Enforcement Division of the Department of State Police as approved by the Department in enforcing Title 23, Subtitle 4 of this article, Title 24 of this article, the provisions of the Tax – General Article on the motor carrier tax, and the provisions of Title 10 of the Business Regulation Article on motor fuel fraud and motor fuel tax fraud;
- (iii) Funds required, in addition to the funding provided in § 13–804 of this article, for the salaries and other expenses of the Automotive Safety Enforcement Division of the Department of State Police as approved by the Department in enforcing Title 23 of this article and Subtitle 6 of Title 22 of this article; and
- (iv) The salaries and other expenses of the Department of State Police and other State agencies, as approved by the Department, in enforcing the provisions of § 25–111 of this article; and

(3) Credit the balance to the Transportation Trust Fund.

(c) (1) Except as provided in paragraph (2) of this subsection, notwithstanding any other law and in addition to any other exceptions provided by law, all costs, fines, penalties, and forfeitures received by or paid to the District Court under the Maryland Vehicle Law shall be collected and remitted as provided in the Courts Article.

(2) The Comptroller shall distribute revenue from the civil fines collected through use of a work zone speed control system controlled by a State agency under § 21–810 of this article to a special fund, to be used only as provided in subsection (e) of this section.

(d) Except as provided in subsection (b) of this section, and except for funds received from the Department and the Maryland Transportation Authority for services rendered under agreements with the Department and the Maryland Transportation Authority, the salaries and expenses of the Department of State Police and the State Police Retirement System shall be paid from the general funds of this State.

(e) Money in the special fund established under subsection (c)(2) of this section:

(1) Shall be distributed first to the Department of State Police and the State Highway Administration to cover the costs of implementing and administering work zone speed control systems;

(2) After the distribution under item (1) of this subsection, 25% of any remaining balance shall be distributed to the Department of State Police to be used only for the purchase of replacement vehicles and related motor vehicle equipment used to outfit police vehicles; and

(3) After the distributions under items (1) and (2) of this subsection, the remaining balance shall be distributed to the Transportation Trust Fund for:

- (i) Highway and work zone safety purposes; and
- (ii) State Highway Administration system preservation.

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§ 12-119

Every rule, regulation, form, order, and directive adopted by or relating to the former Department of Motor Vehicles or the Commissioner of Motor Vehicles remains in effect until changed by the Administration or the Secretary. Every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any other document referring to the Department of Motor Vehicles or the Commissioner of Motor Vehicles means the Administration or the Administrator, respectively.

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§ 12-120

(a) In this section, “miscellaneous fees” means all fees collected by the Administration under this article other than:

- (1) The vehicle titling tax;
- (2) Three-fourths of the certificate of title fee under §§ 13–802 and 13–805 of this article; and

(3) Vehicle registration fees under Part II of Title 13, Subtitle 9 of this article.

(b) Except as provided in this section, the Administration may not alter the miscellaneous fees that the Administration is authorized under this article to establish.

(c) (1) Subject to the limitations under subsection (d) of this section, before the start of any fiscal year the Administration by regulation may alter, effective beginning in the upcoming fiscal year, the levels of the miscellaneous fees that the Administration is authorized under this article to establish.

(2) The Administration shall alter the levels of miscellaneous fees for the upcoming fiscal year if the projected cost recovery under subsection (d) of this section exceeds 105%.

(d) The Administration shall set the levels of miscellaneous fees so that the total amount of projected revenues from all miscellaneous fees for the upcoming fiscal year is at least 100% but does not exceed 105% of the sum of:

(1) The operating budget of the Administration for that fiscal year as approved by the General Assembly in the annual State budget;

(2) The average annual capital program of the Administration as reported in the 6-year Consolidated Transportation Program described in § 2-103.1 of this article; and

(3) The Administration's portion of the cost for that fiscal year of the Department's data center operations, except for the cost of data center operations attributable to other administrations' activities.

(e) (1) The Administration may not alter miscellaneous fees more than once in any fiscal year.

(2) The Administration need not reduce fees for the upcoming fiscal year if legislative budget modifications cause the projected cost recovery percentage to exceed 105%.

(3) The level of a miscellaneous fee set by the Administration remains in effect until again altered by the Administration as provided under this section.

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§ 12-201

In this subtitle, "licensee" means the holder of a license issued or privilege granted under the Maryland Vehicle Law.

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§ 12-202

(a) Except as otherwise provided in § 16-205.1(f) of this article, if the Maryland Vehicle Law or a rule or regulation of the Administration provides that a license or privilege may be suspended or revoked only after a hearing, the Administration shall give the licensee:

(1) Written notice of the hearing and any charge made; and

(2) An opportunity to be heard in person.

(b) The notice required by this section shall:

(1) Contain the information required by § 12-204 of this subtitle;

(2) Be given at least 10 days before the date of the hearing; and

(3) Be sent to the licensee as provided in § 12-114 of this title.

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§ 12-203

(a) If the Maryland Vehicle Law or a rule or regulation of the Administration provides that an applicant or licensee may request a hearing on refusal, suspension, or revocation of a license or privilege, the Administration shall give the applicant or licensee written notice under § 12-114 of this title of:

(1) The refusal, suspension, or revocation; and

(2) The right of the applicant or licensee to request a hearing.

(b) (1) Except as otherwise provided in the Maryland Vehicle Law, the applicant or licensee may request a hearing within 15 days from the date that the notice required by this section is mailed.

(2) The hearing shall be held within 30 days of the date of the request.

(3) The Administration shall render a decision within 30 days of a hearing conducted under Title 16, Subtitles 1 through 4 of this article.

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§ 12-204

Notice of any hearing scheduled by this Administration shall state:

(1) The date, time, place, and nature of the hearing;

(2) The legal authority and jurisdiction of the Administration to hear the matter;

(3) The facts in sufficient detail to enable a party to prepare his case;

(4) The nature of the proposed action that the Administration is to consider;

(5) The right of a party to call witnesses and offer documentary evidence under the provisions of § 10-213 of the State Government Article;

(6) When applicable, the right of a party to request the subpoena of witnesses and the costs thereof;

(7) That a copy of the hearing procedures is available on request of a party, and the cost to obtain a copy;

(8) The right of a party to the hearing to be represented by counsel; and

(9) If a licensee is a party to the hearing, the right of the Administration, on failure of the licensee to appear, to:

(i) Order a suspension of the party's license or privilege until the party appears for a hearing; or

(ii) Impose any sanction proposed in the notice.

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§ 12-205

Each hearing shall be held on the date, at the approximate time, and at the place that the Administration specifies, subject to any limitations specifically set forth in the Maryland Vehicle Law.

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§ 12-206

Except as otherwise provided in this article, a hearing held under the Maryland Vehicle Law shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article (Administrative Procedure Act - Contested Cases).

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§ 12-207

(a) Any party to a hearing may request that the testimony presented at the hearing be transcribed.

(b) The party requesting the transcription shall pay for its cost. However, if an appeal is taken under § 12-209 of this subtitle, the party need not pay the cost of the transcription if the court finds that the party is indigent.

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§ 12-208

(a) After a hearing, the Administration may:

(1) Refuse, suspend, or revoke the license or privilege of an applicant or licensee;

(2) Rescind, continue, or modify any prior action; or

(3) Take any other action permitted by the Maryland Vehicle Law.

(b) If a decision or order of the Administration is adverse to any party to the hearing, the decision or order:

- (1) Shall be made in accordance with § 10-221 of the State Government Article; and
- (2) Unless service is waived by the party, shall be served on the party or the party's attorney.
- (c) Subject to § 10-209(b) and (c) of the State Government Article, and except as otherwise provided in this article, if a party fails to appear for a hearing scheduled under the Maryland Vehicle Law, the Administration may:
 - (1) For a hearing scheduled under § 12-203 of this subtitle, impose the sanction proposed in the notice; or
 - (2) For a hearing scheduled under § 12-202 of this subtitle, order:
 - (i) A suspension of the party's license or privilege until the party appears for a hearing; or
 - (ii) The imposition of any sanction proposed in the notice.

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§ 12-209

- (a) (1) Any aggrieved party to a hearing may appeal from a decision or order of the Administration in accordance with this subsection.
 - (2) If the matter concerns the license of an individual to drive and the individual is a resident of this State, the aggrieved party may appeal to the circuit court for the county in which the individual resides.
 - (3) If the matter concerns any other license or privilege of a person, the aggrieved party may appeal to the circuit court for the county in which the principal place of business of the person in this State is located.
 - (4) If the appeal involves a nonresident motorist, the aggrieved party may appeal to the circuit court for the county in which the motorist was convicted of the violation to which the matter relates.
 - (5) If not otherwise provided in this section or elsewhere in the Maryland Vehicle Law, the aggrieved party may appeal to the Circuit Court for Anne Arundel County.
- (b) The Administrative Procedure Act shall govern in an appeal.
- (c) Except as provided in § 16-205.1 of this article, if an appeal is filed in a case by an aggrieved licensee, the Administration shall grant a stay of its decision or order for not more than 120 days, unless it appears to the Administration that substantial and immediate harm could result to the licensee or others if the license or privilege is continued pending appeal.

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§ 12-301

- (a) On application, the Administration shall issue an identification card to any applicant who:
 - (1) Is a resident of this State;
 - (2) Does not have a driver's license;
 - (3) Presents a birth certificate or other proof of age and identity acceptable to the Administration;
 - (4) Provides satisfactory documentary evidence that the applicant has lawful status;
 - (5) (i) Provides satisfactory documentary evidence that the applicant has a valid Social Security number by presenting the applicant's Social Security Administration account card or, if the Social Security Administration account card is not available, any of the following documents bearing the applicant's Social Security number:
 - 1. A current W-2 form;
 - 2. A current SSA-1099 form;
 - 3. A current non-SSA-1099 form; or
 - 4. A current pay stub with the applicant's name and Social Security number on it; or
 - (ii) Provides satisfactory documentary evidence that the applicant is not eligible for a Social Security number; and
 - (6) Presents a completed application for an identification card on a form furnished by the Administration.

(b) (1) Except as provided in paragraph (2) of this subsection, the Administration shall establish a fee for the issuance of an identification card and for issuance of a duplicate identification card.

(2) A fee is not required if the applicant for the card:

(i) Is 65 years old or older;

(ii) Is legally blind;

(iii) Has permanently lost the use of a leg or an arm;

(iv) Is permanently disabled so severely that the applicant cannot move without the aid of crutches or a wheelchair;

(v) Has a physical or mental impairment that substantially limits a "major life activity" as defined in the federal Americans with Disabilities Act;

(vi) Presents documentation showing that the applicant was released from a correctional facility within the prior 60 days;

(vii) Presents documentation showing that the applicant is a youth under the care of the Department of Juvenile Services;

(viii) Presents documentation showing that the applicant is a youth between 15 and 20 years of age, inclusive, who is a participant in a Department of Human Services program, as approved by the Administration;

(ix) Presents documentation showing that the applicant is currently homeless;

(x) Presents documentation showing that the applicant is currently under the care of the Maryland Department of Health; or

(xi) Presents documentation showing that the applicant is participating in another program administered by a State agency that requires the applicant to possess an identification card.

(c) A person may not commit any fraud in applying for an identification card issued under this section.

(d) A person may not commit any misrepresentation in applying for an identification card issued under this section.

(e) A person may not commit any fraud in using an identification card issued under this section.

(f) A person may not make any misrepresentation in using an identification card issued under this section.

(g) (1) An identification card shall be:

(i) Of the size and design that the Administration requires; and

(ii) Tamperproof, to the extent possible.

(2) The card shall contain:

(i) The name and address of the applicant;

(ii) The birth date of the applicant;

(iii) The sex of the applicant;

(iv) A description of the applicant;

(v) A color photograph of the applicant taken by the procedure that the Administration requires;

(vi) The expiration date of the identification card;

(vii) The signature of the applicant; and

(viii) The signature and seal of the issuing agent.

(h) An identification card may be used as legal identification of the individual to whom it is issued for any purpose.

(i) (1) Subject to paragraphs (2) through (4) of this subsection, an identification card issued to an applicant expires at the end of a period of not more than 8 years determined in regulations adopted by the Administration.

(2) Before the expiration of an identification card, if an individual does not possess all of the documents required for renewal, the Administration may extend the individual's identification card for a period not to exceed 90 days.

(3) (i) If an applicant has temporary lawful status, the Administration may not issue an identification card to the applicant for a period that extends beyond the expiration date of the applicant's authorized stay in the United States or, if there is no expiration date, for a period longer than 1 year.

(ii) Nothing contained in this paragraph may be construed to allow the issuance of an identification card for a period longer than the period described in paragraph (1) of this subsection.

(iii) The Administration shall indicate on the face and in the machine-readable zone of a temporary identification card issued under this paragraph that the card is a temporary identification card.

(4) (i) Notwithstanding any other provision of this section, the Administration may issue a temporary renewal for an identification card that extends the expiration date for a period not exceeding 2 years for an applicant who:

1. Has the documentation required by federal law, as enumerated in subsection (a)(4) and (5) of this section, on file with the Administration;
2. Has a photograph on file with the Administration that will not be 16 years old or older by the expiration date of the temporary renewal; and
3. Has an identification card that was issued for the full term under paragraph (1) of this subsection.

(ii) The Administration may make temporary renewal of an identification card available to:

1. An active service member or a spouse or dependent of the active service member;
2. A member of the Foreign Service of the United States or a spouse or dependent of the member;
3. A resident of the State who is a student studying outside the State;
4. A resident of the State who is temporarily residing outside the State for at least 6 months;
5. A resident of the State who holds an identification card that would have otherwise expired during a state of emergency declared by the Governor; or
6. Any other resident of the State who meets any requirements approved by the Administration.

(iii) The Administration shall adopt regulations to carry out this paragraph.

(5) An identification card may be renewed on application and payment of the fee required by this section.

(j) The identification card shall be surrendered by the holder upon being issued a Maryland driver's license.

(k) The Administrator may issue an identification card to an applicant:

- (1) Whose privilege to drive has been refused, canceled, suspended, or revoked; or
- (2) Who has been issued a temporary license under § 16-205.1(b)(3)(iii) of this article.

(l) (1) The Administration may cancel an identification card issued under this section if the Administration determines that the holder of the identification card:

- (i) Was not entitled to be issued the identification card;
- (ii) Failed to provide accurate or required information in the application for the identification card;
- (iii) Fraudulently applied for or obtained the identification card; or
- (iv) Is otherwise in violation of subsection (c), (d), (e), or (f) of this section.

(2) If the Administration cancels an identification card under paragraph (1) of this subsection, the holder of the identification card immediately shall surrender the canceled identification card to the Administration.

(m) (1) A person convicted of a violation of subsection (c) or (d) of this section is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.

(2) A person convicted of a violation of subsection (e) or (f) of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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§ 12-302

(a) The Administration shall ensure that the driver's license or identification card of an applicant who presents a certification of veteran status obtained from the Department of Veterans and Military Families in accordance with § 9-905 of the State Government Article, a DD Form 214, or other documentation acceptable to the Administration certifying veteran status, includes a notation indicating that the applicant is a veteran.

(c) The Administration may adopt regulations to carry out the provisions of this section.

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§ 12-303

(a) (1) The Administration shall provide for a method by which an individual doing business with the Administration can:

(i) Register as a donor with the State donor registry established under § 4–516 of the Estates and Trusts Article for the purpose of making a gift of all body organs or parts for the purposes of transplantation, therapy, or medical research and education; and

(ii) Select to have a donor designation on the individual's driver's license or identification card.

(2) The Administration may not require an individual who registers with the State donor registry under paragraph (1)(i) of this subsection to have a donor designation on the individual's driver's license or identification card.

(b) If an individual selects to have a donor designation on the individual's driver's license or identification card under subsection (a)(1) of this section, the Administration shall make a notation of this fact on a driver's license or identification card issued to the individual.

(c) The Administration shall notify an individual who selects to register as a donor that:

(1) The registration will remain effective until the individual requests that the individual be removed from the State donor registry; and

(2) The individual may request to be removed from the State donor registry:

(i) If the individual selected to have a donor designation on the individual's driver's license or identification card, by requesting a replacement driver's license or identification card:

1. Through the Administration's Web site; or
2. In person at any full-service Administration office;

(ii) By requesting to be removed when doing business with the Administration; or

(iii) Through the State donor registry.

(d) Unless an individual who selected to have a donor designation on the individual's driver's license or identification card is removed from the State donor registry as provided in subsection (c)(2) of this section, the Administration shall note the individual's donor designation on all subsequently issued drivers' licenses or identification cards.

(e) A donor designation noted on a driver's license or identification card:

(1) Is sufficient legal authority for the removal of a body organ or part on the death of the donor; and

(2) Notwithstanding any other provision of law, is valid and effective for all purposes under Title 4, Subtitle 5 of the Estates and Trusts Article, including the immunity from civil or criminal liability set forth in § 4–514 of the Estates and Trusts Article.

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§ 12-304

(a) This section applies only to an adult male applicant under the age of 26 years.

(b) Subject to subsection (c) of this section, the Administration shall provide to the Selective Service Administration in an electronic format, for purposes of registration with the Selective Service as required under federal law, the necessary information concerning a male applicant who applies for a driver's license or identification card or the renewal of a driver's license or identification card, including the applicant's:

- (1) Full name;
- (2) Current address;
- (3) Date of birth;
- (4) Gender;
- (5) Date of application; and

(6) Social Security number, if available.

(c) (1) A male applicant's signature on the application indicates that the applicant has selected one of the options specified in paragraph (2) of this subsection concerning Selective Service registration and the forwarding of information to the Selective Service Administration under this section.

(2) In addition to the information required under this subtitle or Title 16 of this article, an application form for a driver's license or identification card or renewal of a driver's license or identification card shall contain a statement that the male applicant:

(i) Has already registered with the Selective Service Administration; or

(ii) Has not registered with the Selective Service Administration and:

1. Consents to forwarding the information in subsection (b) of this section to the Selective Service Administration; or

2. Refuses to consent to the forwarding of the information in subsection (b) of this section to the Selective Service Administration.

(d) Refusal to consent to the forwarding of the information in subsection (b) of this section to the Selective Service Administration may not be grounds for denial of an application for a driver's license or identification card or renewal of a driver's license or identification card.

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§ 12-305

(a) An application for a license, an identification card, or a moped operator's permit shall allow an applicant to indicate that the sex the applicant identifies as is:

(1) Female;

(2) Male; or

(3) Unspecified or other.

(b) The Administration shall ensure that the license, identification card, or moped operator's permit of an applicant who has indicated an unspecified or other sex on an application displays an "X" in the location on the license, identification card, or moped operator's permit that indicates the applicant's sex.

(c) The Administration may not:

(1) Require an applicant for a license, an identification card, or a moped operator's permit to provide proof of the applicant's sex; or

(2) Deny an application for a license, an identification card, or a moped operator's permit because the sex selected by the applicant does not match the sex indicated on another document associated with the applicant.

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§ 12-306

(a) (1) In this section, "nonapparent disability" means a disability or health condition that is not immediately obvious or visible.

(2) "Nonapparent disability" includes:

(i) Developmental disabilities; and

(ii) Intellectual disabilities.

(b) An initial and a renewal application for a license, an identification card, or a moped operator's permit shall allow an applicant to choose to indicate on the document that the applicant has a nonapparent disability.

(c) The Administration shall:

(1) Ensure that the license, identification card, or moped operator's permit of an applicant who has indicated a nonapparent disability on an application includes a notation of the nonapparent disability on the bottom of the license, identification card, or moped operator's permit;

- (2) Consult with developmental disability and intellectual disability advocacy groups with respect to the design of the nonapparent disability notation;
- (3) Notify an individual with a nonapparent disability notation on a license, identification card, or moped operator's permit that turns 18 years of age that the individual may request that the nonapparent disability notation be removed;
- (4) Delete any record of an individual's nonapparent disability notation on request by the individual at any time; and
- (5) Establish public outreach efforts to educate the general public on the availability of the nonapparent disability notation.
- (d) There is no fee for a nonapparent disability notation on a license, identification card, or moped operator's permit, including for the issuance of a corrected document if no other corrections are made.
- (e) The Administration may not:
- (1) Require an applicant for a license, an identification card, or a moped operator's permit to provide proof of the applicant's nonapparent disability;
- (2) Deny an application for a license, an identification card, or a moped operator's permit because the nonapparent disability selected by the applicant does not match the nonapparent disability indicated on another document associated with the applicant;
- (3) Notwithstanding § 4–320 of the General Provisions Article and except as provided in subsection (f) of this section, disclose for any use without a court order information related to an applicant's:
- (i) Indication of a nonapparent disability on an application for a license, an identification card, or a moped operator's permit; or
- (ii) Request to remove an indication of a nonapparent disability from a license, an identification card, or a moped operator's permit; or
- (4) Use information disclosed by a person under this section as a basis for referring the person to the Medical Advisory Board under § 16–118 of this article.
- (f) The Administration may make information described in subsection (e)(3) of this section available to:
- (1) A court;
- (2) A criminal justice agency;
- (3) A driver licensing authority;
- (4) The applicant;
- (5) The applicant's attorney;
- (6) Any third party designated by the applicant; or
- (7) The Child Support Administration.
- (g) The Maryland Police Training and Standards Commission, in consultation with the Department of State Police and other interested stakeholders, shall implement training concerning interactions with individuals who have a nonapparent disability notation on their license, identification card, or moped operator's permit.

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§ 12-401

In this subtitle, "jurisdiction" includes any state, foreign country, or state or province of a foreign country.

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§ 12-402

It is the policy of this State to promote and encourage the fullest possible use of its highway system by authorizing vehicle reciprocal or proportional registration agreements, arrangements, and declarations with other jurisdictions as to vehicles registered in this State and in those other jurisdictions, thus contributing to the economic and social development and growth of this State.

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§ 12-403

The Administrator may make agreements, arrangements, or declarations to carry out the provisions of this subtitle.

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§ 12-404

(a) The Administrator may make an agreement or arrangement with the authorized representative of any other jurisdiction, to grant to drivers or to owners of vehicles that are licensed or registered in that jurisdiction and for which evidence of compliance is supplied, benefits, privileges, and full or partial exemptions from the payment of any taxes, fees, or other charges imposed under the laws of this State on the drivers or owners as to the operation or ownership of the vehicles.

(b) An agreement or arrangement made under this section shall provide that drivers and vehicles licensed or registered in this State, while operated on highways in the other jurisdiction, shall receive benefits, privileges, and exemptions of a similar kind or to a similar degree as are extended to drivers and vehicles licensed or registered in that jurisdiction while operated in this State.

(c) In the judgment of the Administrator, each agreement or arrangement to be made under this section shall be in the best interest of and fair and equitable to this State and its citizens, as determined on the basis and recognition of the benefits that accrue to the economy of this State from the uninterrupted flow of commerce.

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§ 12-405

An agreement, arrangement, or declaration made under this subtitle may authorize the registration or licensing in another jurisdiction of vehicles that are located in or operated from a base in that jurisdiction and that otherwise would be required to be registered or licensed in this State. In this event, the benefits, privileges, and exemptions extended by the agreement, arrangement, or declaration shall apply to those vehicles, if licensed or registered in the base jurisdiction.

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§ 12-406

(a) If any jurisdiction permits or requires the licensing of fleets of vehicles in interstate or combined interstate and intrastate commerce and the payment of registration, license, or other fixed fees on an apportionment basis commensurate with and determined by the miles traveled on highways in that jurisdiction, as compared with the miles traveled on highways in other jurisdictions, or on any other equitable basis of apportionment, and if that jurisdiction exempts vehicles registered in other jurisdictions under that apportionment basis from the requirements of full payment of its own registration, license, or other fixed fees, the Administrator by agreement may adopt the exemption as to vehicles of those fleets, whether owned by residents or nonresidents of this State and regardless of where the vehicles are based.

(b) Under the terms, conditions, or restrictions that the Administrator considers proper, these agreements may provide:

(1) That owners of vehicles operated in interstate or combined interstate and intrastate commerce in this State may pay registration, license, or other fixed fees on an apportionment basis commensurate with and determined by the miles traveled on highways in this State, as compared with the miles traveled on highways in other jurisdictions, or on any other equitable basis of apportionment; or

(2) (i) For issuance of trip permit registration; and

(ii) For collection of a fee for any vehicle or combination of vehicles which may be lawfully operated in the jurisdiction if full registration or proportional registration were obtained.

(c) The registration of fleet vehicles under this section is subject to the rights, terms, and conditions granted by or contained in any applicable agreement, arrangement, or declaration made by the Administrator.

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§ 12-407

(a) In the absence of an agreement or arrangement with another jurisdiction, the Administrator may examine the laws and requirements of the other jurisdiction and declare the extent and nature of benefits, privileges, and exemptions to be

extended to vehicles registered or licensed in that jurisdiction or to the owners of the vehicles.

(b) In the judgment of the Administrator, the benefits, privileges, and exemptions to be declared under this section shall be in the best interest of and fair and equitable to this State and its citizens, as determined on the basis and recognition of the benefits that accrue to the economy of this State from the uninterrupted flow of commerce.

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§ 12-408

An agreement, arrangement, or declaration made under this subtitle may contain provisions, terms, and conditions under which a leased vehicle registered by its lessor may be entitled to the exemptions, benefits, and privileges extended by the agreement, arrangement, or declaration.

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§ 12-409

If, as to any other jurisdiction, an agreement, arrangement, or declaration is not in effect as authorized by this subtitle, any vehicle registered or licensed in that other jurisdiction and for which evidence of compliance is supplied, shall receive, while operated in this State, the same benefits, privileges, and exemptions granted by the other jurisdiction to vehicles registered in this State. Reciprocity extended under this section applies only to vehicles that are engaged exclusively in interstate operations.

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§ 12-410

The provisions of this subtitle relating to proportional registration of fleet vehicles do not require any vehicle to be registered proportionally if it is otherwise registered in this State for the operation in which it is engaged, including regular registration, temporary registration, or trip permit.

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§ 12-411

Any agreement, arrangement, or declaration made under this subtitle may authorize the Administration to suspend or cancel the benefits, privileges, or exemptions granted under it to a person who violates any of its conditions or terms or who violates the vehicle laws or regulations of this State.

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§ 12-412

(a) Each agreement, arrangement, and declaration made under this subtitle and each amendment to an agreement, arrangement, or declaration:

- (1) Shall be in writing and kept on file by the Administration; and
- (2) Is not effective until approved by the Governor.

(b) The Administrator shall file a copy of each agreement, arrangement, declaration, and amendment with the Secretary of State within 30 days after its execution or its effective date, whichever is later. The Administration shall provide copies of these documents for public distribution on request.

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§ 12-413

Every reciprocity and proportional registration agreement, arrangement, and declaration relating to vehicles and in force and effect on July 1, 1971, continues in force and effect until specifically amended or revoked as provided by law or by the agreement, arrangement, or declaration.

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§ 12-414

This subtitle is part of and supplemental to the vehicle registration laws of this State.

Title 13 — Hazardous Materials Transport

§ 13-101

In this subtitle, "certificate of origin" means a certification by the manufacturer, on a form that the Administration approves, that:

- (1) Certifies that the vehicle described in it has been transferred to the dealer or other person named and that the transfer is the first transfer of the vehicle in ordinary trade and commerce; and
- (2) Describes the vehicle by including:
 - (i) Its make, model, year, vehicle identification number, type of body, number of cylinders, and engine number; and
 - (ii) Any other information that the Administration requires.

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§ 13-102

A certificate of title is not required for:

- (1) A vehicle owned and used by the United States, unless it is registered in this State;
- (2) A new vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration or used as allowed under § 13-621 of this title;
- (3) A vehicle used by a manufacturer only for testing;
- (4) A vehicle owned by a nonresident of this State and not required by law to be registered in this State;
- (5) A vehicle regularly engaged in the interstate transportation of people or property and for which a currently effective certificate of title has been issued in another state;
- (6) A vehicle moved only by human or animal power;
- (7) A bicycle, except for a moped;
- (8) A vehicle in which interest has passed to a secured party on default of the owner;
- (9) Farm equipment;
- (10) Special mobile equipment;
- (11) A self-propelled invalid:
 - (i) Wheelchair; or
 - (ii) Tricycle;
- (12) A trailer, other than a camping trailer, rated by the manufacturer as having a gross vehicle weight of 2,500 pounds or less; or
- (13) An off-highway recreational vehicle purchased before October 1, 2010.

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§ 13-103

- (a) The owner of farm equipment or special mobile equipment may apply for and obtain a certificate of title for the farm equipment or special mobile equipment.
- (b) All of the provisions of this title are applicable to a certificate of title issued under this section, except that:
 - (1) A person who receives a transfer of an interest in the vehicle without knowledge of the certificate of title is not prejudiced by reason of the existence of the certificate; and
 - (2) The perfection of a security interest under Subtitle 2 of this title is not effective until the secured party has complied with the applicable law that otherwise relates to the perfection of security interests in personal property.

§ 13-104

(a) (1) The application for a certificate of title of a vehicle shall be made by the owner of the vehicle on the form that the Administration requires.

(2) Notwithstanding any other provision of this title, an application for a certificate of title of an off-highway recreational vehicle, a motor scooter, or a moped shall be made by electronic transmission under § 13-610 of this title.

(3) The owner of a motor scooter or moped shall certify at the time of titling that the motor scooter or moped is covered by the required security described in § 17-103 of this article.

(b) (1) Except as provided in paragraph (2) of this subsection, the Administration may not issue a certificate of title to any individual who is not at least 18 years old.

(2) The Administration may issue a certificate of title to an individual under the age of 18 years if the individual submits an application for a certificate of title that is cosigned by:

(i) A parent or guardian of the applicant; or

(ii) If the applicant has no parent or guardian or is married, an adult employer of the applicant or any other responsible adult.

(3) The individual cosigning the application of a minor under this subsection shall certify that the statements made in the application are true to the best of the cosigner's knowledge, information, and belief.

(c) The application shall contain:

(1) The full name and Maryland address of the owner, including:

(i) If the owner is an individual, the owner's Maryland residence and mailing addresses;

(ii) If the owner is a business firm, association, or corporation, its federal identification number and:

1. Its business address in this State; or

2. The name and address of its resident agent in this State;

(iii) If the owner is a partnership or joint venture, the name of each partner or joint venturer;

(iv) If the owner is an unincorporated association, joint stock company, or other group described in § 6-406 of the Courts Article, the name and address of a resident agent on whom service may be made in any lawsuit arising out of the ownership, maintenance, or use of the vehicle; and

(v) If the owner is a trustee, the address of the trust in this State and the name and address of a person in this State on whom service may be made in any lawsuit arising out of the ownership, maintenance, or use of the vehicle;

(2) (i) If the owner is an individual, the owner's date of birth; and

(ii) If the owner is a partnership or joint venture, the date of birth of each partner or joint venturer;

(3) A description of the vehicle, including:

(i) To the extent that the information exists, its make, model, year, vehicle identification number, type of body, and number of cylinders;

(ii) If the vehicle is a two-stage vehicle:

1. The make and year of the first stage; and

2. The make, model, and year of the second stage;

(iii) If the vehicle is a motorcycle with an engine manufactured on or after January 1, 1977, the identifying number of the engine; and

(iv) Any other information that the Administration requires;

(4) A statement of:

(i) The applicant's title to and each security interest in the vehicle; and

(ii) The name and address of each secured party with any security interest in the vehicle and the nature and order of priority of that interest;

(5) If the sole individual owner of a motor vehicle designates a transfer-on-death beneficiary under § 13-115 of this subtitle, the name and mailing address of the beneficiary; and

(6) Any other information that the Administration reasonably requires to determine if the owner is entitled to a certificate of title.

(d) The application shall be signed by:

(1) Each owner who is an individual;

(2) The individual cosigning the application on behalf of a minor in accordance with subsection (b) of this section;

(3) An officer or authorized agent of the owner, if the owner is a business firm, association, or corporation;

(4) A partner or joint venturer, if the owner is a partnership or joint venture;

(5) An officer or authorized agent, if the owner is an unincorporated association, joint stock company, or other group described in § 6-406 of the Courts Article; or

(6) A trustee, if the owner is a trust.

(e) The application shall be accompanied by each certificate of title of the vehicle that previously may have been issued by this or any other state and still is outstanding.

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§ 13-105

On receiving an application for a certificate of title, the Administration shall check the vehicle identification number shown in the application for the vehicle:

(1) Against the records of vehicles required to be kept by § 13-106 of this subtitle; and

(2) Against the records of stolen vehicles required to be kept by § 14-105 of this article.

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§ 13-106

(a) The Administration shall:

(1) File each application for a certificate of title that it receives; and

(2) Issue a certificate of title of the vehicle if:

(i) It finds that the applicant is entitled to the certificate of title; and

(ii) It has received the required fees.

(b) The Administration shall keep a record of all certificates of title that it issues, as follows:

(1) Under a distinctive title number assigned to the vehicle;

(2) Under the vehicle identification number of the vehicle or, if a distinguishing number has been assigned to it, under the distinguishing number; and

(3) Under any other method that the Administration determines.

(c) Upon receipt with the application for a certificate of title, the Administration shall maintain a record of the following documents as a part of its certificate of title records for a motor vehicle:

(1) A notice from a dealer under § 14-1502(f)(1) of the Commercial Law Article;

(2) A notice from a manufacturer or factory branch under § 14-1502(f)(2) of the Commercial Law Article; and

(3) A manufacturer's disclosure form provided to the Administration under § 14-1502(g) of the Commercial Law Article.

(d) (1) The Administration shall issue a permanent decal to the owner of a motor scooter or moped for which a certificate of title is issued.

(2) An owner of a motor scooter or moped for which a certificate of title is issued shall display the decal on the vehicle as prescribed by the Administration.

(3) A decal shall display a unique number sequence assigned by the Administration.

(4) The Administration:

(i) Shall establish a fee of \$5 for a decal; and

(ii) May adopt regulations to implement this section.

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§ 13-107

(a) Each certificate of title issued for a vehicle by the Administration shall contain:

(1) The date issued;

(2) The name and Maryland address of the owner of the vehicle;

(3) The names and addresses of all secured parties, in the order of their priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate;

(4) The title number assigned to the vehicle;

(5) A description of the vehicle including, to the extent that the information exists, its make, model, year, vehicle identification number, and type of body;

(6) In the case of a vehicle returned to the manufacturer or factory branch under Title 14, Subtitle 15 of the Commercial Law Article and subsequently retitled in the State, a permanent notation that informs all subsequent transferees that:

(i) Prior to its sale to the transferee, the vehicle was returned to the manufacturer or factory branch under the Automotive Warranty Enforcement Act; and

(ii) A history of the vehicle is on file with the Administration;

(7) The classification or weight for which the vehicle is registered;

(8) A notation indicating a beneficiary added under § 13–115 of this subtitle; and

(9) Any other information that the Administration determines.

(b) The certificate of title:

(1) Shall contain forms for:

(i) Assignment and warranty of title by the owner; and

(ii) Assignment and warranty of title by a dealer; and

(2) May contain forms for:

(i) An application for a certificate of title by a transferee;

(ii) The naming of secured parties; and

(iii) The assignment or release of security interests.

(c) A certificate of title issued by the Administration is prima facie evidence of the facts appearing on it.

(d) A certificate of title for a vehicle is not subject to garnishment, attachment, or execution, but this subsection does not prevent a lawful levy on the vehicle.

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§ 13-108

(a) Except as otherwise provided in this subtitle, when the Administration issues a certificate of title of a vehicle, it shall deliver the certificate of title by mailing it to the owner of the vehicle.

(b) Notwithstanding subsection (a) of this section, where a vehicle has been repossessed by a lessor, lender, or credit grantor, the lessor, lender, or credit grantor or a title service agent on behalf of the lessor, lender, or credit grantor may request delivery by hand at a facility of the Administration of the certificate of title of the repossessed vehicle or a

duplicate of the certificate of title.

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§ 13-109

(a) (1) If the Administration is not satisfied as to the ownership of the vehicle or that every security interest in it has been disclosed, the Administration may register the vehicle, but shall either:

(i) Withhold delivery of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the Administration as to the applicant's ownership of the vehicle and that every security interest in it has been disclosed; or

(ii) As a condition to issuing and delivering a certificate of title, require the applicant to execute and file with the Administration a bond in the form that the Administration approves, either accompanied by a deposit of cash with the Administration or executed also by a person authorized to conduct a surety business in this State.

(2) If a bond is required by the Administration under this subsection, the bond shall be in an amount equal to one and one-half times the value of the vehicle, as determined by the Administration, and conditioned to indemnify any former owner or person with a security interest in the vehicle and any subsequent buyer or person acquiring any security interest in the vehicle, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or by reason of any defect in or undisclosed security interest in the right, title, and interest of the applicant in and to the vehicle. Each of these interested persons has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of any surety to all persons may not exceed the amount of the bond. Unless the Administration has been notified that an action to recover on the bond is pending, the bond and any deposit accompanying it shall be returned either at the end of 3 years or, if the vehicle is no longer registered in this State, on the earlier request of the owner and the surrender to the Administration of the certificate of title of the vehicle.

(b) If a person has obtained a used vehicle outside of this State and, except for the fact that a certificate of inspection has not been obtained for the vehicle as required by Title 23 of this article, is entitled to register the vehicle and receive a certificate of title for it in this State, the person may apply for a certificate of title and for temporary registration of the vehicle as provided in § 23-107(b) of this article.

(c) If a certificate of title has been issued by another state for a vehicle engaged in interstate operation or if a vehicle engaged in interstate operation is registered in another state, the Administration, if it determines that it is necessary or desirable to do so, may register the vehicle in this State, without delivering a certificate of title, on submission to the Administration of the documents and supporting statements that the Administration reasonably requires and on payment of the required fees.

(d) The Administration may register a trailer, other than a camping trailer, rated by the manufacturer as having a gross vehicle weight of 2,500 pounds or less without requiring a certificate of title or an application for a certificate of title.

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§ 13-110

The Administration shall refuse to issue a certificate of title of a vehicle if:

(1) The application contains any false or fraudulent statement;

(2) The applicant has failed to furnish information or documents required by statute or regulations adopted by the Administration;

(3) Any required fee has not been paid;

(4) The applicant is not entitled to a certificate of title under the Maryland Vehicle Law; or

(5) The Administration has reasonable grounds to believe:

(i) That the applicant is not the owner of the vehicle;

(ii) That the issuance of a certificate of title to the applicant would be a fraud against another person; or

(iii) That the vehicle does not comply with Title 2, Subtitle 11 of the Environment Article or any regulation adopted under that subtitle.

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§ 13-111

- (a) If a certificate of title is lost, the owner or the legal representative of the owner named in the certificate, as shown by the records of the Administration, promptly shall apply for and, after furnishing information satisfactory to the Administration and payment of the required fee, obtain a duplicate certificate of title.
- (b) If a certificate of title is stolen, the owner or the legal representative of the owner named in the certificate, as shown by the records of the Administration, promptly shall apply for and, after furnishing information satisfactory to the Administration and payment of the required fee, obtain a duplicate certificate of title.
- (c) If a certificate of title is damaged to the extent that the certificate of title is illegible, the owner or the legal representative of the owner named in the certificate, as shown by the records of the Administration, promptly shall apply for, and after furnishing information satisfactory to the Administration and payment of the required fee, obtain a duplicate certificate of title.
- (d) The duplicate certificate of title shall contain the legend "This is a duplicate certificate and may be subject to the rights of a person under the original certificate."
- (e) If a person recovers an original certificate of title for which a duplicate has been issued, the person promptly shall surrender the original certificate to the Administration.

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§ 13-112

- (a) Except as provided in § 13-113 of this subtitle, if an owner transfers his interest in a vehicle, other than by the creation of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee, with a statement of each security interest, lien, or other encumbrance on the vehicle, in the space provided for that purpose on the certificate.
- (b) Except as provided in § 13-113 of this subtitle, if an owner transfers his interest in a vehicle, other than by the creation of a security interest, the owner shall, at the time of the delivery of the vehicle, deliver the certificate of title to the transferee.
- (c) (1) Except as provided in § 13-113 of this subtitle, promptly after delivery to the transferee of the vehicle, the transferee shall:
- (i) Complete an application for a new certificate of title, either in the space provided for that purpose on the certificate or as the Administration otherwise requires; and
 - (ii) Mail or deliver the certificate and application to the Administration.
- (2) If the Administration does not receive the certificate and application within 30 days after delivery of the vehicle to the transferee, the Administration, in its discretion, may assess the applicant with an additional service fee established by the Administration for making the transfer of title.
- (d) (1) A person may not knowingly sell, transfer, or otherwise dispose of any vehicle that has been used as a taxicab unless the person attaches to the certificate of title a signed statement to the effect that the vehicle has been used as a taxicab.
- (2) On receipt of a certificate of title to which is attached the information required by this subsection, the Administration shall place on the new certificate of title it issues a notation appropriate to convey this information to the new owner of the vehicle.
- (e) No person other than a dealer may buy in this State and no person may sell in this State any used vehicle of a type for which a certificate of title is required under this subtitle unless:
- (1) A certificate of title of the vehicle has been issued by the Administration or by another state or country; or
 - (2) A certificate of registration of the vehicle has been issued by a state or country that does not issue certificates of title of such vehicles.

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§ 13-113

- (a) If the transferee of a vehicle is a licensed dealer who holds the vehicle for sale, the dealer shall, within 20 days of the date of the transfer to the dealer of the vehicle, obtain the certificate of title of the vehicle, which shall contain an assignment and warranty of title executed by the former owner.
- (b) If the transferee of a vehicle is a licensed dealer who holds the vehicle for sale, the dealer shall retain the certificate of title in his possession until the further sale or transfer of ownership of the vehicle.
- (c) During business hours, the licensed dealer shall allow any representative of the Administration and any police officer full access to all certificates of title of vehicles held by him for sale.
- (d) (1) Except as provided in paragraph (2) of this subsection, if a licensed dealer holds a vehicle for sale and transfers the vehicle to another licensed dealer who holds the vehicle for sale, the transferring dealer, without applying for a new certificate of title, shall:
- (i) Execute an assignment of title to the transferee dealer in the manner and on the form that the Administration requires; and
 - (ii) Include in the assignment a statement certifying each security interest, lien, or other encumbrance on the vehicle.
- (2) If the certificate of title held by the transferring dealer does not contain an open dealer reassignment section, the transferring dealer shall apply to the Administration for the issuance of a certificate of title.
- (e) (1) If a licensed dealer holds a vehicle for sale and transfers the vehicle to someone other than another licensed dealer who holds the vehicle for sale, the dealer shall:
- (i) Execute an assignment and warranty of title to the transferee in the manner and on the form that the Administration requires; and
 - (ii) Comply with the provisions specified in this subsection.
- (2) If the vehicle is a Class A (passenger) vehicle, Class D (motorcycle) vehicle, Class G (trailer) travel trailer or camping trailer, or Class M (multipurpose) vehicle and is to be registered and titled in this State, the transferring dealer shall:
- (i) Obtain from the transferee a completed application and collect all taxes and fees required for titling the vehicle; and
 - (ii) Within 30 days of the date of delivery of the vehicle, send or electronically transmit them, together with every other document or data required by §§ 13–104, 13–104.1, and 13–108.1 of this subtitle, to the Administration.
- (3) If the vehicle is to be registered and titled in this State, but is not a Class A (passenger) vehicle, Class D (motorcycle) vehicle, Class G (trailer) travel trailer or camping trailer, or Class M (multipurpose) vehicle, the transferring dealer shall, within 30 days of the delivery of the vehicle, either:
- (i) Deliver the certificate of title to the transferee; or
 - (ii) Send or electronically transmit the transferee's completed application and all taxes and fees required for titling the vehicle, together with every other document or data required by §§ 13–104, 13–104.1, and 13–108.1 of this subtitle, to the Administration.
- (4) If the vehicle is not to be titled in this State and is to be registered in another state, the transferring dealer shall deliver the certificate of title to the transferee within 30 days of delivery of the vehicle.
- (f) (1) Notwithstanding any other provisions to the contrary, an automotive dismantler or recycler licensed under Title 15 of this article may transfer a vehicle that he owns, regardless of the type of ownership document issued for the vehicle, to another licensed automotive dismantler or recycler or to a licensed dealer, without applying for a new certificate of title, as provided in this subsection.
- (2) The automotive dismantler or recycler shall:
- (i) Execute an assignment of title to the transferee automotive dismantler or recycler or dealer in the manner and on the form that the Administration requires; and
 - (ii) Include in the assignment a statement certifying each security interest, lien, or other encumbrances on the vehicle.
- (g) If an automotive dismantler or recycler licensed under Title 15 of this article owns a vehicle declared as salvage and if a salvage certificate has been issued for the vehicle under §§ 13–506 and 13–507 of this title, the automotive dismantler

or recycler may transfer the vehicle to any person, without applying for a new certificate of title, by executing an assignment of ownership on the salvage certificate or on the form that the Administration otherwise requires.

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§ 13-114

(a) Except as otherwise provided in this section, if the interest of an owner in a vehicle for which a certificate of title has been issued passes to another person other than by voluntary transfer, the transferee shall present to the Administration the last certificate of title for the vehicle, if available.

(b) Except as otherwise provided in this section, if the interest of an owner in a vehicle for which a certificate of title has been issued passes to another person other than by voluntary transfer, the transferee shall apply for a new certificate of title.

(c) (1) The application for a new certificate of title under subsection (b) of this section shall be accompanied by such instruments or documents of authority or certified copies of them as are sufficient in law or required by law to evidence or effect a transfer of title or interest in or to chattels in such case.

(2) A written assignment of title or interest is not required if the prior owner's title or interest has passed to the transferee as a result of a judicial decree, order, or proceeding.

(d) (1) If the interest of an owner in a vehicle for which a certificate of title has been issued passes to a legatee or distributee as a result of testamentary disposition or intestate devolution:

(i) An application for a new certificate of title need not be made until the expiration of the last annual registration in the name of the deceased owner; and

(ii) The certificate of title need not be submitted to the Administration until the application for a new certificate of title is made.

(2) If title is assigned properly by the personal representative of the deceased owner, a certificate of letters testamentary or of administration issued by a court of competent jurisdiction in this State is sufficient authority for the Administration to transfer the title of the vehicle of a deceased owner.

(e) (1) The Administration may transfer on its records the ownership of a vehicle that has been repossessed by a secured party, if the secured party submits to the Administration a certification that states:

(i) That the secured party has a security interest in the vehicle;

(ii) That, on the basis of the security agreement or other lawful basis, the secured party has a right to the possession of and title to the vehicle;

(iii) That the secured party has possession of the vehicle; and

(iv) Any other information that the Administration requires.

(2) On submission of the certification to it, the Administration may issue a new certificate of title if it is satisfied that the secured party is entitled to one.

(f) In the case of a vehicle for which a certificate of title has been issued to married individuals as joint owners, if the interest in the vehicle of one of the joint owners who has died passes by operation of law to the surviving spouse:

(1) An application for a new certificate of title need not be made until the expiration of the last registration in the name of the joint owners; and

(2) The certificate of title need not be submitted to the Administration until the application for a new certificate of title is made.

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§ 13-115

(a) An individual who is the sole owner of a motor vehicle may apply to the Administration to designate a beneficiary to take ownership of the motor vehicle on the death of the owner.

(b) The designation of a beneficiary may be shown by the words "transfer-on-death" or the abbreviation "TOD" after the name of the registered owner on a certificate of title.

- (c) (1) The designation of a beneficiary for a motor vehicle does not affect the ownership of the motor vehicle until the death of the owner of the motor vehicle.
- (2) The owner of a motor vehicle may cancel or change the designation of a beneficiary at any time without the consent of the beneficiary by applying to the Administration.
- (d) The designation of a beneficiary is not required to be supported by consideration, and the certificate of title of the motor vehicle for which the designation is made is not required to be delivered to the beneficiary in order for the designation to be effective.
- (e) On the death of the owner of a motor vehicle who has designated a beneficiary, ownership of a motor vehicle shall pass to the beneficiary if the beneficiary survives the owner.
- (f) (1) A designated beneficiary who survives the owner shall apply to the Administration for a new certificate of title for the motor vehicle.
- (2) An application for a certificate of title by a beneficiary following the death of the owner shall include:
- (i) The original certificate of title designating the beneficiary;
 - (ii) A death certificate for the deceased owner;
 - (iii) Proof of the identity of the beneficiary; and
 - (iv) Any applicable taxes or fees.
- (g) If a designated beneficiary does not survive the death of the owner, the motor vehicle is part of the estate of the deceased owner.
- (h) This section does not limit the rights of creditors of motor vehicle owners against beneficiaries and other transferees under other laws of this State.
- (i) The Administration may charge a fee, not to exceed its costs, for issuing a certificate of title under this section.
- (j) The Administration may adopt regulations to carry out this section.

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§ 13-116

- (a) On receipt of a properly assigned certificate of title, an application for a new certificate of title, the required fee, and any other documents and information required by law, the Administration shall issue a new certificate of title in the name of the transferee as owner and mail it to him.
- (b) The Administration shall:
- (1) File each surrendered certificate of title; and
 - (2) Maintain the file to permit the tracing of title of any vehicle designated in it.

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§ 13-117

- (a) If the vehicle information is changed from that set forth in its certificate of title, the owner of the vehicle immediately shall notify the Administration of the change on the form that the Administration requires.
- (b) If the vehicle information is changed from that set forth in the certificate of title for the vehicle, the owner of the vehicle immediately shall apply for a corrected certificate of title on the form that the Administration requires and pay any required fee.
- (c) On receipt of the application, the Administration may issue a corrected certificate of title.
- (d) The Administration may adopt regulations necessary to govern the issuance of corrected certificates of title.

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§ 13-118

- (a) If the name of any individual who has applied for or obtained a certificate of title is later changed by marriage or by court order, or if the name of any other person who has applied for or obtained a certificate of title is later changed as

provided by law, the person shall, within 30 days of the change, notify the Administration of the former name and the new name on the form that the Administration requires.

(b) If the name of any individual who has applied for or obtained a certificate of title is later changed by marriage or court order, or if the name of any other person who has applied for or obtained a certificate of title is later changed as provided by law, the person shall, within 30 days of the change, apply for a corrected certificate of title on the form that the Administration requires.

(c) On receipt of the application, the Administration shall issue a corrected certificate of title for a fee established by the Administration.

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§ 13-119

An exclusion or modification from implied warranties of a motor vehicle under § 2-316.1(4) of the Commercial Law Article shall be on a form provided by the Administration.

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§ 13-201

(a) In this subtitle, "perfected", as used in reference to a security interest, means that it is valid against third parties generally, subject only to specific statutory exceptions.

(b) This subtitle does not apply to or affect:

- (1) Any lien given by statute or rule of law to a supplier of services or materials for a vehicle;
- (2) Any lien given by statute to the United States, this State, or any political subdivision of this State;
- (3) Any security interest in a vehicle during any period in which the vehicle is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling vehicles;
- (4) Any lien arising out of an attachment of a vehicle;
- (5) Any security interest claimed on proceeds, as that term is defined in Title 9 of the Commercial Law Article (Maryland Uniform Commercial Code -- Secured Transactions), if the original security interest did not have to be noted on the certificate of title in order to be perfected; or
- (6) Any vehicle for which a certificate of title is not required under this title.

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§ 13-202

(a) Unless excepted by § 13-201 of this subtitle, a security interest in a vehicle is not valid against any creditor of the owner or any subsequent transferee or secured party unless the security interest is perfected as provided in this subtitle.

(b) (1) A security interest is perfected by:

- (i) Delivery to the Administration of every existing certificate of title of the vehicle and an application for certificate of title on the form and containing the information about the security interest that the Administration requires; and
- (ii) Payment of a filing fee established by the Administration, which is in addition to any other fees that apply under the Maryland Vehicle Law.

(2) The security interest is perfected at the time of the delivery and payment.

(c) (1) If a vehicle already is subject to a security interest when brought into this State, the validity of that security interest in this State is determined by the law (including the conflict of law rules) of the jurisdiction where the vehicle was located when the security interest attached, subject to the provisions of this subsection.

(2) If, at the time the security interest attached, the parties to the transaction understood that the vehicle would be kept in this State, and if, within 30 days after the security interest attached, the vehicle was brought into this State for purposes other than transportation through this State, the validity of the security interest in this State is determined by the laws of this State.

(3) If, before the vehicle was brought into this State, the security interest already was perfected under the laws of the jurisdiction where the vehicle was located when the security interest attached, the following rules apply:

(i) If the name of the secured party is shown on an existing certificate of title issued by that jurisdiction, the security interest continues perfected in this State; and

(ii) If the name of the secured party is not shown on an existing certificate of title issued by that jurisdiction and if the law of that jurisdiction does not provide for certificates of title disclosing security interests, the security interest continues perfected in this State for 4 months and thereafter if, within the 4-month period, it is perfected in this State, but this security interest also may be perfected in this State after the expiration of the 4-month period, in which case perfection dates from the time of perfection in this State.

(4) If, before the vehicle was brought into this State, the security interest was not perfected under the law of the jurisdiction in which the vehicle was located when the security interest attached, it may be perfected in this State, in which case perfection dates from the time of perfection in this State.

(d) A secured party under this subtitle may obtain from the Administration a duplicate of the security interest filing as provided in § 13-953 of this title.

(e) Priority of a security interest in a vehicle perfected as provided under this section is governed by Title 9 of the Commercial Law Article, including § 9-317(e).

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§ 13-203

(a) If an owner creates a security interest in a vehicle, the provisions of this section apply.

(b) The owner immediately shall execute the application in the space provided for this purpose on the certificate of title or on the separate form that the Administration otherwise requires, naming the secured party on the certificate of title and showing the name and address of the secured party, the amount of the security interest, and the date of his security agreement.

(c) The owner immediately shall deliver the certificate of title and application to the Administration.

(d) (1) At the time of delivery of the documents required by this section to the Administration, the secured party shall pay to the Administration the same filing fee as is required for perfection of the security interest under § 13-202 of this subtitle.

(2) The security interest is perfected at the time of its creation, if the delivery and payment to the Administration are completed within 10 days of the date of its creation. Otherwise, the security interest is perfected at the time of the delivery and payment.

(e) On receipt of the certificate of title, the application, and the required filing fee, the Administration shall:

(1) Endorse the existing certificate of title or a new certificate issued by it with the name and address of each secured party; and

(2) Deliver the endorsed certificate of title to the owner named on it.

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§ 13-204

(a) A secured party may assign, absolutely or otherwise, any part of his security interest in a vehicle to a person other than its owner, without affecting the interest of the owner or the validity of the security interest. However, any person without notice of the assignment is protected in dealing with the secured party as the holder of the security interest, and the secured party remains liable for any obligations as secured party until the assignee is named as secured party on the certificate of title.

(b) (1) The assignee shall deliver to the Administration the certificate of title, if available, and an assignment by the secured party named in the certificate of title in the form that the Administration requires, accompanied by the same filing fee as is required for perfection of the security interest under § 13-202 of this subtitle.

(2) The assignee's security interest is perfected at the time of its creation, if the delivery and payment to the Administration are completed within 10 days of the date of its creation. Otherwise, the security interest is perfected at the time of the delivery and payment.

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§ 13-205

(a) When a security interest in a vehicle is satisfied, the secured party shall execute a release of the security interest on the form that the Administration requires.

(b) When a security interest in a vehicle is satisfied, the secured party shall immediately deliver copies of the release to:

(1) The owner;

(2) The Administration; and

(3) A dealer licensed under Title 15, Subtitle 3 of this article who, on behalf of the owner, pays off the security interest if the owner authorizes the secured party in writing to deliver a copy of the release to the dealer.

(c) After it receives a release and the certificate of title, the Administration shall release the secured party's right on the certificate of title or issue a new certificate of title.

(d) (1) If, after notice to all interested parties and a hearing, the Administration determines that an indebtedness does not constitute a security interest, it shall:

(i) Release the indebtedness on the certificate of title; or

(ii) Issue a new certificate of title and deliver the certificate to the owner.

(2) Any person aggrieved by the decision of the Administration may appeal in accordance with the provisions of the Administrative Procedure Act.

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§ 13-206

On written request of the vehicle owner, a secured party named in a certificate of title shall disclose any pertinent information as to the security agreement and the indebtedness secured, as provided in § 9-208 of the Commercial Law Article.

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§ 13-207

The method provided in this subtitle of perfecting and giving notice of security interests is exclusive.

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§ 13-209

(a) The Administration shall maintain an Assurance Fund and deposit in it the filing fees collected under this subtitle.

(b) When the Assurance Fund reaches \$25,000, any money in excess of that amount shall be transferred to the Transportation Trust Fund.

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§ 13-210

(a) (1) If an omission or error in the filing, recording, or indexing of a security interest has been made by an employee of the Administration in the course of employment and, as a result of the omission or error, any interested person has sustained loss or damage, the person may file a claim with the Administration for payment of the loss or damage out of the Assurance Fund maintained under § 13-209 of this subtitle. The claim for payment shall include a request for a hearing on the matter and shall be made in the manner and on the form that the Administration requires.

(2) A claim for payment under this section may not be made unless it is filed with the Administration within 3 years from the date the cause of action arose.

(3) The amount of payment made for a claim under this section may not exceed \$100,000.

(4) Payment for a single claim may not be made from both the Assurance Fund and from the State Insurance Trust Fund under § 12-104 of the State Government Article.

(b) After notice to all interested parties and a hearing on the claim, the Administration may:

(1) Order that any loss or damage sustained by the claimant be paid out of the Assurance Fund, subject to the limitations set forth in this section; or

(2) Order that the claim be dismissed and deny payment of the claim.

(c) (1) Any aggrieved party to a hearing under this section may appeal from the decision of the Administration as follows:

(i) To the circuit court for the county in which the party resides or has his principal place of business; or

(ii) If the party does not reside or have a principal place of business in this State, to the Circuit Court for Anne Arundel County.

(2) The circuit court to which an appeal is made under this section has jurisdiction to examine the facts of the case and to determine if the claimant is entitled under this section to recover for any loss or damage. The Administration shall pay the amount of any judgment recovered against the Assurance Fund up to the amount of the security interest to which the claim relates.

(d) The Assurance Fund is not liable under any circumstances for:

(1) Any loss or damage that exceeds the amount of the security interest to which the claim relates; or

(2) Any loss or damage that results from:

(i) The claimant's breach of any trust, whether expressed, implied, or constructive;

(ii) The improper use of the seal of any corporation to deal with the property or interest involved or to execute or take the benefit of the instrument recorded; or

(iii) The recording of an instrument executed by a person under legal disability, unless the fact of the disability is disclosed on the instrument.

(e) If, in an appeal against the Administration, judgment is given in favor of the Administration or the appeal is dismissed at the request of the claimant, the claimant shall pay the full costs of the appeal.

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§ 13-211

(a) In this section, "terminal rental adjustment clause" means a provision in a contract permitting or requiring the rental price of a motor vehicle or trailer to be adjusted either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

(b) Nothing in this section exempts a motor vehicle or trailer from the payment of any fees or taxes required at the time of titling a vehicle under the Maryland Vehicle Law.

(c) Notwithstanding any other provision of law, in the case of a motor vehicle or trailer that is not leased, or used, primarily for personal, family, or household purposes, a transaction does not create a sale or security interest merely because the contract on which the transaction is based contains a terminal rental adjustment clause.

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§ 13-401

(a) This section applies to any vehicle required to be registered under this title.

(b) (1) If a vehicle is not registered, a person may not drive the vehicle on a highway in this State.

(2) (i) If a person is convicted of a violation of this subsection that involved the use of an off-highway recreational vehicle on a highway, the court shall notify the Administration of the violation.

(ii) The Chief Judge of the District Court, in conjunction with the Administration, shall establish uniform procedures for reporting convictions described in this paragraph.

(c) If a vehicle is not registered, the owner of the vehicle may not knowingly allow the vehicle to be driven on a highway in this State.

(d) If the required registration fee for a vehicle has not been paid, a person may not drive the vehicle on a highway in this State.

- (e) If the required registration fee for a vehicle has not been paid, the owner of the vehicle may not knowingly allow the vehicle to be driven on a highway in this State.
- (f) If the registration of a vehicle is canceled, a person may not drive the vehicle on a highway in this State.
- (g) If the registration of a vehicle is canceled, the owner of the vehicle may not knowingly allow the vehicle to be driven on a highway in this State.
- (h) If the registration of a vehicle is suspended, a person may not drive the vehicle on a highway in this State.
- (i) If the registration of a vehicle is suspended, the owner of the vehicle may not knowingly allow the vehicle to be driven on a highway in this State.
- (j) If the registration of a vehicle is revoked, a person may not drive the vehicle on a highway in this State.
- (k) If the registration of a vehicle is revoked, the owner of the vehicle may not knowingly allow the vehicle to be driven on a highway in this State.

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§ 13-402

- (a) (1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle.
- (2) If a motor vehicle required to be registered under this subtitle is not registered, a person may not park the unregistered motor vehicle on any:
 - (i) Public alley, street, or highway; or
 - (ii) Private property used by the public in general, including parking lots of shopping centers, condominiums, apartments, or town house developments.
- (3) The provisions of paragraph (2) of this subsection do not apply to a motor vehicle that is exempt from registration under this section or § 13–402.1 of this subtitle.
- (b) Except as otherwise expressly authorized in this title, the Administration may not register or renew the registration of a vehicle unless the Administration has issued to the owner a certificate of title of the vehicle or has received an application for the certificate of title.
- (c) Registration under this subtitle is not required for:
 - (1) A vehicle that is driven on a highway:
 - (i) In conformity with the provisions of this title relating to manufacturers, transporters, dealers, secured parties, owners or operators of special mobile equipment, or nonresidents; or
 - (ii) Under a temporary registration card issued by the Administration;
 - (2) A vehicle owned and used by the United States, unless an authorized officer or employee of the United States requests registration of the vehicle;
 - (3) A farm tractor or any farm equipment;
 - (4) A vehicle the front or rear wheels of which are lifted from the highway;
 - (5) A towed vehicle that is attached to the towing vehicle by a tow bar and for which no driver is necessary;
 - (6) A vehicle owned by and in the possession of a licensed dealer for purpose of sale;
 - (7) A vehicle owned by a new resident of this State during the first 60 days of residency provided the vehicle displays valid registration issued by the jurisdiction of the resident's former domicile;
 - (8) New vehicles being operated as part of a shuttle, as defined in § 13–626 of this title, while following a registered vehicle displaying a shuttle permit issued by the Administration;
 - (9) A vehicle operated in connection with maritime commerce exclusively within any terminal owned or leased by the Maryland Port Administration;
 - (10) A snowmobile that is operated on highways and roadways as prescribed by § 25–102(a)(14) of this article;

- (11) A golf cart that is operated on a highway in accordance with § 21–104.2 of this article;
- (12) A golf cart that is operated on an Allegany County highway as allowed by the county under § 25–102(a)(16) of this article;
- (13) A vehicle owned by an accredited consular or diplomatic officer of a foreign government and operated for official or personal purposes when the vehicle displays a valid diplomatic license plate issued by the United States government; or
- (14) A personal delivery device that is operated on a roadway, sidewalk, shoulder, or crosswalk in accordance with § 21–104.3 of this article.
- (d) (1) If a motor vehicle, trailer, or semitrailer is registered in another state, displays current registration plates issued for it by that state, and is brought into this State by a nonresident for transporting seasonal farm workers to be employed on farms in this State or for work incidental to seasonal crop operations on farms in this State, the vehicle need not be registered in this State if:
- (i) The vehicle is being used as an incidental part of harvesting operations within a distance of not more than 35 miles from the source of the crop; and
 - (ii) The owner of the vehicle has obtained an exemption permit for the vehicle, as provided in this subsection.
- (2) When the Administration receives a certification by the Secretary of State Police that a vehicle is entitled to an exemption under this subsection, the Administration shall issue an exemption permit on the form the Secretary of State Police approves. The form shall be carried at all times by the driver of the vehicle for which it is issued or in a conspicuous place on the vehicle.
- (3) The exemption permit is:
- (i) Valid for a period of 90 days from the date of issue; and
 - (ii) Eligible for renewal under the procedure set forth in this subsection for an additional period of not more than 90 days in any 1 calendar year.
- (4) The Secretary of State Police:
- (i) May require a certificate of inspection of the equipment of the vehicle; and
 - (ii) Shall require a certificate of insurance by a company authorized to do business in this State, certifying that the vehicle is insured to the same extent as required of vehicles registered in this State.
- (e) Except for members elected from this State, if a member of the United States Congress resides in this State during his term of office in the Congress, he need not register his vehicles in this State during that time.
- (f) A trailer or semitrailer operated in intrastate service need not be registered in this State if:
- (1) It is registered in another state;
 - (2) The truck tractor or other vehicle that is towing it is registered in this State; and
 - (3) The registered owner of the truck tractor or other towing vehicle has at least one trailer or semitrailer registered in this State for each truck tractor also registered in this State.
- (g) (1) A trailer or semitrailer rented or leased in intrastate service need not be registered in this State if, subject to paragraph (2) of this subsection:
- (i) The trailer or semitrailer has a chassis weight of 1,000 pounds or less;
 - (ii) The trailer or semitrailer is registered in another state; and
 - (iii) The owner of the trailer or semitrailer annually has registered in this State a number of these trailers and semitrailers that is at least equal to the average number of these trailers and semitrailers that the owner annually will have available in this State for rent or lease in intrastate service.
- (2) If a person claims exemption for a trailer or semitrailer under this subsection, the person shall file annually with the Administration, at the time and in the manner that the Administration requires, an affidavit that sets forth, as to all such trailers and semitrailers that the person has available in all states for rent or lease:
- (i) The total number annually registered in all states;

- (ii) The total number annually registered in this State; and
- (iii) The average total number annually available for rent or lease in this State.
- (h) (1) A motor vehicle rented in intrastate service need not be registered in this State if, subject to paragraph (3) of this subsection:
 - (i) The motor vehicle is registered in another state; and
 - (ii) The owner of the motor vehicle annually has registered in this State a percentage of the total number of these motor vehicles in a rental fleet as determined under paragraph (2) of this subsection.
- (2) The percentage of the total number of motor vehicles in a rental fleet that must be registered in this State is determined by dividing the gross revenue received in the preceding year for the use of such rental vehicles arising from all motor vehicle rental transactions occurring in this State by the total gross revenue received in the preceding year for the use of such rental vehicles arising from all motor vehicle rental transactions occurring in all jurisdictions in which the rental fleet is operated. The resulting percentage shall be applied to the total number of motor vehicles in the rental fleet and that figure, to the nearest whole number, shall be the number of rental motor vehicles that shall be fully registered and titled in this State.
- (3) If a person claims exemption for a motor vehicle under this subsection, the person shall file annually with the Administration, at the time and in the manner that the Administration requires, an affidavit that sets forth, as to all such motor vehicles that the person has available in all states for rent:
 - (i) The gross revenue received in the preceding year for the use of such rental motor vehicles arising from all motor vehicle rental transactions occurring in Maryland; and
 - (ii) The total gross revenue received in the preceding year for the use of such rental motor vehicles arising from all motor vehicle rental transactions occurring in all jurisdictions.
- (i) (1) A person may not rent to another person a motor vehicle or attempt to rent to another person a motor vehicle in this State in violation of this section.
- (2) A person may not drive or attempt to drive a vehicle on any highway in this State in violation of this section.

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§ 13-403

- (a) (1) Except as provided in paragraph (2) of this subsection, the owner of a vehicle subject to registration under this subtitle shall apply to the Administration for the registration of the vehicle in a manner that the Administration requires.
- (2) The application for registration of a low speed vehicle shall be made by electronic transmission under § 13-610 of this title.
- (b) The application shall contain the information that the Administration reasonably requires to determine if the vehicle is entitled to registration.
- (c) If a licensed dealer holds a low speed vehicle for sale and transfers the vehicle to a person other than another licensed dealer, the dealer shall:
 - (1) Obtain from the transferee a completed application;
 - (2) Collect all fees required to register the low speed vehicle under this subtitle; and
 - (3) Within 30 days of the date of delivery of the low speed vehicle, electronically transmit the application and fees in accordance with § 13-610 of this title.

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§ 13-404

- (a) This section applies to a State agency or political subdivision authorized to regulate parking under Title 26, Subtitle 3 of this article.
- (b) (1) A State agency or political subdivision in this State may act as the agent of the Administration in the registration of vehicles and in the issuance of registration plates and registration cards.

(2) At the end of each week, the State agency or political subdivision shall remit to the Administration:

- (i) Except as otherwise provided in this subsection, all fees collected for the registration of vehicles under this section; and
- (ii) A complete record of the registrations made during each day.

(3) In addition to the registration fees required by this title, the applicant for registration of a vehicle shall pay a fee of \$1 for each registration issued by a State agency or political subdivision acting as an agent of the Administration under subsection (b)(1) of this section. The Administration shall retain a portion of this fee in order to offset its costs. The State agency or political subdivision may collect, for each registration issued, an additional fee not to exceed \$1 to offset expenses incurred in the issuance of registrations. The amount of the additional fee shall be determined by the State agency or political subdivision.

(4) The Administration shall adopt rules and regulations to govern the issuance of registration plates and validation tabs by a State agency or political subdivision.

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§ 13-405

(a) If an application for registration and certificate of title of a vehicle is accompanied by the required fees, the Administration may issue a temporary registration to permit the vehicle to be driven pending action on the application by the Administration.

(b) Temporary registration may be issued for a period determined by the Administrator.

(c) The fee for each temporary registration issued shall be established by the Administration.

(d) Temporary registration issued under this section may only be issued in the case of sales between persons who are not licensed dealers, and in the case of those transfers set forth in § 23-106(b)(4) of this article.

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§ 13-406

The Administration shall refuse to register or transfer the registration of any vehicle if:

- (1) The application contains any false or fraudulent statement;
- (2) The applicant has failed to furnish information or documents required or requested by the Administration;
- (3) Any required fee has not been paid;
- (4) The applicant is not entitled to registration of the vehicle under the Maryland Vehicle Law;
- (5) The vehicle is mechanically unfit or unsafe to be operated on the highways;
- (6) The registration of the vehicle is suspended or revoked;
- (7) A warrant for a motor vehicle violation under the Maryland Vehicle Law has been issued against the applicant and has not been served on the applicant;
- (8) Subject to § 13-406.1 of this subtitle, the applicant is named in an outstanding arrest warrant;
- (9) The Administration has reasonable grounds to believe:
 - (i) That the vehicle is stolen;
 - (ii) That the grant or transfer of registration would be a fraud against another person; or
 - (iii) That the vehicle does not comply with Title 2, Subtitle 11 of the Environment Article or any regulations adopted under that subtitle; or
- (10) The gross vehicle weight is 55,000 pounds or over and the applicant has failed to furnish proof of payment of the Federal Heavy Vehicle Use Tax.

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§ 13-407

The Administration shall:

- (1) File each application for registration that it receives;
- (2) Register the described vehicle if it finds that the applicant is entitled to the registration; and
- (3) Keep a record of the registration in a manner that permits identification of the vehicle and its owner.

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§ 13-408

When it registers a vehicle, the Administration shall issue and deliver to the owner a registration card that contains:

- (1) The date issued;
- (2) The name and Maryland address of the owner;
- (3) The registration number assigned by the Administration to the vehicle; and
- (4) Such description of the vehicle as the Administrator determines.

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§ 13-409

(a) An individual who is driving or in control of a vehicle shall carry a registration card in the vehicle to which the registration card refers.

(b) On demand of a police officer who identifies himself as a police officer, an individual who is driving or in control of a vehicle shall display a registration card that refers to the vehicle.

(c) An individual may satisfy subsection (a) or (b) of this section by carrying in the vehicle and making available a valid rental agreement in place of a registration card in the case of a rental vehicle that is:

- (1) Rented under the provisions of Title 18 of this article; or
 - (2) Rented or leased for a period not exceeding 180 days and registered in another state.
- (d) This section does not apply if the card is being used to apply for the transfer of registration of the vehicle.

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§ 13-410

(a) (1) Except as otherwise provided in this title, when it registers a vehicle, the Administration shall issue to the owner:

(i) One registration plate, if the vehicle is:

1. A Class D (motorcycle) vehicle;
2. A Class F (tractor) vehicle;
3. A Class G (trailer) vehicle;
4. A Class L (historic) vehicle that was manufactured at least 50 years before the current model year; or
5. A Class N (street rod) vehicle that was manufactured at least 50 years before the current model year; and

(ii) Two registration plates for every other vehicle.

(2) However, as to temporary registration, the Administration may provide for the issuance of only one temporary registration plate for any vehicle.

(b) (1) Each registration plate shall display:

- (i) The registration number assigned to the vehicle for which it is issued; and
- (ii) The name of this State, which may be abbreviated.

(2) The registration number may consist of letters, numerals, or both.

(c) (1) This subsection applies only to the following vehicles:

- (i) A Class A (passenger) vehicle;
- (ii) A Class E (truck) vehicle registered or capable of registration under § 13-917 of this title; and

(iii) A Class M (multipurpose) vehicle.

(2) At the option of the registered owner of a vehicle for which registration plates are issued under this title, in addition to the information otherwise required to be shown on the registration plates, the registration plates may display a sticker indicating the name of the county, including Baltimore City, in which the owner of the vehicle resides.

(3) The Administration shall:

(i) Approve a sticker design option that complies with paragraph (2) of this subsection; and

(ii) Offer to each vehicle owner applying for new or replacement registration plates under this title the option to select a sticker that displays the owner's county of residence.

(4) In addition to the annual registration fee otherwise required under this title, the Administration may charge a fee, not to exceed its costs, for issuing or replacing the county sticker offered under this subsection.

(5) A vehicle owner may not display stickers that show a county name other than the owner's county of residence.

(6) A county sticker issued under this subsection may not be placed on a special registration plate or a commemorative registration plate issued under Subtitle 6 of this title.

(d) Registration plates may be reflectorized and shall be manufactured of a material warranted to have a durability of at least 5 years. However, prior to registration plates being reflectorized, the Administration shall obtain approval of the General Assembly through a budget item.

(e) (1) During subsequent registration years, the Administrator may order the continued use of registration plates that are valid during any current registration year, and, after so doing, the Administrator shall issue, at the time a vehicle's registration is renewed, a validation tab to evidence payment of the vehicle's annual registration fee.

(2) The tab shall be displayed on the plates of the vehicle in the manner that the Administrator requires.

(3) The Administrator from time to time shall evaluate the condition of registration plates issued under this title and may provide for the manufacture and issuance of new registration plates. These new registration plates shall be issued and subsequently validated in the manner required by this subtitle.

(f) Notwithstanding the provisions of subsection (d) of this section, the Administration may issue reflectorized registration plates under §§ 13–618 and 13–619 of this title.

(g) The dimensions of a registration plate issued for a Class D (motorcycle) vehicle shall be 7 inches wide by 4 inches high.

(h) A registration plate that is required to be returned to the Administration may be returned through the mail.

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§ 13-411

(a) On a vehicle for which two registration plates are required, one plate shall be attached on the front and the other on the rear of the vehicle.

(b) On a vehicle for which one registration plate is required, the plate shall be attached on the:

(1) Front of the vehicle for a Class F (tractor) vehicle; and

(2) Rear of the vehicle for every other vehicle.

(c) (1) At all times, each registration plate shall be:

(i) Maintained free from foreign materials, including registration plate covers as defined in § 13–411.1 of this subtitle, and in a condition to be clearly legible; and

(ii) Securely fastened to the vehicle for which it is issued:

1. In a horizontal position;

2. In a manner that prevents the plate from swinging; and

3. In a place and position to be clearly visible.

(2) For a violation involving the placement of an object framing or bordering the edges of a registration plate, a police officer may enforce this subsection only as a secondary action when the police officer detains a driver of a motor vehicle for a suspected violation of another provision of the Code.

(d) Except as otherwise expressly permitted by the Maryland Vehicle Law, as to any vehicle required to be registered under this title, a person may not drive the vehicle on any highway in this State, unless there is attached to the vehicle and displayed on it, as required in this title:

(1) A registration plate or plates issued for the vehicle by the Administration for the current registration period; and

(2) Any validation tab issued for the vehicle under this subtitle.

(e) Except as otherwise expressly permitted by the Maryland Vehicle Law, as to any vehicle required to be registered under this title, the owner of the vehicle may not permit the vehicle to be driven on any highway in this State, unless there is attached to and displayed on the vehicle, as required in this title:

(1) A registration plate or plates issued by the Administration for the current registration period; and

(2) Any validation tab issued for the vehicle under this subtitle.

(f) Except as otherwise expressly permitted by the Maryland Vehicle Law, a vehicle used or driven in this State may not display on either its front or rear any expired registration plate issued by any state.

(g) Except as otherwise expressly permitted by the Maryland Vehicle Law, a person may not display or permit to be displayed on any vehicle used or driven in this State any registration plate issued for another vehicle or to a person other than the owner of the vehicle.

(h) (1) A vehicle registered as a historic or antique vehicle (Class L) in this State or in another state, when used or driven in this State, may display vintage registration plates as an indication of the historic or antique nature of the vehicle. Except as provided in paragraph (2) of this subsection, the place on the vehicle provided for the display of registration plates may only be used for the display of current registration plates in accordance with subsections (a) through (c) of this section, and any vintage registration plates which are used shall be displayed elsewhere on the vehicle.

(2) If the Administration authorizes the display of vintage registration plates in lieu of current registration plates, as provided in § 13-936.1 of this title, the vintage registration plates shall be displayed as required under subsections (a) through (c) of this section. However, the current registration plates shall be kept in the vehicle at all times.

(i) It is the duty of every police officer to report to the Administration all vehicles operated in violation of this section. The Administration shall verify whether the owner of a reported vehicle has complied with this section.

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§ 13-412

(a) Except as provided in subsection (b) of this section, unless current validation tabs have been issued by the Administration and are displayed on the plates as provided in this subtitle, the registration and the registration plates issued under this title for them expire at midnight on the dates indicated on the registration card issued by the Administration.

(b) (1) The Administration may issue a temporary authorization certificate permitting a vehicle to be driven pending the issuance of current validation tabs.

(2) A temporary authorization certificate:

(i) Shall be issued for a period determined by the Administration not to exceed 15 days; and

(ii) Is not transferable and may not be used on another vehicle other than the one to which it was issued.

(3) A fee for a temporary authorization certificate may be established by the Administration.

(c) The Administration shall adopt rules and regulations to govern the issuance, display, and expiration of registrations, registration cards, registration plates, temporary authorization certificates, and validation tabs.

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§ 13-413

(a) Notwithstanding any other provision of this subtitle, the Administration may adopt a system of multiyear registration.

(b) Vehicle registration plates or validation tabs shall be issued and displayed in accordance with a schedule established by the Administrator.

(c) The fee for a multiyear registration is the same as the annual registration fee established under this title multiplied by the number of years for which the registration is issued.

(d) The Administration shall refund the registration fees upon surrender of the registration card and registration plates if the return is made before the beginning of any 12-month registration year for which the application for refund is made.

(e) The Administration may adopt regulations to carry out the provisions of this section.

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§ 13-414

(a) If any person who has applied for or obtained the registration of a vehicle moves from the address given in the application or shown on the registration card, the person shall, within 30 days of the change, notify the Administration of the former address and new address.

(b) If the name of any individual who has applied for or obtained the registration of a vehicle is later changed by marriage or by court order, or if the name of any other person who has applied for or obtained the registration of a vehicle is later changed as provided by law, the person shall, within 30 days of the change, notify the Administration of the former name and the new name and apply for a corrected registration certification on the form that the Administration requires. On receipt of the application, the Administration shall issue a corrected registration certificate without charge.

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§ 13-415

(a) If a current registration card or current validation tabs that never have been affixed to registration plates are lost, the owner of the vehicle for which the card or tabs were issued or the legal representative of the owner named in the certificate of title of the vehicle, as shown by the records of the Administration, immediately shall apply for and, after furnishing information satisfactory to the Administration and payment of the required fee, is entitled to obtain a duplicate registration card or replacement validation tabs.

(b) If a current registration card or current validation tabs that never have been affixed to registration plates are stolen, the owner of the vehicle for which the card or tabs were issued or the legal representative of the owner named in the certificate of title, as shown by the records of the Administration, immediately shall apply for and, after furnishing information satisfactory to the Administration and payment of the required fee, is entitled to obtain a duplicate registration card or replacement validation tabs.

(c) If a current registration card or current validation tabs that never have been affixed to registration plates are damaged to the extent that the registration card or validation tabs are illegible, the owner of the vehicle for which the card or tabs were issued or the legal representative of the owner named in the certificate of title, as shown by the records of the Administration, immediately shall apply for and, after furnishing information satisfactory to the Administration and payment of the required fee, is entitled to obtain a duplicate registration card or replacement validation tabs.

(d) (1) If a current registration plate is lost, the owner of the vehicle for which the registration was issued immediately shall place on the vehicle a temporary number plate bearing the vehicle's registration number.

(2) The temporary plate shall be displayed as nearly as possible in the same manner as provided in this subtitle for the registration plate.

(e) (1) If a current registration plate is stolen, the owner of the vehicle for which the registration was issued immediately shall place on the vehicle a temporary number plate bearing the vehicle's registration number.

(2) The temporary plate shall be displayed as nearly as possible in the same manner as provided in this subtitle for the registration plate.

(f) (1) If a current registration plate is damaged to the extent that the registration plate is illegible, the owner of the vehicle for which the registration was issued immediately shall place on the vehicle a temporary number plate bearing the vehicle's registration number.

(2) The temporary plate shall be displayed as nearly as possible in the same manner as provided in this subtitle for the registration plate.

(g) Within 48 hours after the loss, theft, or damage to the extent of illegibility of any current registration plate or any current validation tab that has been affixed to a registration plate, the owner of the vehicle for which the plate or tab was issued or the legal representative of the owner named in the certificate of title of the vehicle, as shown by the records of the Administration, shall notify the Administration and apply for replacement registration plates, a replacement registration card, and replacement validation tabs. The Administration shall supply the replacements on receiving information satisfactory to it and payment of the required fee.

(h) On receipt of the replacements, the original registration card and all of the original registration plates and validation tabs issued for that vehicle shall be surrendered to the Administration.

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§ 13-416

The Administration may not charge a recipient of the Medal of Honor a fee for the renewal of the registration of a vehicle owned by the Medal of Honor recipient.

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§ 13-417

The Administrator may adopt rules and regulations governing the registration of a motor vehicle in which one engine has been changed or substituted for another.

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§ 13-420

(a) (1) A school type vehicle operated on a regular daily basis to transport students attending grades K through 12 shall be registered under this section.

(2) A school type vehicle otherwise operated to transport persons for educational purposes or maintained by an educational institution as part of a transportation system shall be registered, at the option of the registrant:

(i) Under this section; or

(ii) Under any other appropriate section of this title.

(3) The Administration may establish guidelines for the registration of school type vehicles in accordance with this section.

(b) If it is only operated for the transportation of children, students, or teachers for educational purposes or in connection with a school activity or if it is operated, with approval from a board of education in any county, to provide transportation for persons 60 years old or older to civic, educational, social, or recreational activities, a Type I school vehicle (school bus) shall:

(1) Display distinctive "school bus" registration plates issued by the Administration; and

(2) Comply with all the requirements of the Maryland Vehicle Law and the regulations of the Administration that relate to a Type I school vehicle.

(c) (1) If it is operated for any purpose in addition to those specified in subsection (b) of this section, a Type I school vehicle (school bus) shall display distinctive "school charter" registration plates issued by the Administration.

(2) The Administration shall issue "school charter" plates:

(i) In place of and not in addition to "school bus" plates; and

(ii) Only to vehicles complying with all the requirements of the Maryland Vehicle Law and the regulations of the Administration that relate to a Type I school vehicle.

(d) A Type II school vehicle shall:

(1) Display distinctive registration plates issued by the Administration; and

(2) Comply with all the requirements of the Maryland Vehicle Law and the regulations of the Administration that relate to a Type II school vehicle.

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§ 13-422

- (a) A motor vehicle used in vanpool operations shall be registered under this section.
- (b) Before the Administration initially registers any used vehicle as a vanpool vehicle or renews the registration of any vanpool vehicle, the applicant shall present to the Administration an inspection certificate for the vehicle issued under Title 23 of this article with a date of issuance not more than 90 days prior to the date of application for or renewal of registration.
- (c) Before the Administration registers or renews the registration of any vanpool vehicle, the applicant shall present to the Administration evidence of insurance for the vehicle and its occupants in an amount at least equal to:
- (1) Five times the minimum coverage required by § 17-103(b)(1) of this article for the payment of claims for bodily injury or death;
 - (2) The minimum coverage required by § 17-103(b)(2) of this article for property damage claims; and
 - (3) The minimum benefits required by § 17-103(b)(3) and (4) of this article.
- (d) If a vanpool operation is a company organized operation, the company may not require participation of an employee as a condition of employment.
- (e) If a vanpool operation is a company organized operation, the company may not discriminate against any employee in the use of a vanpool.

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§ 13-423

- (a) Each motor vehicle for which a permit is required from the Public Service Commission under § 9–201 of the Public Utilities Article shall be registered under this title.
- (b) Each motor vehicle used in the interstate transportation of passengers for hire shall be registered under this title.
- (c) The owner of a motor vehicle specified in subsection (a) of this section when registering or renewing the registration of the vehicle shall:
- (1) Secure a permit from the Public Service Commission, or other appropriate agency, to operate on the highways;
 - (2) Present the permit to the Administration;
 - (3) Make application for registration or renewal of registration as required by the Administration; and
 - (4) Pay to the Administration all applicable fees required for registration under this title.
- (d) No portion of the registration fee or other fees paid on vehicles required to be registered under this section will be refunded for any part of the year during which the vehicle is not used, unless pursuant to an order issued by an agency of the State or the United States government, the owner of the vehicle discontinues operation of the vehicle. If operation is discontinued a person may, at any time on or after the effective date of the order, surrender to the Administration the registration plates issued to the vehicle and apply for a refund of the registration fee paid for the vehicle prorated for the unused portion of the registration year.

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§ 13-424

- (a) The owner of a fleet of five or more rental vehicles may register any rental vehicle in the fleet:
- (1) Under this section; or
 - (2) Under § 13–939.1 of this title.
- (b) The Administration:
- (1) Shall issue distinctive “Fleet Vehicle” registration plates for any rental vehicle registered under this section; and
 - (2) May not require the attachment, display, or issuance of a validation tab for a rental vehicle registered under this section.

(c) To the extent practicable, registration under this section for each rental vehicle that is part of the same fleet shall expire on the same date.

(d) (1) The registration fee for a rental vehicle registered under this section is as determined under § 13–939.1 of this title.

(2) In addition to the annual registration fee, an owner of a rental vehicle registered under this section shall pay a one-time initial registration fee not exceeding \$8.50 when the new registration plates are issued.

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§ 13-501

(a) (1) Except as otherwise provided in this subtitle, if the owner of a vehicle registered in this State assigns or otherwise transfers his title or interest in the vehicle, the registration of the vehicle expires, unless the owner gives the transferee written permission to use the existing registration plates.

(2) If the owner does not give this permission, the owner shall remove the registration plates from the vehicle.

(b) A transferee who has been given written permission to use the existing registration plates may drive and permit the vehicle to be driven with those plates for not more than 10 days from the date of the transfer.

(c) Before the 10-day period described under subsection (b) of this section expires, the transferee shall remove the plates from the vehicle and return them promptly to the former owner of the vehicle or to the Administration.

(d) When the 10-day period expires or, if earlier, when the registration plates are removed, the registration of the vehicle expires.

(e) After 24 hours of the time the registration of the vehicle expires, neither the transferee nor any other person, other than the person to whom the registration plates originally were issued, may have the registration plates in his possession, whether or not they are in use.

(f) This section does not prohibit the former owner from transferring the registration plates to another vehicle, as provided in this subtitle.

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§ 13-502

(a) Except as otherwise permitted in this subtitle, before the transferee of a registered vehicle may drive a vehicle on a highway, the transferee shall apply for and obtain a new registration of the vehicle, as on an original registration.

(b) Except as otherwise permitted in this subtitle, before the transferee of a registered vehicle may permit the vehicle to be driven on a highway, the transferee shall apply for and obtain a new registration of the vehicle, as on an original registration.

(c) If the vehicle is not driven on a highway, however, the vehicle need not be registered.

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§ 13-503

(a) If the transferee of a vehicle is a licensed dealer who holds the vehicle for sale, the transferee need not obtain a new registration of the vehicle if he:

(1) Lawfully drives it under a dealer's registration plate; or

(2) Does not drive the vehicle or permit it to be driven on the highways.

(b) If a licensed dealer transfers a vehicle to a person who possesses current registration plates issued to another registered vehicle, and if these registration plates are transferable, the dealer shall issue to the transferee a permit that authorizes the transferee to use these current registration plates on the transferred vehicle for a period of not more than 60 days from the date of the transfer.

(c) The dealer may not issue more than one of the permits described under subsection (b) of this section for any vehicle.

(d) The permit described under subsection (b) of this section shall be issued by the dealer on the form and in the manner that the Administration requires.

(e) The permit described under subsection (b) of this section shall be signed by the dealer and carried and displayed the same as registration cards are required to be carried and displayed under Subtitle 4 of this title.

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§ 13-504

(a) Except as otherwise provided in this section, if the title or interest of an owner in a registered vehicle passes to another person other than by voluntary transfer:

(1) The registration of the vehicle expires; and

(2) The vehicle may not be driven on a highway until the person entitled to possession of the vehicle applies for and obtains a new registration of the vehicle.

(b) However, the person entitled to possession of the vehicle, or his authorized representative, may drive the vehicle on highways in this State for a distance of not more than 200 miles, but only from the place that the person or his authorized representative obtained possession of the vehicle to the person's place of business, residence, or other place where the vehicle is to be kept.

(c) During the operation of a vehicle described in subsection (b) of this section, the registration plates issued to the former owner may be displayed on the vehicle.

(d) After the operation of a vehicle described in subsection (b) of this section is completed or, even before this operation is completed, on request of the former owner or the Administration, the person who obtained possession of the vehicle shall return its registration plates to the former owner or to the Administration.

(e) After 24 hours of the earlier of the request or the completion of the operation described in subsection (b) of this section, no person, other than the person to whom the registration plates originally were issued, may have the registration plates in his possession, whether or not they are in use.

(f) If the title or interest of an owner in a registered vehicle passes to a legatee or distributee as a result of testamentary disposition or intestate devolution, the personal representative, legatee, or distributee may drive the vehicle and permit it to be driven on the highways, without applying for a new registration, until the expiration of the last annual registration in the name of the deceased owner.

(g) If the interest in a registered vehicle of a joint owner who has died passes to the surviving spouse through joint ownership, the surviving spouse may drive the vehicle and allow it to be driven on a highway, without applying for a new registration, until the expiration of the last registration in the name of the joint owners.

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§ 13-505

If an owner transfers his title or interest in a vehicle that is to be scrapped, dismantled, or destroyed, the owner immediately shall mail or deliver the registration card and registration plates of the vehicle to the Administration for cancellation, unless the registration plates are transferred to another vehicle as provided in this subtitle.

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§ 13-506

(a) (1) A salvage certificate shall be issued in accordance with the provisions of this section.

(2) A salvage certificate issued under this section shall:

(i) Be issued in the name of the applicant; and

(ii) Serve as an ownership document.

(a-1) For purposes of this section, a vehicle has not been acquired by an insurance company if an owner retains possession of the vehicle upon settlement of a claim concerning the vehicle by the insurance company in accordance with § 13-506.1 of this subtitle.

(b) The Administration shall issue a salvage certificate:

(1) To an insurance company or its authorized agent that:

- (i) Is licensed to insure automobiles in this State;
- (ii) Acquires a vehicle as the result of a claim settlement; and
- (iii) Within 10 days after the date of settlement, applies for a salvage certificate as provided in subsection (c) of this section;
- (2) To an automotive dismantler and recycler that:
 - (i) Acquires a salvage vehicle from a source other than an insurance company licensed to insure automobiles in this State;
 - (ii) Acquires a salvage vehicle by a means other than a transfer of a salvage certificate; and
 - (iii) Applies for a salvage certificate as provided in subsection (d) of this section; or
- (3) To any other person who:
 - (i) Acquires or retains ownership of a vehicle that is salvage, as defined in § 11–152 of this article;
 - (ii) Applies for a salvage certificate on a form provided by the Administration; and
 - (iii) Pays a fee established by the Administration.
- (c) (1) For each vehicle that is acquired as a result of a claim settlement arising from an accident that occurred in the State, an insurance company or its authorized agent shall apply:
 - (i) For a salvage certificate on a form provided by the Administration for a vehicle titled in the State; or
 - (ii) Electronically for a salvage certificate for a vehicle titled in a foreign jurisdiction.
- (2) The application under paragraph (1) of this subsection shall be accompanied by:
 - (i) The certificate of title of the vehicle or, if the certificate of title is defective, lost, or destroyed, an affidavit of ownership on a form and in a manner prescribed by the Administration and a copy of the settlement check or other evidence of final payment;
 - (ii) A statement by the insurance company that:
 1. The cost to repair the vehicle for highway operation is greater than 75% of the fair market value of the vehicle prior to sustaining the damage for which the claim was paid and the vehicle is repairable;
 2. The vehicle is not rebuildable, will be used for parts only, and is not to be retitled;
 3. The vehicle has been stolen;
 4. The vehicle has sustained flood damage; or
 5. The vehicle has been acquired by an insurance company as a result of a claim settlement and the cost to repair the vehicle is 75% or less of the fair market value of the vehicle prior to sustaining the damage for which the claim was paid; and
 - (iii) A fee established by the Administration.
- (3) Subject to the provisions of § 13–507(c)(2) of this subtitle, a salvage certificate issued under this paragraph shall contain a conspicuous notation by the Administration that describes which of the statements under paragraph (2)(ii) of this subsection applies to the vehicle.
- (4) To determine the cost to repair a vehicle for highway operation for purposes of § 11–152 of this article and paragraph (2)(ii) of this subsection, a person may not use the cost of:
 - (i) Towing, storage, or vehicle rental; or
 - (ii) Repairing cosmetic damage.
- (5) The calculation under the 75% cost of repair threshold under paragraph (2) of this subsection may not affect the right of an insurer or a vehicle owner to make an economic or safety related decision to not repair the vehicle.
- (6) The Administration, in consultation with the Department of State Police and other interested parties, shall adopt regulations to implement this subsection.
- (d) (1) An automotive dismantler and recycler may apply for a salvage certificate on a form provided by the Administration.

- (2) The application under paragraph (1) of this subsection shall be accompanied by:
 - (i) The document through which ownership of the vehicle was acquired; and
 - (ii) A fee established by the Administration.
- (e) The Administration shall maintain records to indicate that a vehicle:
 - (1) Was transferred as salvage; and
 - (2) May not be titled or registered for operation in this State except in accordance with §§ 13–506.1 and 13–507 of this subtitle.
- (f) The Administration shall establish a fee for:
 - (1) A duplicate salvage certificate; and
 - (2) A corrected salvage certificate.

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§ 13-507

- (a) (1) An application for a certificate of title of a vehicle for which a salvage certificate has been issued shall be made by the owner of the vehicle on a form that the Administration requires.
- (2) An application under paragraph (1) of this subsection shall be accompanied by:
 - (i) Except as provided in subsection (c)(3) of this section, the salvage certificate for the vehicle;
 - (ii) A certificate of inspection issued by a county police department or the Department of State Police; and
 - (iii) A certificate of inspection as required under Title 23 of this article.
- (3) (i) The Administration may establish a fee for an inspection under paragraph (2)(ii) of this subsection.
- (ii) 1. The fees established under this paragraph shall be collected by the Administration or the Automotive Safety Enforcement Division of the Department of State Police.
- 2. The fees collected under this subparagraph shall be paid to the Automotive Safety Enforcement Division of the Department of State Police for the purpose of recovering the cost of administering the salvage inspection program and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.
- (b) (1) The certificate of title issued by the Administration shall be:
 - (i) Issued in the name of the applicant; and
 - (ii) In a form as provided in this subsection.
- (2) (i) The Administration shall issue a certificate of title that contains a conspicuous notation that the vehicle is “rebuilt salvage” if the salvage certificate accompanying the application bears a notation under § 13–506(c)(2)(ii)1 of this subtitle.
- (ii) The Administration may not issue a certificate of title for a vehicle if the salvage certificate for the vehicle bears a notation under §13–506(c)(2)(ii)2 of this subtitle.
- (3) The Administration shall issue a certificate of title that contains a conspicuous notation that the vehicle is “Flood Damaged” if the salvage certificate accompanying the application bears a notation under § 13–506(c)(2)(ii)4 of this subtitle.
- (4) The Administration shall issue a certificate of title that contains a conspicuous notation that the vehicle is “X–Salvage” if the salvage certificate accompanying the application bears a notation under § 13–506(c)(2)(ii)5 of this subtitle or is issued under § 13–506(d) of this subtitle.
- (c) (1) When an insurance company makes a claim settlement on a vehicle that has been stolen, the company shall apply for a salvage certificate as provided in § 13–506(c) of this subtitle.
- (2) On receipt of an application under this subsection, the Administration:
 - (i) Shall make the appropriate notation in its records; and
 - (ii) May not issue the salvage certificate until the vehicle is recovered.

(3) When a vehicle that has been stolen is recovered, the Administration shall:

(i) Issue a salvage certificate for the vehicle if the insurance company submits a certification under § 13–506(c)(2)(ii)1, 2, 4, or 5 of this subtitle; or

(ii) Issue a certificate of title in the name of the insurance company in lieu of a salvage certificate if the insurance company states that the vehicle has sustained damage, except for flood damage, that costs 75% or less than the fair market value of the vehicle to repair.

(4) The provisions of subsection (b) of this section apply to a certificate of title issued under this subsection.

(5) A vehicle for which a certificate of title was issued under paragraph (3)(ii) of this subsection is exempt from the vehicle excise tax as provided in § 13–810(a)(9) of this title.

(d) If the Administration receives an application for a certificate of title for a vehicle accompanied by an ownership document issued by another state containing a notation under the laws of the issuing state that the vehicle is in a condition that is substantially similar to a vehicle that is rebuilt salvage under Maryland law, the certificate of title issued by the Administration shall contain a similar notation.

(e) The Administration may adopt regulations to implement this section.

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§ 13-601

(a) Except as provided in subsection (b) of this section, the Administration may design temporary registration plates and furnish them to any licensed dealer who:

(1) On the form that the Administration requires, applies for at least five of these plates; and

(2) With the application, submits a fee established by the Administration for each plate.

(b) A wholesale dealer may not apply for temporary registration plates.

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§ 13-602

(a) (1) (i) Subject to the provisions of this part, a licensed dealer may issue one temporary registration plate for a vehicle to the person who buys the vehicle from the dealer, whether or not the vehicle is to be registered in this State.

(ii) The dealer may not issue more than one temporary registration for any vehicle.

(2) A licensed dealer may issue a temporary registration plate to a vehicle buyer who is subject to a penalty for lapsed security for another vehicle under § 17–106 of this article.

(b) Before a temporary registration plate may be issued for a vehicle, the buyer of the vehicle shall complete and deliver to the dealer a temporary registration plate application, on the form that the Administration requires.

(c) On the same day that a dealer issues a temporary registration plate for a vehicle, the dealer shall:

(1) Send to the Administration a copy of the temporary registration plate application completed by the buyer of the vehicle; and

(2) Electronically transmit to the Administration, in the format that the Administration requires, the vehicle, owner, insurance, and temporary registration information contained on the temporary registration plate application.

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§ 13-603

(a) On request of the buyer of a vehicle to whom the dealer has issued a temporary registration plate, the dealer immediately shall send to the Administration an application completed by the buyer for the annual registration of the vehicle.

(b) On request of the buyer of a vehicle to whom the dealer has issued a temporary registration plate, the dealer immediately shall send to the Administration, the required registration fee collected from the buyer.

(c) If the dealer is not requested to send an application to the Administration for annual registration of the vehicle, the dealer shall notify the Administration of this fact when he complies with § 13-602(c) of this subtitle.

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§ 13-604

(a) Each dealer who issues a temporary registration plate shall insert clearly and indelibly on the face of the plate the dates of its issuance and expiration.

(b) Each dealer who issues a temporary registration plate shall insert clearly and indelibly on the face of the plate the make and vehicle identification number of the vehicle for which the plate is issued.

(c) A temporary registration plate shall be attached, in the manner provided in § 13-411 of this title, to the rear of the vehicle for which it is issued.

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§ 13-605

(a) The temporary registration of a vehicle under this part expires on the first to occur of:

- (1) Receipt of annual registration plates for the vehicle;
- (2) Rescission of the contract to buy the vehicle; or
- (3) Expiration of 60 days from the date the temporary plate was issued.

(b) The Administration may extend the temporary registration for a vehicle under this part for a period not to exceed 30 days if the Administration is satisfied that reasonable conditions exist to justify the granting of this extension.

(c) The person to whom a temporary registration plate has been issued for a vehicle shall destroy the temporary registration plate as soon as the temporary registration expires.

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§ 13-606

(a) Each dealer who has applied for temporary registration plates under § 13–601 of this subtitle shall keep a record for 3 years of all temporary registration plates delivered to the dealer.

(b) Each dealer who has applied for temporary registration plates under § 13–601 of this subtitle shall keep a record for 3 years of all temporary registration plates issued by the dealer.

(c) Each dealer who has applied for temporary registration plates under § 13–601 of this subtitle shall keep a record for 3 years of any other relevant information that the Administration requires.

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§ 13-607

(a) A person may not issue any temporary registration plate that contains any misstatement of fact.

(b) A person may not knowingly insert any false information on the face of a temporary registration plate.

(c) A dealer may not issue a temporary registration plate to any person who has annual registration plates for a vehicle that has been sold or exchanged.

(d) A dealer may not lend a temporary registration plate to any person.

(e) A dealer may not use a temporary registration plate on any vehicle that the dealer owns.

(f) A dealer may not otherwise issue, assign, transfer, or deliver any temporary registration plate to any person for any reason except as authorized by this part.

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§ 13-608

If, after notice and hearing, the Administrator determines that a dealer has failed to comply with any provision of this part or of the rules and regulations adopted by the Administration under this part, the Administrator may suspend the privilege

of the dealer to issue temporary registration plates.

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§ 13-609

The Administration may not refund or credit any fee paid by a dealer for a temporary registration plate. However, if the Administration discontinues the issuance of temporary registration plates, a dealer who returns them to the Administration may apply for and is entitled to a refund of or a credit for the fee paid for them.

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§ 13-610

(a) (1) In this section the following words have the meanings indicated.

(2) "Fleet" means 10 or more vehicles.

(3) "Qualified owner" means a person, partnership, firm, or corporation, or an individual agent of a person, partnership, firm, or corporation, authorized by the Administration to transmit electronically proper titling and registration information and fees to the Administration.

(4) "Service provider" means a dealer or title service agent licensed under Title 15 of this article or a qualified owner of a fleet.

(b) Subject to the approval of the Administration, a service provider may:

(1) Issue permanent registration plates to the transferee or renew the registration of a vehicle if the service provider has electronically transmitted the proper titling and registration information to the Administration, or an agent designated by the Administration;

(2) Charge the transferee or the registered owner of the vehicle a fee for the actual cost to the service provider of the electronic transmission service described in item (1) of this subsection; and

(3) Electronically submit a security interest filing with the Administration on behalf of a registered owner or lienholder.

(c) The Administration shall adopt regulations to:

(1) Govern the electronic transmission of titling, registration, and security interest information authorized under this section; and

(2) Determine the appropriate level of the fee that may be charged by service providers for the electronic transmission service.

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§ 13-612

Except as otherwise expressly provided in this part, every special registration number assigned to a vehicle under this part shall be displayed, as specified in § 13-410 of this title, on the special registration plates issued for that vehicle.

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§ 13-613

(a) (1) The owner of any vehicle described in paragraph (2) of this subsection may apply to the Administration for the assignment to that vehicle of a special, personalized registration number.

(2) This section applies only as to:

(i) A Class A (passenger) vehicle;

(ii) A Class D (motorcycle) vehicle;

(iii) A Class E (truck) vehicle with a one ton or less manufacturer's rated capacity;

(iv) A Class G (nonfreight trailer) vehicle;

(v) A Class L (historic) vehicle;

(vi) A Class M (multipurpose) vehicle; or

(vii) A Class N (street rod) vehicle.

(b) In addition to the annual registration fee otherwise required by this title, the applicant shall pay an additional annual fee of \$50, payable with the original and each renewal application for special registration under this section.

(c) (1) A special registration number assigned under this section may consist of any combination of not more than 7 letters and numerals.

(2) In its discretion, the Administration may refuse any combination of letters and numerals.

(d) The proceeds collected annually from the additional fees charged under this section shall be distributed to the Transportation Trust Fund.

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§ 13-616

(a) (1) In this subtitle the following words have the meanings indicated.

(2) "Certified nurse practitioner" means an individual who is licensed by the State Board of Nursing to practice registered nursing as described in § 8–101 of the Health Occupations Article and who is certified as a nurse practitioner by the State Board of Nursing.

(3) "Licensed chiropractor" means a chiropractor who is licensed by the State Board of Chiropractic Examiners to practice chiropractic or chiropractic with the right to practice physical therapy as described in § 3–301 of the Health Occupations Article.

(4) "Licensed optometrist" means an optometrist who is licensed by the State Board of Examiners in Optometry to practice optometry as described in § 11–101 of the Health Occupations Article.

(5) "Licensed physical therapist" means a physical therapist who is licensed by the State Board of Physical Therapy Examiners to practice physical therapy as described in § 13–101 of the Health Occupations Article.

(6) "Licensed physician" means a physician, including a doctor of osteopathy, who is licensed by the State Board of Physicians to practice medicine as described in § 14–101 of the Health Occupations Article.

(7) "Licensed physician assistant" means an individual who is licensed under Title 15 of the Health Occupations Article to practice as a physician assistant.

(8) "Licensed podiatrist" means a podiatrist who is licensed by the State Board of Podiatric Medical Examiners to practice podiatry as described in § 16–101 of the Health Occupations Article.

(b) (1) The owner of any vehicle described in paragraph (3) of this subsection may apply to the Administration for the assignment to that vehicle of a special disability registration number and special disability registration plates, if a certified nurse practitioner, licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist certifies, in accordance with paragraph (2) of this subsection, that the applicant:

(i) Has lung disease to such an extent that forced (respiratory) expiratory volume for one second when measured by spirometry is less than one liter, or arterial oxygen tension (PO₂) is less than 60 mm/hg on room air at rest;

(ii) Has cardiovascular disease limitations classified in severity as Class III or Class IV according to standards accepted by the American Heart Association;

(iii) Is unable to walk 200 feet without stopping to rest;

(iv) Is unable to walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, or other assistive device;

(v) Requires a wheelchair for mobility;

(vi) Has lost a foot, leg, hand, or arm;

(vii) Has lost the use of a foot, leg, hand, or arm;

(viii) Has a permanent impairment of both eyes so that:

1. The central visual acuity is 20/200 or less in the better eye, with corrective glasses; or

2. There is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye; or

(ix) Has a permanent disability that adversely impacts the ambulatory ability of the applicant and which is so severe that the person would endure a hardship or be subject to a risk of injury if the privileges accorded a person for whom a vehicle is specially registered under this section were denied.

(2) For the purposes of this section, the qualifying disabilities specified in paragraph (1) of this subsection shall be certified as follows:

(i) A licensed physician, licensed physician assistant, or certified nurse practitioner may certify conditions specified in paragraph (1)(i) through (ix) of this subsection;

(ii) A licensed chiropractor, licensed podiatrist, or licensed physical therapist may certify conditions specified in paragraph (1)(iii) through (vii) and (ix) of this subsection;

(iii) A licensed optometrist may certify the condition specified in paragraph (1)(viii) of this subsection; and

(iv) Notwithstanding any provision of paragraph (1) of this subsection, the applicant may self-certify conditions specified in paragraph (1)(vi) of this subsection by appearing in person with proper identification at a full-service Motor Vehicle Administration office during normal business hours.

(3) This section applies only to:

(i) A Class A (passenger) vehicle;

(ii) A Class D (motorcycle) vehicle;

(iii) A Class M (multipurpose) vehicle;

(iv) A Class E (truck) vehicle with a one ton or less manufacturer's rated capacity; or

(v) A Class H, I, or J vehicle that is specially equipped for the transportation of individuals with disabilities and is used exclusively for the transportation of individuals with disabilities.

(4) (i) Notwithstanding the provisions of paragraph (1) of this subsection, a nursing home, health care facility, adult day care facility, retirement home, or other facility that regularly provides transportation for individuals with disabilities may apply to the Administration for special disability registration for vehicles owned by the facility.

(ii) An application for special disability registration under this paragraph shall contain:

1. The certification of the owner or operator of the facility that the vehicle for which the registration is sought is used exclusively for the transportation of individuals with disabilities as described in paragraph (1) of this subsection; and

2. Any other information or documentation concerning the facility or the vehicle that the Administration requires.

(c) (1) Except as otherwise provided in subsection (b)(4) of this section, special registration and special registration plates may be issued under this section only if the applicant submits proof satisfactory to the Administration that the applicant is an individual with a disability described in subsection (b)(1) of this section.

(2) Except as provided by paragraph (3) of this subsection and subsection (b)(4) of this section, the Administration may not accept applications for special registration under this section from an applicant who, at the time of application:

(i) Possesses one valid special registration issued under this section; or

(ii) Possesses two parking placards issued under § 13–616.1 of this subtitle.

(3) An individual may possess two valid special registrations for Class D motorcycles in addition to the special registration authorized under subsection (b) of this section and the parking placards authorized under § 13–616.1 of this subtitle.

(d) Except as provided under §§ 13–951 and 13–952 of this title, no fee in addition to the annual registration fee otherwise required by this title is required for special registration under this section.

(e) A special registration number assigned under this section shall:

(1) Consist of the letters, numerals, or both that the Administration specifies; and

(2) Be displayed on special registration plates issued for the vehicle, together with the International Symbol of Access.

(f) (1) In this subsection, "special types of vehicles" means:

(i) Emergency vehicles defined under § 11–118 of this article;

(ii) Service vehicles defined under § 22–201 of this article;

(iii) Class B (for hire) vehicles;

(iv) Class C (funeral and ambulance) vehicles;

(v) Class H (school) vehicles;

(vi) Class I (charter bus) vehicles;

(vii) Class J (vanpool) vehicles;

(viii) Class P (passenger bus) vehicles;

(ix) Class Q (limousine) vehicles; and

(x) State or local government vehicles.

(2) The person for whom special registration plates are issued under this section or under a similar provision of any other state or country:

(i) 1. Except as provided in items (ii) and (iii) of this paragraph, may park for unlimited periods in parking zones restricted as to the length of parking time permitted; and

2. Is not required to pay any parking meter fees of this State or of any political subdivision of this State where parking meters do not meet the requirements of the Americans with Disabilities Act;

(ii) May park in a parking space equipped with a parking meter only for:

1. Except as provided in item 2 of this item, twice the maximum time period permitted on the parking meter but not to exceed a maximum of 4 hours; and

2. If the parking meter permits parking for more than 4 hours, the period permitted on the parking meter; and

(iii) Subject to the posted time restriction specified for the parking zone, may park in a designated zone for the handicapped established:

1. At any State-owned airport; or

2. By Baltimore County on any county highway.

(3) The provisions of this subsection supersede any local ordinance, except that they do not apply:

(i) To zones where stopping, standing, or parking is prohibited to all vehicles;

(ii) To zones that are reserved for special types of vehicles;

(iii) Where there is a local ordinance that prohibits parking during heavy traffic periods in morning, afternoon, or evening rush hours, or where parking clearly would present a traffic hazard; or

(iv) In Baltimore City, where there is a local ordinance that restricts parking for vehicles that do not display a specified residential parking permit.

(g) When using the parking privileges granted under this section:

(1) The person shall have in the person's possession identification issued by the Administration as proof that parking privileges are being utilized by a person with a disability as defined in subsection (b)(1) of this section; and

(2) The person shall make the identification available upon the request of:

(i) A police officer, while the officer is discharging the official duties of a police officer; or

(ii) Any other person authorized by a political subdivision to enforce this section, while acting within the scope of this authority.

(h) A person may not commit any fraud or make any misrepresentation in applying for disability registration plates, using special disability registration plates, or certifying an individual with a disability as defined in subsection (b)(1) of this section for special disability registration under this section.

(i) A person who operates a motor vehicle with a special disability registration number or special disability registration plates may not use the privileges granted under this section, unless the person:

- (1) Is a person with a disability who meets the requirements of subsection (b)(1) of this section; or
 - (2) Is accompanied by a dependent, or an individual who depends on the person for transportation, who meets the requirements of subsection (b)(1) of this section.
- (j) To determine if the eligibility requirements continue to be met, the Administration may conduct a review of a registration that is issued by the Administration under this subsection and:
- (1) If the Administration finds it necessary to review the severity or permanency of a registration holder's disability, the Administration may request a review and recommendations from the Medical Advisory Board established under § 16–118 of this article; and
 - (2) If the Administration determines that eligibility requirements are not being met, the Administration may revoke the registration.
- (k) The Administration shall administer the special registration plates program in accordance with the provisions of this section.
- (l) In accordance with the provisions of this section, each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, licensed podiatrists, or licensed physical therapists shall be responsible for the development and maintenance of a database system with which the Administration can interface and verify licensure.

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§ 13-617

- (a) (1) The owner of any vehicle described in paragraph (2) of this subsection may apply to the Administration for the assignment to that vehicle of a special amateur radio registration number, if the applicant holds an amateur radio station license issued by the Federal Communications Commission.
- (2) This section applies only as to:
- (i) A Class A (passenger) vehicle; or
 - (ii) A Class E (truck) vehicle with a one ton or less manufacturer's rated capacity.
- (b) Special registration may be issued and continued under this section only if the applicant submits, with the original and each renewal application, proof satisfactory to the Administration that the applicant holds an amateur radio station license issued by the Federal Communications Commission.
- (c) In addition to the annual registration fee otherwise required by this title, the applicant shall pay an additional annual fee of \$5, payable with the original and each renewal application for special registration under this section.
- (d) A special registration number assigned under this section shall consist of the amateur radio call letters assigned to the applicant by the Federal Communications Commission.

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§ 13-618

- (a) The Administration shall issue a special Chesapeake Bay Commemorative Registration Plate.
- (b) The owner of a vehicle, or a lessee of the vehicle under a lease not intended as security, or a director, officer, employee, or partner of a business entity that owns the vehicle considered eligible by the Administration may apply to the Administration for the assignment of a commemorative registration plate under this section if the vehicle is included in one of the following classes:
- (1) A Class A (passenger) vehicle;
 - (2) A Class E (truck) vehicle with a manufacturer's rated capacity of one ton or less;
 - (3) A Class G (trailer) vehicle; or
 - (4) A Class M (multipurpose) vehicle.
- (c) (1) In addition to the annual registration fee otherwise required under this title, an owner of a vehicle assigned a commemorative registration plate under this section shall pay:

(i) An additional initial registration fee set by the Administration when the new registration plates are issued to the vehicle under this section; or

(ii) An additional renewal fee set by the Administration each time the plate is renewed.

(2) (i) The Administration shall set the additional initial registration fee at a level that will enable the Administration to recover its costs under this section.

(ii) The Administration may set the additional initial registration fee at a level that is sufficient to result in a surplus after costs are subtracted.

(iii) The Administration shall retain a portion of the additional initial registration fee that is sufficient to allow the Administration to recover any costs of issuing and distributing commemorative plates under this section.

(iv) Any surplus moneys remaining after the Administration has recovered the costs of issuing a commemorative plate under this section and moneys collected for additional renewal fees may not be retained by or transferred to any agency of the State for any purpose.

(v) Notwithstanding subparagraph (iv) of this paragraph, the surplus moneys and moneys collected for additional renewal fees shall be disbursed by the Administration to the Chesapeake Bay Trust.

(3) No portion of the additional initial registration or renewal fees may be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.

(d) (1) The Administration shall adopt regulations not inconsistent with the Maryland Vehicle Law to govern the issuance of special registration plates under this section, including regulations detailing the plan of distribution of the funds.

(2) The Administration shall consult with the Chesapeake Bay Trust to establish a schedule under which the Administration will transfer to the Trust revenue collected on behalf of the Trust under this section.

(e) The additional fees to the annual registration fee required by this section are not required for special registration of a vehicle that is exempt under § 13–903 of this title.

(f) (1) A commemorative registration plate issued under this section shall display:

(i) A special registration number assigned by the Administration that may consist of any combination of:

1. Letters; and

2. Numerals; and

(ii) A design approved by the Administration that adequately reflects the Chesapeake Bay theme that the plate commemorates.

(2) The Administration shall consult with the Chesapeake Bay Trust with respect to the design of the Chesapeake Bay Commemorative Registration Plate.

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§ 13-619

(a) The owner of a motor vehicle, or a lessee of the vehicle under a lease not intended as security, or a director, officer, employee, or partner of a business entity that owns the vehicle who is a member or, subject to subsection (c)(3) of this section, the surviving spouse of a member, of an organization considered eligible by the Administration may apply to the Administration for the assignment of a special registration number if the vehicle is included in one of the following classes:

(1) A Class A (passenger) vehicle;

(2) A Class E (truck) vehicle with a manufacturer's rated capacity of one ton or less; or

(3) A Class M (multipurpose) vehicle.

(b) (1) In this subsection, "motorcyclist organization" means a motorcyclist organization, institution, association, society, or corporation that:

(i) Is exempt from taxation under § 501(c)(7) of the Internal Revenue Code; and

(ii) Is determined by the Administration to be eligible under this section.

(2) The owner of a Class D (motorcycle) vehicle who is a member of a motorcyclist organization may apply to the Administration for the assignment of a special registration number for the vehicle.

(c) The Administration may issue and continue a special registration number under this section if:

(1) The owner of the motor vehicle submits, with the original application, proof satisfactory to the Administration that the owner of the vehicle is a member of a nonprofit organization and complies with the regulations adopted by the Administration under subsection (d) of this section;

(2) At least 25 owners of vehicles in a class apply to the Administration for the assignment of special registration numbers, and at least 25 special registration numbers are issued initially; and

(3) In the case of an owner who is applying as a surviving spouse, the owner submits proof satisfactory to the Administration that at the time of death of the owner's spouse, the deceased spouse was the holder of a special registration number issued under this section.

(d) The Administration shall adopt regulations not inconsistent with the Maryland Vehicle Law to govern the issuance of special registration plates to members of nonprofit organizations under this section.

(e) (1) In addition to the annual registration fee otherwise required under this title, an owner of a vehicle assigned a special registration under this section shall pay a fee determined by the Administration each time new registration plates are issued for the vehicle.

(2) The fee:

(i) May not exceed the amount required to enable the Administration to recover its costs under this section;

(ii) Shall be retained by the Administration for the purpose of recovering its cost under this section; and

(iii) May not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

(f) The additional fee required under subsection (e) of this section is not required for special registration of a vehicle that is exempt under § 13-903 of this title, or a vehicle with a special registration plate recognizing:

(1) The Maryland National Guard; or

(2) A volunteer fire department, volunteer rescue squad, or volunteer ambulance company in this State.

(g) (1) The special registration plates or plate issued under this section may consist of:

(i) 1. Any combination of letters, numerals, or both; and

2. The name, initials, or abbreviation of the name of the organization; or

(ii) 1. Any combination of letters, numerals, or both;

2. The name, initials, or abbreviation of the name of the organization; and

3. An emblem or logo as authorized by the Administration that depicts the organization.

(2) A special registration number assigned under this section shall be displayed on the registration plates or plate for the vehicle.

(3) An organization may, at its option, receive a special registration under either paragraph (1)(i) or paragraph (1)(ii) of this subsection, but not under both.

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§ 13-620

(a) A special registration plate issued under this part:

(1) May be used on and for the operation of any vehicle expressly authorized to be driven under that class of registration plate, without registering the specific vehicle with the Administration; and

(2) Is interchangeable among these vehicles.

(b) A vehicle may not be driven under a special registration plate issued under this part unless the plate is displayed on the vehicle in the manner required by § 13-411 of this title.

(c) A special registration plate issued under this part may not be used on or for the operation of any vehicle other than a vehicle expressly authorized to be driven under that class of registration plate.

(d) If the required license or authorization to do business of a person to whom a special registration plate is issued under this part expires or is canceled, suspended, or revoked, or if the Administration notifies the person that the special registration plates issued to the person have been suspended or revoked under § 13-706 of this title:

- (1) All of the special registration plates issued to that person are invalid; and
- (2) The person may not drive any vehicle or permit any vehicle to be driven under those plates.

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§ 13-621

(a) (1) In this section the following words have the meanings indicated.

(2) "Educational institution" includes:

- (i) Public schools, as defined in § 1-101(k) of the Education Article; and
- (ii) A public institution of higher education, as defined in § 11-206.1(a)(2) of the Education Article.

(3) "Licensed dealer" includes, as to Class 1A (dealer) plates provided for under § 13-940 of this title, a licensed manufacturer, licensed distributor, and licensed factory branch.

(b) If a licensed dealer owns a vehicle that is mainly used in the dealer's business and that otherwise is required to be registered under this title, the dealer may apply to the Administration for the issuance of as many special, dealer registration plates as the Administration authorizes.

(c) Except as otherwise provided in § 15-305.1 of this article and Subtitle 9 of this title, a licensed dealer may:

(1) Drive, under any one dealer registration plate issued to the dealer:

- (i) Any vehicle owned by the dealer and mainly used in the dealer's business; and
- (ii) Any vehicle in the possession of the dealer, but not owned by him, if the dealer has the consent of the owner of the vehicle to this use; and

(2) As to any vehicle the dealer owns and to which is attached any one dealer registration plate issued to the dealer:

- (i) 1. Lend the vehicle to a prospective buyer, for demonstration purposes; and
2. Permit the prospective buyer to drive the vehicle under that plate for a period of not more than 10 days from the date of delivery of the vehicle to the prospective buyer, regardless of the business in which the prospective buyer is engaged or the use to which the vehicle will be put during the demonstration period; and
- (ii) Lend the vehicle to an educational institution that provides accommodations for the deaf and hard of hearing in its driver's education instruction under a manufacturer-sponsored driver's education loan program approved by the Administration.

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§ 13-622

(a) If an automotive dismantler and recycler or scrap processor licensed under Title 15 of this article owns a vehicle that is mainly used in his business and that otherwise is required to be registered under this title, he may apply to the Administration for the issuance of as many special, recycler registration plates as the Administration authorizes.

(b) A licensed automotive dismantler and recycler or scrap processor may drive, under any one recycler registration plate issued to him:

- (1) Any used vehicle owned by him and mainly used in his business; and
- (2) Any vehicle in his possession, but not owned by him, if he has the consent of the owner of the vehicle to this use.

(c) When operating a vehicle with special recycler registration plates outside of this State, a licensed automotive dismantler and recycler or scrap processor shall operate the vehicle exclusively for the business purposes of automotive dismantling and recycling or scrap processing.

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§ 13-623

(a) In this section, "financial institution" means:

- (1) Any bank that is authorized to do business in this State; and
- (2) Any other financial institution that is licensed to do business in this State by the Commissioner of Financial Regulation.

(b) Any financial institution may apply to the Administration for the issuance of as many special, finance company registration plates as the Administration authorizes.

(c) A financial institution may drive, under any one finance company registration plate issued to it, any vehicle repossessed by or on behalf of the financial institution:

- (1) From the place of its repossession to a place of storage;
- (2) From one place of storage to another;
- (3) To or from a business for its repair; or
- (4) To or from a place for its inspection.

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§ 13-624

(a) The owner or operator of any special mobile equipment may apply to the Administration for the issuance of as many special, mobile equipment registration plates as the Administration authorizes.

(b) The owner or operator of any special mobile equipment may operate the special mobile equipment under any one mobile equipment registration plate issued under this section.

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§ 13-625

(a) In this section, "transporter" means a person in the business of:

- (1) Delivering vehicles of a type required to be registered under this title from a manufacturing, assembling, or distributing plant to point of destination;
- (2) Transporting or moving these vehicles to or from places of business for repair, painting, remodeling, or installing equipment or for the transportation of recovered stolen vehicles by insurance companies;
- (3) A licensed auctioneer acting on behalf of a seller exempt from the licensing requirements of § 15-101(c)(3)(i), (ii), (iii), (iv), and (vi) of this article; or
- (4) Transporting new or used mobile or modular homes.

(b) Any transporter may apply to the Administration for:

- (1) Registration of its business; and
- (2) On registration, the issuance of as many special, transporter registration plates as the Administration authorizes.

(c) Each application under this section shall be accompanied by evidence that the transporter:

- (1) Is engaged in the business of transporting new or used motor vehicles, new or used trailers, or mobile construction equipment;
- (2) Is subject to at least two written contracts under which the transporter is to repair, paint, remodel, or install equipment on vehicles or auction vehicles;
- (3) Is a licensed inspection station under Title 23 of this article; or
- (4) Is certified by the Interstate Commerce Commission or the United States government to transport vehicles as evidenced by the applicant's certificate of public convenience and necessity and Interstate Commerce Commission docket number.

(d) A transporter may not be registered under this section unless the business of the transporter:

- (1) Is equipped to perform the services indicated on the application; and
- (2) Has facilities adequate for the type of business that the transporter proposes to conduct.
- (e) (1) The registration of a transporter under this section expires at the time that the Administration designates when it registers the transporter.
- (2) After the expiration of its registration, a transporter may not exercise the privileges granted by this section until his registration has been renewed.
- (f) A transporter registered under this section immediately shall notify the Administration in writing of any change of address, business name, business designation, or any other information given on or with his last application for registration or renewal.
- (g) Transporter registration plates may be used only:
 - (1) On a vehicle in the possession of, but not owned by, the transporter, if the vehicle is operated to facilitate delivery, inspection, repair, painting, remodeling, the installation of equipment on it, or relocation among storage facilities and points of pickup and delivery, and not for any personal, private, or public use; and
 - (2) On a new or used mobile or modular home, if the transporter submits evidence of:
 - (i) Proper registration of the towing vehicle; and
 - (ii) Commercial insurance as required by the Administration.

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§ 13-626

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Shuttle" means a procession of new vehicles being moved between a maritime port facility and a temporary storage area that is not more than 5 miles distant.
- (3) "Shuttle permit" means a permit authorizing a registered vehicle to lead a shuttle on a highway.
- (b) The Administration may issue shuttle permits to a person submitting an application that shall be on a form and contain the information that the Administration requires.
- (c) The Administration shall charge a fee for shuttle permits, not to exceed the cost of procurement and issuance of the permits.
- (d) When a vehicle is leading a shuttle on a highway, a shuttle permit shall be displayed on the dashboard of the vehicle.
- (e) When operated under the provisions of this section, a vehicle in a shuttle shall be covered by the required security contained in Title 17 of this article.
- (f) A vehicle in a shuttle may not be operated on a highway except on the most direct route between the authorized points.
- (g) In addition to any other penalty provided in this article, a violation of any of the provisions of this section may result in the suspension or revocation of a person's authorization for obtaining shuttle permits.

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§ 13-629

Any person to whom special registration plates have been issued under the law relating to common carriers, as set forth in § 13-423(a) of this title, may, after notifying the Administration of his intention to do so:

- (1) Transfer, for a period of not more than 15 days, the registration plates to a motor vehicle owned by a manufacturer; and
- (2) Operate the vehicle over the existing route or routes for a trial or demonstration period.

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§ 13-701

- (a) Except as otherwise provided in this title, as to any vehicle required to be registered under this title, a person may not drive the vehicle on any highway in this State, unless the vehicle displays current registration plates and a current

registration card is carried as required in this title.

(b) Except as otherwise provided in this title, as to any vehicle required to be registered under this title, an owner of the vehicle may not knowingly permit the vehicle to be driven on a highway in this State, unless the vehicle displays current registration plates and a current registration card is carried as required in this title.

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§ 13-702

(a) A person may not drive a vehicle on any highway in this State, if the registration of the vehicle has been canceled, suspended, or revoked.

(b) An owner of a vehicle may not knowingly permit the vehicle to be driven on a highway in this State, if the registration of the vehicle has been canceled, suspended, or revoked.

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§ 13-703

(a) As to any certificate of title, issued to a person under this title, the person may not knowingly permit its use by any other person who is not entitled by law to its use.

(b) As to any registration card, issued to a person under this title, the person may not knowingly permit its use by any other person who is not entitled by law to its use.

(c) As to any registration plate issued to a person under this title, the person may not knowingly permit its use by any other person who is not entitled by law to its use.

(d) As to any special plate issued to a person under this title, the person may not knowingly permit its use by any other person who is not entitled by law to its use.

(e) As to any permit issued to a person under this title, the person may not knowingly permit its use by any other person who is not entitled by law to its use.

(f) A person may not display on or for a vehicle any registration card that is neither:

- (1) Issued for the vehicle; or
- (2) Otherwise lawfully used on or for the vehicle under this title.

(g) A person may not display on or for a vehicle any registration plate that is neither:

- (1) Issued for the vehicle; or
- (2) Otherwise lawfully used on or for the vehicle under this title.

(h) A person may not display on or for a vehicle any permit that is neither:

- (1) Issued for the vehicle; or
- (2) Otherwise lawfully used on or for the vehicle under this title.

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§ 13-704

(a) In any application for a certificate of title, a person may not:

- (1) Fraudulently use a false or fictitious name;
- (2) Knowingly make a false statement;
- (3) Knowingly conceal a material fact; or
- (4) Otherwise commit a fraud in making the application.

(b) In any application for the registration of a vehicle, a person may not:

- (1) Fraudulently use a false or fictitious name;
- (2) Knowingly make a false statement;

- (3) Knowingly conceal a material fact; or
 - (4) Otherwise commit a fraud in making the application.
- (c) A person convicted of a violation of this section is subject to a fine not exceeding \$1,000.

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§ 13-705

- (a) (1) The Administration may suspend or revoke the registration or certificate of title of any vehicle if the Administration:
- (i) Is satisfied that the registration or certificate was fraudulently obtained or erroneously issued;
 - (ii) Determines that the required fee has not been paid after reasonable notice and demand; or
 - (iii) Is so authorized under any other provision of law.
- (2) The Administration may suspend or revoke the registration of a vehicle if:
- (i) The Administration determines that the vehicle is mechanically unfit or unsafe to be operated on the highways;
 - (ii) The vehicle has been dismantled or wrecked; or
 - (iii) A registration card or registration plate not issued for that vehicle is displayed on or for the vehicle.
- (b) A suspension or revocation under this section is subject to the right of appeal as follows:
- (1) By a resident to the circuit court for the county in which the individual resides or has a principal place of business;
 - (2) By a nonresident to the circuit court for the county in which the individual temporarily resides or was apprehended; or
 - (3) In any other case, to the Circuit Court for Anne Arundel County.

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§ 13-706

After notice and hearing, the Administration may suspend or revoke the special plates for interchangeable registration issued to any person under Subtitle 6, Part III of this title, if the Administration finds that the person:

- (1) Is not entitled by law to their possession or use;
- (2) Knowingly has made or permitted any illegal use of them;
- (3) Has committed fraud in connection with the person's application for them; or
- (4) Has failed to give notices of transfers or other information as required by this title.

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§ 13-707

If the Public Service Commission suspends or revokes a motor carrier permit granted by it, the Administration shall suspend or revoke, as the case may be, the registration of each vehicle for which the permit was granted.

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§ 13-708

- (a) If the Administration cancels, suspends, or revokes the certificate of title or the registration of a vehicle, the owner of the evidences of the title or the evidences of the registration, including the registration card and registration plates, immediately shall return them to the Administration.
- (b) If the Administration cancels, suspends, or revokes the certificate of title or the registration of a vehicle, the person in possession of the evidences of the title or the evidences of the registration, including the registration card and registration plates, immediately shall return them to the Administration.

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§ 13-709

The cancellation, suspension, or revocation of the registration of a vehicle does not affect the status of the title to or any property rights in the vehicle.

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§ 13-710

(a) The Administration may deny, cancel, suspend, or revoke the commercial motor vehicle registration of a vehicle if:

- (1) The motor carrier responsible for the safety of the vehicle is subject to an out-of-service order, as defined in § 16-812(i)(1) of this article, or other federal operating authority sanctions; or
- (2) The United States Department of Transportation determines that the motor carrier responsible for the safety of the vehicle is attempting or has attempted to operate a motor carrier under a new identity or as an affiliated entity to avoid:
 - (i) Complying with a United States Department of Transportation order;
 - (ii) Complying with a statutory or regulatory requirement;
 - (iii) Paying a civil penalty;
 - (iv) Responding to an enforcement action; or
 - (v) Being linked with a negative compliance history.

(b) A denial, cancellation, suspension, or revocation under this section shall continue until the out-of-service order or other federal operating authority sanctions have been lifted and the motor carrier is allowed to resume operations.

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§ 13-801

Any applicable fees specified in this part for a certificate of title shall be paid to the Administration before issuance of the certificate.

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§ 13-802

(a) Except as provided in subsection (b) of this section and § 13-805 of this subtitle, the fee for each certificate of title issued under this title is \$200.

- (b) (1) The fee for each certificate of title issued for a rental vehicle is \$100.
- (2) The fee for each certificate of title issued for an off-highway recreational vehicle is \$70.
- (3) The fee for each certificate of title issued for a motor scooter or a moped is \$40.
- (4) The fee for each certificate of title issued for a trailer with a gross vehicle weight of 3,000 pounds or less is \$100 if:
 - (i) The trailer is transferred to:
 1. A spouse, child, grandchild, parent, sibling, grandparent, father-in-law, mother-in-law, son-in-law, or daughter-in-law of the transferor; or
 2. A niece or nephew of the transferor if the transferor is at least 65 years of age at the time of the transfer; and
 - (ii) No money or other valuable consideration is involved in the transfer.

(5) On the death of a joint owner of a vehicle, the Administration may not charge a fee for a new certificate of title issued for the vehicle to another joint owner who is the surviving spouse.

(6) On the death of a sole owner of a vehicle, the Administration may not charge a fee for a new certificate of title issued for the vehicle to a surviving spouse if ownership of the vehicle is transferred in accordance with § 13-114 of this title.

(c) The Administration may not charge a fee for a certificate of title issued for a vehicle that is transferred to a trust or from a trust to one or more beneficiaries in accordance with § 14.5-1001 of the Estates and Trusts Article.

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§ 13-804

For the purpose of enforcing Title 23 of this article ("Inspection of Used Vehicles and Warnings for Defective Equipment"), the Administration may retain and use an appropriate amount established by the Administration from each fee paid under § 13-802 of this subtitle for a certificate of title for a vehicle subject to inspection under Title 23 of this article.

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§ 13-805

For the issuance of a duplicate certificate of title, issued under § 13-111 of this title to replace a lost, stolen, or damaged certificate of title, the fee shall be established by the Administration.

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§ 13-808

The excise taxes imposed by this part for a vehicle shall be paid to the Administration:

- (1) Before the issuance of a certificate of title for that vehicle; or
- (2) As to a vehicle registered under § 13-109(c) of this title without a certificate of title, before the registration of that vehicle.

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§ 13-809

(a) (1) In this section the following words have the meanings indicated.

(2) "Fair market value" means:

(i) As to the sale of any new or used vehicle by a licensed dealer, the total purchase price, as certified by the dealer;

(ii) Except as provided in item (iv) of this paragraph, as to a used vehicle that is sold by any person other than a licensed dealer and that has a designated model year that is 7 years old or older, the greater of:

1. The total purchase price; or
2. \$640;

(iii) Except as provided in item (iv) of this paragraph, as to any other used vehicle that is sold by any person other than a licensed dealer:

1. The total purchase price, if the total purchase price is less than \$500 below the retail value of the vehicle as shown in a national publication of used car values adopted for use by the Department; or
2. If the total purchase price is \$500 or more below the retail value of the vehicle as shown in a national publication of used car values adopted for use by the Department:

A. The total purchase price, if verified to the satisfaction of the Administration by a notarized bill of sale submitted in accordance with subsection (d)(2) of this section; or

B. The valuation shown in the national publication of used car values, if the Administration finds that the documentation submitted under subsection (d)(2) of this section fails to verify the total purchase price;

(iv) As to a used trailer, a motor scooter, a moped, or an off-highway recreational vehicle that is sold by any person other than a licensed dealer, the greater of:

1. The total purchase price; or
2. \$320; and

(v) In any other case, the valuation shown in a national publication of used car values adopted for use by the Department.

(3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, "total purchase price" means the price of a vehicle agreed on by the buyer and the seller, including any dealer processing charge, less an allowance for trade-in but with no allowance for other nonmonetary consideration.

(ii) As to a person trading in a nonleased vehicle to enter into a lease for a period of more than 180 consecutive days, "total purchase price" means the retail value of the vehicle as certified by the dealer, including any dealer processing charge, less an allowance for the trade-in of the nonleased vehicle but with no allowance for other nonmonetary consideration.

(iii) As to a person trading in a leased vehicle to enter into another lease for a period of more than 180 consecutive days with a different leasing company or to purchase a vehicle, "total purchase price" means the retail value of the vehicle as

certified by the dealer, including any dealer processing charge, less an allowance for the trade-in of the leased vehicle but with no allowance for other nonmonetary consideration.

(4) "Trailer" has the meaning stated in § 11-169 of this article.

(b) (1) Except as otherwise provided in this part, in addition to any other charge required by the Maryland Vehicle Law, an excise tax is imposed:

(i) For each original and each subsequent certificate of title issued in this State for a motor vehicle, a trailer, a semitrailer, a moped, a motor scooter, or an off-highway recreational vehicle for which sales and use tax is not collected at the time of purchase; and

(ii) Except as provided in paragraph (2) of this subsection, for each motor vehicle, trailer, or semitrailer that is in interstate operation and registered under § 13-109(c) or (d) of this title without a certificate of title.

(2) (i) An excise tax of \$50 is imposed for the registration of a trailer exempt from the titling requirement under § 13-102(12) of this title.

(ii) In a case where the fair market value as defined in subsection (a)(2)(iii)2A of this section applies, the excise tax imposed under this part may not be less than \$32.

(3) A political subdivision of the State may not impose a sales tax, a use tax, or excise tax on the issuance of a motor vehicle certificate of title.

(c) (1) Except as provided in subsection (b)(2) of this section, the tax imposed by this section is:

(i) Except as provided in item (ii) of this paragraph, 6.5% of the fair market value of the vehicle; or

(ii) For a rental vehicle, 3.5% of the fair market value of the vehicle.

(2) If the vehicle formerly was a vehicle exempt from the tax imposed by this section, the tax shall be reduced by any amount previously paid by the present owner as a sales and use tax on the vehicle under Title 11 of the Tax – General Article.

(3) (i) If the vehicle was formerly titled and registered in another state and the present owner has paid a sales or excise tax to that state at a rate less than that imposed by this State, then the tax imposed shall apply but at a rate measured by the difference only between the tax rate paid to the other state and the tax rate imposed by this section, if the present owner has not been a Maryland resident for more than 60 days.

(ii) If the vehicle was formerly titled and registered in another state and the present owner requests to transfer the vehicle in accordance with § 13-810(c)(1) of this subtitle, the Administration shall change or correct the names contained in the certificate of title:

1. At the time the excise tax that is credited or imposed under this section is paid and a new title is issued; and

2. Without issuing multiple certificates of title or charging additional fees.

(iii) Except as provided in subsection (b)(2) of this section, the minimum tax imposed under this section shall be \$100.

(d) Each applicant for a certificate of title or for registration under § 13-109(c) of this title shall submit to the Administration:

(1) The information that the Administration considers necessary as to:

(i) The time of purchase of the vehicle; and

(ii) The purchase price and other information relating to the determination of the fair market value of the vehicle which may include, but is not limited to:

1. Canceled checks;

2. Money order receipts;

3. Loan documents; or

4. A written description of the vehicle's condition; and

(2) If the excise tax is based on the total purchase price of the vehicle as provided in subsection (a)(2)(iii)2A of this section, a notarized bill of sale that:

- (i) Is designed by, and obtained from, the Administration;
 - (ii) Is signed by the buyer and the seller; and
 - (iii) Includes a statement explaining why the vehicle was sold at the price stated in the bill of sale.
- (e) Any person who fails to pay the excise tax as required in this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.
- (f) The Administration shall adopt regulations to implement the provisions of this section.

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§ 13-810

(a) On issuance in this State of an original or subsequent certificate of title for a vehicle, the vehicle is exempt from the excise tax imposed by this part, if it is:

- (1) A mobile home over 35 feet long;
- (2) A vehicle owned by the United States and used in the investigation of any violation or suspected violation of any law of the United States;
- (3) A vehicle owned or leased by this State or any political subdivision of this State;
- (4) A fire engine or other fire department emergency apparatus, including any vehicle operated by or in connection with any fire department;
- (5) An ambulance, rescue, or other vehicle owned and operated for the benefit of the public by a nonprofit rescue squad;
- (6) A vehicle owned and operated by the Civil Air Patrol;
- (7) A vehicle owned and held for the use of the public by a unit of a national veterans' organization;
- (8) A vehicle owned and operated by a Maryland chapter of the American Red Cross;
- (9) A vehicle acquired by an insurance company as a result of a comprehensive or collision claim;
- (10) A vehicle registered in a jurisdiction the laws of which do not require titling and acquired for resale by a licensed dealer;
- (11) A vehicle that is involuntarily transferred to a licensed dealer and for which a certificate of title is not available;
- (12) A school bus owned by a religious organization or a private school which is exempt from federal income tax under § 501(c)(3) of the Internal Revenue Code;
- (13) A privately owned bus used only for operating the transportation system of any political subdivision in this State, if the bus is used for the transportation of the public on regular schedules and between fixed termini;
- (14) A vehicle otherwise exempt from the excise tax by any other applicable law;
- (15) A vehicle which is used regularly for the transportation of individuals with disabilities and owned by a nonprofit organization providing direct care services to individuals with disabilities which is licensed by the Maryland Department of Health and is wholly or partially funded by the State;
- (16) A mobile hearing and vision screening vehicle owned and operated for the benefit of the public by a nonprofit civic organization;
- (17) Registered under § 13-923 of this title;
- (18) Registered under § 13-933 of this title;
- (19) A salvage vehicle acquired by a licensed dealer that has been restored by the licensed dealer and that has been inspected under § 13-507(a)(2)(ii) of this title;
- (20) A vehicle acquired for resale by a licensed dealer if the dealer reassignment sections contained on the certificate of title are exhausted;
- (21) A Class M motor home or Class G travel trailer that is transferred or retitled in the dealership's name under § 15-305(d)(2) of this article;
- (22) A special purpose vehicle owned by a coal company if the vehicle is used:

(i) For transportation of workers, coal, or equipment used in the coal production process; and

(ii) Exclusively in or on coal mining property;

(23) A vehicle which is used exclusively in the transportation of disabled or elderly persons, owned by a nonprofit organization, and in which the Maryland Transit Administration retains a security interest;

(24) A vehicle acquired by a religious, charitable, or volunteer organization exempt from taxation under § 501(c) of the Internal Revenue Code, the Department of Human Services, or a local department of social services for the purpose of transferring the vehicle to a Family Investment Program recipient or an individual certified by the Department of Human Services or a local department of social services as eligible for the transfer; or

(25) A vehicle that is transferred to a trust or from a trust to one or more beneficiaries in accordance with § 14.5–1001 of the Estates and Trusts Article.

(b) The provisions of subsection (c)(1) and (3) of this section do not apply to the transfer of a vehicle if:

(1) The vehicle that is transferred was previously exempt under subsection (a)(17) or (18) of this section; and

(2) The transferee of the vehicle titles and registers the vehicle under any other section of this title.

(c) On transfer of a vehicle titled in this State and issuance of a subsequent certificate of title, the vehicle is exempt from the excise tax imposed by this part, if it is:

(1) A vehicle transferred to:

(i) A spouse, son, daughter, grandchild, parent, sister, brother, grandparent, father-in-law, mother-in-law, son-in-law, or daughter-in-law of the transferor, and no money or other valuable consideration is involved in the transfer; or

(ii) A niece or nephew of the transferor if:

1. The transferor is at least 65 years of age at the time of the transfer; and

2. No money or other valuable consideration is involved in the transfer;

(2) A vehicle repossessed under a security agreement, unless the sale of the vehicle is required under the agreement;

(3) A vehicle transferred from an individual to a partnership, limited liability company, or corporation or from a partnership, limited liability company, or corporation to a subpartnership, subsidiary limited liability company, or subsidiary corporation, if the individual, partnership, limited liability company, or corporation is a partner, member, or principal stockholder of the newly formed partnership, subpartnership, limited liability company, subsidiary limited liability company, corporation, or subsidiary corporation, as the case may be;

(4) A vehicle transferred to a legal heir, legatee, or distributee;

(5) A vehicle involuntarily transferred as a result of divorce or separation proceedings;

(6) A vehicle that is jointly owned and transferred to the name of one of the owners, if the transferee can establish to the satisfaction of the Administration that the transferor did not pay any part of the original purchase price of the vehicle or any applicable taxes or fees for the vehicle;

(7) A vehicle transferred by a corporation to its stockholder or stockholders or by a limited liability company to its member or members as a liquidating distribution of tangible personal property where the vehicle or vehicles transferred are not a principal or substantial asset of the corporation or limited liability company as determined by the Administration;

(8) A vehicle transferred as a result of a reorganization within the meaning of § 368(a) of the Internal Revenue Code or a vehicle transferred as a result of a statutory merger or consolidation of a corporation and a limited liability company if no gain or loss is recognized as a result of the transaction under § 332 and § 721 of the Internal Revenue Code;

(9) A vehicle transferred to a Family Investment Program recipient or an individual certified by the Department of Human Services or a local department of social services as eligible for transfer of the vehicle that was exempted from the excise tax imposed by this part under subsection (a)(24) of this section;

(10) A vehicle transferred into a written inter vivos trust in which the transferor is the primary beneficiary; or

(11) A vehicle transferred to a lessee who exercises an option under a vehicle leasing agreement for an initial term of more than 180 consecutive days to purchase the leased vehicle at the end of the lease.

(d) The Administration may exempt from the excise tax imposed by this part any vehicle of a law enforcement agency of the United States or of any other state, if the United States or other state provides a reciprocal exemption for law enforcement vehicles of this State.

(e) If the owner of a vehicle that is exempt under subsection (a)(17) or (18) of this section from the vehicle excise tax subsequently registers the vehicle under any other section of this title, the owner shall pay the excise tax based on the fair market value of the vehicle at the time the exemption was initially granted.

(f) A vehicle is exempt from the excise tax imposed by this part on issuance of an original certificate of title if the vehicle:

- (1) Is owned by an active service member or a service member who returns to the State from active duty; and
- (2) Was formerly titled and registered in another state by the present owner of the vehicle.

(g) A vehicle owned by a licensed dealer is exempt from the excise tax imposed by this part if the vehicle is provided to a customer for use while the customer's vehicle is not in use due to repair, maintenance, or other vehicle service performed by the dealer.

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§ 13-811

The excise tax imposed by this part also is imposed on the issuance by a dealer of a temporary registration plate, if the temporary registration plate is issued for a vehicle that previously was transferred to the dealer without complying with the applicable provisions of Subtitle 1 of this title on transfers to dealers.

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§ 13-812

(a) Each dealer who collects any tax or fee required for titling a vehicle shall:

- (1) Keep complete and accurate records of each taxable sale, together with a record of the tax collected on the sale;
- (2) Keep copies of every invoice, bill of sale, and other pertinent documents and records, in the form that the Administration requires; and
- (3) Preserve these records in original form for at least 3 years, unless the Administration consents in writing to their earlier destruction or, by order, requires that they be kept for a longer period.

(b) Each dealer who collects any tax or fee required for titling a vehicle shall, during business hours, allow any representative of the Administration and any police officer full access to records required to be kept under subsection (a) of this section.

(c) If the Administration finds that the records of a dealer are inadequate or incorrect and that the amount of excise tax collected for the Administration on these sales cannot be determined accurately from the records:

- (1) The Administration shall determine the taxable sales of the dealer for the period involved and compute the tax from the best information available; and
- (2) The determination and computation of the Administration are prima facie correct.

(d) (1) If, under subsection (c) of this section, the Administration determines the sales of vehicles and computes the tax due, it shall:

(i) Levy an assessment against the dealer for the deficiency, interest, and penalties in the manner authorized in §§ 13-401, 13-601, and 13-701 of the Tax – General Article; and

(ii) Notify the dealer of the tax due and of the amount of the deficiency assessment.

(2) If the dealer fails to pay the tax and assessment within 10 days after receiving the notice from the Administration, the Administration may levy, in addition to the tax and assessment, a penalty equal to 25 percent of the tax due.

(e) If a dealer fails to keep any records of sales of vehicles, the Administration may compute the tax due as provided in § 13-407 of the Tax – General Article.

(f) All amounts received from any dealer under this section shall be credited:

- (1) First, to any penalty and interest accrued under this section; and

(2) Then, to the tax due.

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§ 13-813

(a) If the Administration finds that any dealer or other person liable for the excise tax imposed by this part intends to depart from this State, remove his property from this State, conceal himself or his property in this State, or do anything else tending to prejudice or render wholly or partly ineffectual proceedings to collect the tax, the Administration may notify the person of its findings and demand an immediate return and immediate payment of the tax and any interest and penalty.

(b) If the amount of tax, interest, and penalty specified in the notice of jeopardy assessment is not paid within 10 days of the service of the notice, the Administration may bring any action that it considers advisable for the prompt collection of the tax.

(c) If, within 10 days of the service of the notice, the person liable for the tax files with the Administration satisfactory evidence that he is not in default in paying the tax or that he will duly return and pay the tax, then the tax is not payable before the time otherwise required by this part. However, in each case, the findings of the Administration as to the responsibility of the person liable for the tax are final and conclusive.

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§ 13-814

(a) Except as provided in subsection (b) of this section, money collected under this part shall be deposited in the State Treasury and accounted for on the records of the Comptroller and transferred to the Transportation Trust Fund.

(b) Of the revenue from the excise tax imposed for each certificate of title issued for an off-highway recreational vehicle under § 13-809 of this subtitle, the Comptroller shall distribute to the Off-Highway Recreational Vehicle Trail Fund established under § 5-1011 of the Natural Resources Article:

(1) 25% in fiscal year 2019; and

(2) 50% in fiscal year 2020 and each year thereafter.

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§ 13-815

(a) (1) In this section the following words have the meanings indicated.

(2) "Autocycle" has the meaning stated in § 11-103.4 of this article.

(3) "Excise tax" means the tax imposed under § 13-809 of this subtitle.

(4) "Zero-emission plug-in electric drive vehicle" means a motor vehicle that:

(i) Is made by a manufacturer;

(ii) Has a maximum speed capability of at least 55 miles per hour; and

(iii) Is propelled by an electric motor that draws electricity from a battery that:

1. Has a capacity of not less than 4 kilowatt-hours; and

2. Is capable of being recharged from an external source of electricity.

(b) This section applies only to:

(1) A zero-emission plug-in electric drive vehicle that:

(i) Has not been modified from original manufacturer specifications;

(ii) Is acquired for use or lease by the taxpayer and not for resale;

(iii) Has a base purchase price not exceeding \$50,000;

(iv) Has a battery capacity of at least 5.0 kilowatt-hours; and

(v) Is purchased new and titled for the first time on or after July 1, 2023, but before July 1, 2027; and

- (2) A fuel cell electric vehicle that:
- (i) Has not been modified from original manufacturer specifications;
 - (ii) Is acquired for use or lease by the taxpayer and not for resale;
 - (iii) Has a base purchase price not exceeding \$50,000; and
 - (iv) Is purchased new and titled for the first time on or after July 1, 2023, but before July 1, 2027.
- (c) Subject to available funding, an excise tax credit is allowed for a zero-emission plug-in electric drive vehicle or fuel cell electric vehicle.
- (d) Subject to subsection (e) of this section, the credit allowed under this section shall equal:
- (1) \$3,000 for each zero-emission plug-in electric drive vehicle or fuel cell electric vehicle purchased; or
 - (2) (i) \$1,000 for each two-wheeled zero-emission electric motorcycle purchased; or
 - (ii) \$2,000 for each three-wheeled zero-emission electric motorcycle or autocycle purchased.
- (e) The credit allowed under this section is limited to the acquisition of:
- (1) One vehicle per individual; and
 - (2) 10 vehicles per business entity.
- (f) A credit may not be claimed under this section:
- (1) For a vehicle unless the vehicle is registered in the State; or
 - (2) Unless the manufacturer has already conformed to any applicable State or federal laws or regulations governing clean-fuel vehicle or electric vehicle purchases applicable during the calendar year in which the vehicle is titled.
- (g) The Motor Vehicle Administration shall administer the credit under this section.

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§ 13-817

- (a) If the Administration determines that an overpayment has been made under this subtitle, the Administration may submit the overpayment and the supporting information, whether accompanied by a written claim or not, to the State Comptroller for refund to the person entitled to it.
- (b) The Administration may refund the full or any portion of the excise taxes paid by a consumer for a motor vehicle, if the dealer, manufacturer, factory branch, or distributor, by voluntary agreement or subject to the provisions of § 14-1502 of the Commercial Law Article, refunds the full or any portion of the purchase price or accepts return of the motor vehicle.

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§ 13-818

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Fuel economy" has the meaning stated in § 4064 of the Internal Revenue Code as determined and adjusted by the U.S. Environmental Protection Agency to account for the difference between controlled laboratory conditions and actual road driving.
- (3) "Model type" and "model year" have the meaning stated in § 4064 of the Internal Revenue Code.
- (4) "Passenger car" means a motor vehicle that may be registered as a Class A (passenger) vehicle or registered under § 13-937 of this title as a Class M (multipurpose) vehicle.
- (b) In conjunction with the tax imposed under § 13-809 of this subtitle, a fuel efficiency surcharge or fuel efficiency credit shall be imposed under this section based on the fuel economy rating of the model type of the passenger car.
- (c) (1) (i) Subject to paragraph (2) of this subsection, for new or used passenger cars with a model year of 1993 or 1994, a fuel efficiency surcharge of \$100 shall be imposed on all such passenger cars that have a fuel economy rating that is less than 21 miles per gallon.
- (ii) 1. This subparagraph does not apply to a passenger car registered under § 13-616 of this title.

2. Subject to paragraph (2) of this subsection, for new or used passenger cars with a model year of 1995 or thereafter, a fuel efficiency surcharge shall be imposed on all such passenger cars that have a fuel economy rating that is less than 27 miles per gallon. The fuel efficiency surcharge shall be an amount equal to the product of multiplying:

A. \$50; and

B. The nearest whole number of miles per gallon that the fuel economy rating of the model type of the automobile is less than 27 miles per gallon.

(2) The surcharge imposed under paragraph (1) of this subsection may not exceed an amount equal to 1% of the total purchase price of the passenger car as defined in § 13–809 of this subtitle.

(3) (i) Subject to paragraph (4) of this subsection, for new or used passenger cars with a model year of 1993 or 1994, a fuel efficiency credit of \$50 shall be granted for all passenger cars that have a fuel economy rating that is greater than 35 miles per gallon.

(ii) Subject to paragraph (4) of this subsection, for new or used passenger cars with a model year of 1995 and thereafter, a fuel efficiency credit shall be granted for all passenger cars that have a fuel economy rating that is greater than 35 miles per gallon. The fuel efficiency credit shall be an amount equal to the product of multiplying:

1. \$50; and

2. The nearest whole number of miles per gallon that the fuel economy rating of the model type of the automobile is greater than 35 miles per gallon.

(4) The credit granted under paragraph (3) of this subsection may not exceed an amount equal to 1% of the total purchase price of the passenger car as defined in § 13–809 of this subtitle.

(d) The proceeds collected under this section shall be deposited in the Transportation Trust Fund and, to the extent not required by any lawful pledge, covenant, dedication, or commitment for the annual debt service on bonds referred to in § 3–216(e) of this article, shall be disbursed in accordance with this section.

(e) The proceeds collected from the fuel efficiency surcharge imposed under this section shall be used to fund the fuel efficiency credits granted under this section. All remaining funds shall be used solely for transit purposes.

(f) A motor vehicle dealer shall prominently display on a vehicle offered for sale a notice on a form prescribed by the Administration to inform consumers of the fuel efficiency surcharge and fuel efficiency credit program. The notice shall state the provisions of this section applicable to the vehicle and shall be in substantially the following form:

"For this vehicle, the fuel economy rating is _____. The fuel efficiency surcharge is _____ or the fuel efficiency credit is _____.

A fuel efficiency surcharge or fuel efficiency credit is required to be applied to purchases of certain passenger cars based on the fuel economy rating of the motor vehicle. The fuel economy rating is determined by a weighted average of the urban and the highway mileage ratings as determined by the Environmental Protection Agency and published in the Environmental Protection Agency's Gas Mileage Guide.

A fuel efficiency surcharge shall be applied to all passenger cars with a fuel economy rating of less than _____ miles per gallon. The surcharge is _____ (as provided in § 13–818 of the Transportation Article).

A fuel efficiency credit shall be applied to all passenger cars with a fuel economy rating of more than _____ miles per gallon. The credit is _____ (as provided in § 13–818 of the Transportation Article).

The credit or surcharge on any vehicle may not be greater than an amount equal to 1% of the total purchase price of the vehicle."

(g) The Administration may adopt regulations to implement and operate the fuel efficiency surcharge and credit program under this section.

(h) Revenue generated under this section is not subject to the distribution provisions of Title 8, Subtitle 4 of this article.

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§ 13-901

(a) Subject to subsection (b) of this section, the fees specified in this subtitle for the registration of a classified vehicle or for any interchangeable registration shall be paid to the Administration:

- (1) Before issuance of the registration and any registration plates and registration cards; and
 - (2) Except as otherwise expressly provided, during each registration year before the issuance or renewal of the registration.
- (b) The Administration shall allow for payment of registration fees, as specified in this subtitle, in installments throughout the registration period, as determined by the Administration.

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§ 13-902

In case of dispute, the Administration may determine the registration classification to which any vehicle belongs, under this title or any other provision of the Maryland Vehicle Law.

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§ 13-903

(a) The following vehicles are exempt from the registration fees specified in this subtitle:

- (1) A vehicle that is owned and operated by the United States, this State, or any political subdivision of this State;
 - (2) A vehicle that is owned by a volunteer fire company incorporated in this State or by a rescue squad and that is used for firefighting or ambulance purposes;
 - (3) A canteen wagon of a recognized fire buff organization, as certified by the International Fire Buffs Association;
 - (4) A vehicle owned and operated by the Civil Air Patrol;
 - (5) A vehicle owned and operated by a unit of a national veterans' organization;
 - (6) A vehicle owned and operated by a Maryland chapter of the American Red Cross;
 - (7) A motor vehicle and trailer known as the "40-8 box car" that is owned and operated only for social or charitable purposes by any voiture of the Forty and Eight of the American Legion, Department of Maryland;
 - (8) A vehicle owned by, or leased to, and personally used by a veteran who:
 - (i) As designated or classified by the U.S. Department of Veterans Affairs, has lost the use of a hand, arm, or leg, or is totally disabled; or
 - (ii) Has a permanent impairment of both eyes so that:
 1. The central visual acuity is 20/200 or less in the better eye, with corrective glasses; or
 2. There is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye;
 - (9) A vehicle owned and personally used by an individual who is the surviving spouse of a deceased disabled veteran, as defined under § 7-208 of the Tax – Property Article; and
 - (10) A Type I or Type II school vehicle owned and operated by a religious organization.
- (b) The Administration may exempt from the registration fees specified in this subtitle any vehicle of a law enforcement agency of the United States or of any other state, if the United States or other state provides a reciprocal exemption for law enforcement vehicles of this State.
- (c) (1) Each registered vehicle that is exempt from registration fees under subsection (a) of this section shall display a special identification marker approved by the Administrator.
- (2) The special identification marker for a motor vehicle and trailer exempt under subsection (a)(7) of this section shall bear the number of the organization and the number of the local voiture, reading "40-8-(local number)".
- (3) The special identification marker for a vehicle exempt under subsection (a)(8)(i) of this section shall indicate that the U.S. Department of Veterans Affairs has designated or classified the veteran as having lost the use of a hand, arm, or leg or as being totally disabled.

(d) A disabled veteran whose vehicle is eligible for exemption under subsection (a)(8) of this section may, if eligible, receive the special registration number and special registration plates provided under § 13–616, § 13–617, § 13–618, § 13–619, § 13–619.1, or § 13–619.2 of this title without payment of the registration fees specified in this subtitle.

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§ 13-904

(a) Except as otherwise provided in this section, the annual registration fees specified in this subtitle are for the entire 12 months of a registration year.

(b) (1) If the registration of a vehicle is issued on or before the last day of the sixth month of the registration year for that class of vehicle, the full annual registration fee shall be paid.

(2) If the registration of a vehicle is issued on or after the first day of the seventh month of the registration year for that class of vehicle, only one half of the annual registration need be paid.

(c) If the registration of a commercial vehicle in excess of 26,000 pounds is issued for a period of less than the full annual registration year, the registration fee to be paid shall be one-quarter of the annual registration fee multiplied by the number of quarters remaining in the registration year including the quarter within which the registration takes effect.

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§ 13-905

The Administration may not require applicants for vehicle registration to pay postage for the mailing of any vehicle registration cards or plates.

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§ 13-906

An application for the registration of any vehicle for which the registration fee is based on maximum gross weight shall be accompanied by:

(1) A certificate that states the empty weight of the vehicle, including its body, cab, and spare tire;

(2) A declaration of the load the applicant intends the vehicle to carry; and

(3) Any other pertinent information that the Administration requires.

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§ 13-907

(a) At any time during a registration year, the owner of a vehicle registered in one of the classes listed in subsection (b) of this section may apply to the Administration for a transfer of the registration for that vehicle to any other permissible registration that is in the same class and has a higher registration fee, whether the transfer is for the same vehicle or is to another vehicle owned by the same person.

(b) A transfer of registration under this section may be made only within the following classes:

(1) Class E (trucks);

(2) Class F (tractors); and

(3) Class G (trailers).

(c) (1) For a new registration under this section, the registration fee is as provided in this subsection.

(2) If the new registration is issued on or before the last day of the sixth month of the registration year for that class of vehicle, the registration fee is the full registration fee ordinarily required for the new registration, with a credit for the other fee already paid.

(3) If the new registration is issued on or after the first day of the seventh month of the registration year for that class of vehicle, the registration fee is one half of the registration fee ordinarily required for the new registration, with a credit for so much of the other fee already paid as is allocable to the last six months of the registration year.

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§ 13-908

If the Administration determines that an overpayment has been made under this subtitle, the Administration may submit the overpayment and the supporting information, whether accompanied by a written claim or not, to the State Comptroller for refund to the person entitled to it.

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§ 13-909

(a) Notwithstanding any other provision of this subtitle, the Administration may adopt a system of staggered registration for any motor vehicle class.

(b) (1) During the registration period in which the system is initiated, vehicle registrations may be issued for periods varying from 7 months to 18 months with fees prorated according to the number of months for which the registration is issued.

(2) Vehicle registration plates or validation tabs shall be issued and displayed in accordance with a schedule established by the Administration.

(3) Any new registration or renewal issued during the year may be issued initially for other than a 12-month period to facilitate an equal volume of monthly issuances and the registration fee shall be prorated for the period issued.

(4) For the purpose of maintaining relatively uniform work loads, the Administration shall evaluate monthly volumes of registration renewals from time to time and any portion of a monthly issuance may be rescheduled by applying a different expiration date and prorating the fee accordingly.

(5) The Administration shall refund a registration fee on surrender of a registration card and unused registration plates by the owner as provided under § 13-938 of this subtitle only if the return is made prior to the expiration date of the registration period for which the application for refund is made.

(6) When the Administration assesses a prorated fee, it shall be calculated by multiplying one-twelfth of the applicable fee by the number of months for which the issuance or renewal is made and adjusting this amount to the nearest dollar amount.

(c) The Administration may adopt regulations to implement and operate a staggered registration system as provided under this section.

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§ 13-911

(a) In this part the following words have the meanings indicated.

(b) "Farm products" include food for consumption by humans or livestock, tobacco, shrubbery, flowers, plants, trees for replanting, seed, fertilizer, mulch, peat, sod, livestock and livestock products, poultry and poultry products, farm wood lot products, and fibers.

(c) "Farm vehicle" means a vehicle that:

(1) Is owned by a farmer;

(2) Is used only in the farmer's farming business and about the farmer's farm home and in hauling farm products and the labor, supplies, equipment, and other materials necessary for the operation of the farm and farm home; and

(3) Is not used to haul farm products previously acquired by the farmer for resale or to haul farm products for hire for another person who is not a farmer.

(d) "Farmer" means any person who:

(1) Raises, grows, and produces farm products on a farm of at least 3 acres; or

(2) Keeps at least 25 hives of bees for the pollination of orchards and farm crops and the commercial production of honey.

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§ 13-912

(a) When registered with the Administration, every passenger car and station wagon, except as otherwise provided in this part, is a Class A (passenger) vehicle.

(b) For each Class A (passenger) vehicle, the annual registration fee is:

(1) For a vehicle with a manufacturer's shipping weight of 3,500 pounds or less:

(i) On or after July 1, 2024, but before July 1, 2025, \$70.50; and

(ii) On or after July 1, 2025, \$80.50;

(2) For a vehicle with a manufacturer's shipping weight of more than 3,500 pounds but not more than 3,700 pounds:

(i) On or after July 1, 2024, but before July 1, 2025, \$80.50; and

(ii) On or after July 1, 2025, \$85.50; and

(3) For a vehicle with a manufacturer's shipping weight of more than 3,700 pounds:

(i) On or after July 1, 2024, but before July 1, 2025, \$121.50; and

(ii) On or after July 1, 2025, \$151.50.

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§ 13-913

(a) (1) When registered with the Administration, every passenger motor vehicle operated for the transportation of persons for hire, except a vehicle described in paragraph (2) of this subsection, is a Class B (for hire) vehicle.

(2) The following vehicles are not subject to the classification specified in this section:

(i) Any vehicle operated on a regular schedule and between fixed termini; and

(ii) Any vehicle for which a different classification is specified in this part.

(b) For each Class B (for hire) vehicle, the annual registration fee is:

(1) On or after July 1, 2024, but before July 1, 2025, \$170.00; and

(2) On or after July 1, 2025, \$180.00.

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§ 13-914

(a) When registered with the Administration, every motor vehicle operated as an ambulance, a mortician flower coach or service wagon, or a funeral limousine or coach is a Class C (funeral and ambulance) vehicle.

(b) For each Class C (funeral and ambulance) vehicle, the annual registration fee is:

(1) On or after July 1, 2024, but before July 1, 2025, \$120.00; and

(2) On or after July 1, 2025, \$130.00.

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§ 13-915

(a) When registered with the Administration, every motorcycle is a Class D (motorcycle) vehicle.

(b) For each Class D (motorcycle) vehicle, the annual registration fee is:

(1) On or after July 1, 2024, but before July 1, 2025, \$55.00; and

(2) On or after July 1, 2025, \$65.00.

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§ 13-916

(a) When registered with the Administration, every single unit truck with two or more axles is a Class E (truck) vehicle.

(b) (1) For each Class E (truck) vehicle, the annual registration fee is based on the maximum gross weight of the vehicle or combination of vehicles, as follows:

Maximum Gross Weight Fee (per 1,000 Pounds Limit (in Pounds) or Fraction Thereof) 10,000 (minimum) – 18,000 \$9.00
18,001 – 26,000 11.75 26,001 – 40,000 12.75 40,001 – 60,000 14.75 60,001 – 80,000 (maximum) 16.00

(2) (i) On or after July 1, 2024, but before July 1, 2025, the annual registration fee under paragraph (1) of this subsection is increased by an additional \$45.00.

(ii) On or after July 1, 2025, the annual registration fee under paragraph (1) of this subsection is increased by an additional \$75.00.

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§ 13-917

Notwithstanding § 13–916(b) of this subtitle, for any Class E (truck) vehicle with a manufacturer's rated capacity of 3/4 ton or less and a maximum gross vehicle weight of 7,000 pounds or less, the annual registration fee is:

(1) For a vehicle with a maximum gross vehicle weight of 3,500 pounds or less:

(i) On or after July 1, 2024, but before July 1, 2025, \$83.75; and

(ii) On or after July 1, 2025, \$93.75;

(2) Except as provided in item (4) of this section, for a vehicle with a maximum gross vehicle weight of more than 3,500 pounds but not more than 5,000 pounds:

(i) On or after July 1, 2024, but before July 1, 2025, \$93.75; and

(ii) On or after July 1, 2025, \$98.75;

(3) Except as provided in item (4) of this section, for a vehicle with a maximum gross vehicle weight of more than 5,000 pounds:

(i) On or after July 1, 2024, but before July 1, 2025, \$108.75; and

(ii) On or after July 1, 2025, \$138.75; and

(4) For a vehicle, regardless of the vehicle's maximum gross vehicle weight, for which the owner certifies on the registration application that the vehicle for which the application is made will be used for construction activities:

(i) On or after July 1, 2024, but before July 1, 2025, \$83.75; and

(ii) On or after July 1, 2025, \$93.75.

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§ 13-918

(a) If a Class E (truck) vehicle is operated in combination with a nonfreight trailer or semitrailer under § 13-927(b)(1) of this subtitle, the Class E (truck) vehicle shall be registered for only the gross vehicle weight of the Class E (truck) vehicle and not the gross combination weight of the Class E (truck) vehicle and nonfreight trailer or semitrailer.

(b) If a Class E (truck) vehicle is operated in combination with a freight trailer or semitrailer, under § 13-927(c)(1) of this subtitle, the Class E (truck) vehicle shall be registered for the gross combination weight, which includes the gross weight of the Class E (truck) vehicle, and the freight trailer or semitrailer with which it is in combination.

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§ 13-919

(a) On application, the Administration shall issue a special Class E "dump service registration" to any applicant who certifies that the vehicle for which the application is made is a Class E (truck) vehicle that:

(1) Is designed to haul cargo and to self-unload by gravity or mechanical means; and

(2) Is to be used to haul feed or other loose materials in bulk.

(b) The maximum gross weight limitation for a vehicle registered under this section is for a vehicle with two axles – 40,000 pounds.

(c) (1) The maximum gross weight limitation for a vehicle registered under this section after June 1, 1994, is for a vehicle with three axles – 55,000 pounds.

(2) Except as provided in paragraph (1) of this subsection, the maximum gross weight limitation for a vehicle registered under this section after June 1, 1994, is:

- (i) In Allegany and Garrett counties for a vehicle with four or more axles in use when loaded – 70,000 pounds; and
- (ii) For a vehicle with four axles that is in compliance with regulations adopted by the Department that specify alternative vehicle design configurations based on recommendations of the Dump Truck Technical Task Force – 70,000 pounds.

(d) (1) (i) Subject to the provisions of subparagraph (ii) of this paragraph, three–axle vehicles registered before June 1, 1994, may continue to be operated at the gross vehicle weight limit specified by the applicable law in effect on May 31, 1994, for a period of 20 years beginning:

- 1. For a new vehicle registered for the first time, the later of the vehicle's model year or date of registration; and
- 2. For a used vehicle, the vehicle's model year.

(ii) Notwithstanding any other provision of law, any vehicle registered under this section before June 1, 1994, may continue to be operated until June 1, 1999, under the applicable provisions of law in effect on May 31, 1994.

(2) (i) A vehicle may continue to be registered under this section, regardless of the vehicle's configuration, and to be operated under the same administrative regulations that were in effect on June 1, 1994, for the applicable time periods specified in paragraph (1) of this subsection, if the vehicle:

- 1. Was registered under this section before June 1, 1994; or
- 2. Is a three–axle vehicle that on June 1, 1994, was in the inventory of a dealer licensed under Title 15 of this article and was sold and registered before June 1, 1995.

(ii) Subparagraph (i) of this paragraph does not apply to flat bed trucks used to haul concrete blocks.

(e) The Administration:

- (1) Shall stamp the words “dump service” on each registration card issued for a vehicle registered under this section; and
- (2) May issue special registration plates to distinguish registrations made under this section.

(f) For each vehicle registered under this section, the annual registration fee is the greater of:

(1) On or after July 1, 2024, but before July 1, 2025:

- (i) \$26.25 for each thousand pounds of gross weight of the vehicle plus an additional \$20.00; or
- (ii) \$1,070.00; and

(2) On or after July 1, 2025:

- (i) \$26.25 for each thousand pounds of gross weight of the vehicle plus an additional \$30.00; or
- (ii) \$1,080.00.

(g) Except while it is operating on a divided highway with two or more lanes in each direction or while it is unloaded, a vehicle registered under this section may not be operated on any highway at a speed of more than 45 miles per hour.

(h) (1) Subject to the provisions of paragraph (2) of this subsection, if a vehicle registered under this section is hauling loose materials in bulk for a distance of not more than 40 miles:

(i) Subject to the provisions of subsection (i) of this section, the vehicle is limited as to maximum gross weight only by the allowable and paid registration weight; and

(ii) 1. Except in Allegany and Garrett counties, the vehicle is not subject to any restrictions of the Maryland Vehicle Law on the weight, gross weight, or axle loads of a vehicle other than the restrictions on gross vehicle weight imposed under this section; and

2. In Allegany and Garrett counties, the vehicle is not subject to any other restrictions of the Maryland Vehicle Law on the weight, gross weight, or axle loads of a vehicle unless the vehicle exceeds its maximum registered gross weight by 10 percent or one of its axles is not carrying at least 15 percent of the vehicle's total gross weight.

(2) A vehicle registered under this section may be operated on a statewide basis without any distance limitations if the vehicle is:

- (i) A three–axle vehicle with a maximum gross vehicle weight of 55,000 pounds; or

(ii) A four-axle vehicle with a maximum gross vehicle weight of 70,000 pounds that is in compliance with the regulations described under subsection (c)(2)(ii) of this section.

(i) (1) Except as provided in paragraph (2) of this subsection, a vehicle registered under this section with a registered maximum gross weight limitation of more than 65,000 pounds that is not in compliance with the regulations described in subsection (c)(2)(ii) of this section is limited to a maximum gross weight of 65,000 pounds when the vehicle is operated on an interstate highway or in a county in the State other than Allegany County or Garrett County.

(2) A vehicle used to haul coal, logs, or pulpwood that is registered under this section and operated on Interstate Route 68 in Allegany County or Garrett County is allowed a maximum gross weight limitation of 70,000 pounds, regardless of whether the vehicle is in compliance with the regulations described in subsection (c)(2)(ii) of this section.

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§ 13-920

(a) (1) In this section, "tow truck" means a vehicle that:

(i) Is a Class E (truck) vehicle that is designed to lift, pull, or carry a vehicle by a hoist or mechanical apparatus;

(ii) Has a manufacturer's gross vehicle weight rating of 10,000 pounds or more; and

(iii) Is equipped as a tow truck or designed as a rollback as defined in § 11-151.1 of this article.

(2) In this section, "tow truck" does not include a truck tractor as defined in § 11-172 of this article.

(b) When registered with the Administration every tow truck as defined in this section is a Class T vehicle.

(c) A tow truck registered under this section may be used to tow vehicles for repair, storage, or removal from the highway.

(d) (1) (i) Subject to the provisions of subparagraph (ii) of this paragraph and paragraph (2) of this subsection, for each vehicle registered under this section, the annual registration fee is based on the manufacturer's gross vehicle weight rating as follows:

Manufacturer's Gross Weight Fee Rating in Pounds	10,000 (or less) to 26,000	\$185.00	More than 26,000	\$550.00

(ii) (1) On or after July 1, 2024, but before July 1, 2025, the annual registration fee under subparagraph (i) of this paragraph is increased by an additional \$20.00.

2. On or after July 1, 2025, the annual registration fee under subparagraph (i) of this paragraph is increased by an additional \$30.00.

(2) (i) The annual registration fee for a vehicle registered under this section that is used for any purpose other than that described in subsection (c) of this section shall be determined under subparagraph (ii) of this paragraph if the maximum gross weight of the vehicle or combination of vehicles:

1. Exceeds 18,000 pounds and the vehicle has a manufacturer's gross weight rating of 26,000 pounds or less; or

2. Exceeds 35,000 pounds and the vehicle has a manufacturer's gross weight rating of more than 26,000 pounds.

(ii) The annual registration fee shall be the greater of:

1. The fees set forth in paragraph (1) of this subsection; or

2. The fees set forth in § 13-916(b) of this subtitle.

(e) Notwithstanding §§ 24-104.1, 24-108, and 24-109 of this article, a tow truck registered under this section, while engaged in a tow, may move a vehicle or vehicle combination on a highway for safety reasons if:

(1) The tow truck and the vehicle or vehicle combination being towed comply with all applicable statutory weight and size restrictions under Title 24 of this article when measured or weighed separately; and

(2) The vehicle or vehicle combination is being towed by the safest and shortest practical route possible to the vehicle's destination.

(f) Notwithstanding any other provision of this section, while engaged in towing, a tow truck registered under this section is subject to:

(1) Weight restrictions imposed on restricted bridges; and

(2) All applicable statutory weight and size restrictions under Title 24 of this article while being operated within the limits of Baltimore City, unless the vehicle is being operated on an interstate highway.

(g) Except for tow trucks operated by dealers, automotive dismantlers and recyclers, and scrap processors displaying special registration plates issued under this title, the vehicle shall display a distinctive registration plate as authorized by the Administration.

(h) Subject to § 25–111.1 of this article, a person who registers a tow truck under this section, including a dealer, an automotive dismantler and recycler, or a scrap processor who operates a tow truck in the State, or a person who operates a tow truck in this State that is registered under the laws of another state, shall:

(1) Obtain commercial liability insurance in the amount required by federal law for transporting property in interstate or foreign commerce; and

(2) Provide a federal employer identification number and, if applicable to the tow truck under federal requirements:

(i) A U.S. Department of Transportation motor carrier number; or

(ii) An Interstate Commerce Commission motor carrier authority number.

(i) (1) Except as provided under paragraph (2) of this subsection, a person may not operate a rollback in combination with a vehicle being towed unless the rollback is registered as a tow truck.

(2) This subsection does not apply to a vehicle that is registered and operated in accordance with § 13–621 or § 13–622 of this title.

(j) (1) This subsection applies only to a vehicle required to be registered in the State.

(2) A person may not operate a tow truck for hire unless the tow truck is registered under this section.

(3) (i) A person convicted of operating a tow truck in violation of this subsection shall be subject to a fine not exceeding \$3,000 or imprisonment not exceeding 1 year or both.

(ii) A tow truck that is improperly registered or unregistered shall be impounded.

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§ 13-921

(a) In this section, “farm truck” means a farm vehicle that:

(1) Is a Class E (truck) vehicle; and

(2) Has a shipping weight of its chassis and battery, as certified by the manufacturer, of more than 3/4 ton.

(b) On application, the Administration shall issue a Class E “farm truck registration” to any applicant who certifies:

(1) That the applicant is a farmer; and

(2) That the vehicle for which the application is made is a farm truck, specifying its proposed use.

(c) For each vehicle registered under this section, the annual registration fee is based on the maximum gross vehicle weight, as follows:

Maximum Gross Weight Fee (per 1,000 Pounds Limit (in Pounds) or Fraction Thereof) 10,000 (minimum) – 40,000 \$5.00
40,001 – 65,000 (maximum) \$5.25

(d) Except as provided in § 8–602(c) of this article, a vehicle registered under this section may not be used:

(1) For hire except to haul farm products for another farmer; or

(2) In any manner other than as a farm truck.

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§ 13-923

(a) When registered with the Administration, every truck tractor or similar motor vehicle used for propelling, supporting, or drawing a trailer or semitrailer is a Class F (tractor) vehicle.

(b) (1) Subject to paragraph (2) of this subsection, for each Class F (tractor) vehicle, the annual registration fee is based on the maximum gross weight of the vehicle in combination with a trailer or semitrailer, as follows:

Maximum Gross Weight Fee (per 1,000 Pounds Limit (in Pounds) or Fraction Thereof) 40,000 (minimum) – 60,000 \$21.00 60,001 – 80,000 or more \$22.50

(2) (i) On or after July 1, 2024, but before July 1, 2025, the annual registration fee under paragraph (1) of this subsection is increased by an additional \$20.00.

(ii) On or after July 1, 2025, the annual registration fee under paragraph (1) of this subsection is increased by an additional \$30.00.

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§ 13-924

(a) In this section, “farm truck tractor” means a farm vehicle that is a Class F (tractor) vehicle.

(b) On application, the Administration shall issue a Class F “farm truck tractor” registration to any applicant who certifies:

(1) That the applicant is a farmer; and

(2) That the vehicle for which the application is made is a farm truck tractor, specifying its proposed use.

(c) For each farm truck tractor the annual registration fee is based on the maximum gross weight of the vehicle in combination with a trailer or semitrailer, as follows:

Maximum Gross Weight Fee (per 1,000 Pounds Limit (in Pounds) or Fraction Thereof) 40,000 (minimum) 80,000 (maximum) \$5.25

(d) A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.

(e) A vehicle registered under this section may not be used in any manner other than as a farm truck tractor.

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§ 13-927

(a) (1) When registered with the Administration, every trailer and semitrailer is a Class G (trailer) vehicle.

(2) A Class G (trailer) vehicle shall be classified as “freight” or “nonfreight”.

(b) A nonfreight trailer or semitrailer is a vehicle designed for towing by a Class A (passenger) vehicle, a Class M (multipurpose) vehicle, or a Class E (truck) vehicle, and shall:

(1) (i) If towed by a Class E (truck) vehicle, have a gross weight of 20,000 pounds or less; or

(ii) If towed by a Class A (passenger) vehicle or a Class M (multipurpose) vehicle, have a gross weight of 10,000 pounds or less; and

(2) Be a:

(i) Boat trailer;

(ii) Camping trailer;

(iii) Travel trailer;

(iv) House trailer; or

(v) Utility trailer.

(c) A freight trailer or semitrailer shall be:

(1) Designed for towing by a Class E (truck) or Class F (tractor) vehicle; and

(2) (i) In excess of 20,000 pounds gross weight if towed by a Class E (truck) vehicle; or

(ii) In excess of 10,000 pounds gross weight if towed by a Class F (tractor) vehicle.

(d) The annual registration fee for a Class G (trailer) vehicle is based on the maximum gross weight as follows:

(1) (i) Except as provided in item (2) of this subsection and subject to item (ii) of this item, for a nonfreight trailer or semitrailer:

Maximum Gross Weight Limit (in Pounds) Fee 3,000 or less \$25.50 3,001 to 5,000 51.00 5,001 to 10,000 80.00 10,001 to 20,000 124.00

- (ii) 1. On or after July 1, 2024, but before July 1, 2025, the annual registration fee under item (i) of this item is increased by an additional \$20.00; and
- 2. On or after July 1, 2025, the annual registration fee under item (i) of this item is increased by an additional \$30.00;
- (2) For a nonfreight trailer or semitrailer with a maximum gross weight limit (in pounds) of 10,001 to 20,000 that is titled on or after October 1, 2005:
 - (i) The fee is:
 - 1. On or after July 1, 2024, but before July 1, 2025, \$144.00; and
 - 2. On or after July 1, 2025, \$154.00; and
 - (ii) The vehicle shall be registered in one of the following weight ranges:
Maximum Gross Weight Limit (in Pounds) 10,001 to 11,000 11,001 to 12,000 12,001 to 13,000 13,001 to 14,000 14,001 to 15,000 15,001 to 16,000 16,001 to 17,000 17,001 to 18,000 18,001 to 19,000 19,001 to 20,000
- (3) For a freight trailer or semitrailer the fee is:
 - (i) On or after July 1, 2024, but before July 1, 2025, \$58.25; and
 - (ii) On or after July 1, 2025, \$68.25.

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§ 13-928

- (a) (1) The owner of a fleet of trailers or semitrailers may apply to the Administration for registration under this section of the Class G (trailer) vehicles in the fleet, if:
 - (i) The fleet consists of at least 25 Class G (trailer) vehicles that are rented or offered for rent for periods of 364 days or less; or
 - (ii) The fleet consists of at least five Class G (trailer) vehicles with a permitted gross weight of over 10,000 pounds.
- (2) Each application made under this section shall contain the information that the Administration requires.
- (b) If the applicant pays the fees required by this section and meets the other conditions required by the Administration, the Administration shall issue a special registration plate and registration card for each vehicle for which application is made.
- (c) A special registration plate and registration card issued under this section:
 - (1) May be issued for any period of up to 8 years as the Administration determines;
 - (2) Shall expire on the date that the Administration determines; and
 - (3) Until they expire, are valid only:
 - (i) As long as the applicant retains ownership of the vehicle for which they are issued; and
 - (ii) If the registration is made on a prorated annual fee basis, as long as the owner pays the required annual fees before the date on which regular Class G registration plates expire.
- (d) (1) The fee for registration under this section shall be paid to the Administration, at the election of the applicant, either:
 - (i) At the time of registration, for the full registration period; or
 - (ii) Annually, on a prorated fee basis.
- (2) The fee for the full registration period for each vehicle is the regular annual fee required for the vehicle under § 13-927 of this subtitle, multiplied by the number of years in the registration period.
- (e) If the application is made on a prorated annual fee basis, the applicant shall submit with the application acceptable evidence of a surety bond or irrevocable letter of credit that is:
 - (1) In a form and with a surety or insured Maryland financial institution approved by the Administration; and
 - (2) In an amount equal to the total annual fees required for all vehicles registered to the applicant under this section.

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§ 13-930

(a) In this section, "farm trailer or semitrailer" means a farm vehicle that is a Class G (trailer) vehicle.

(b) On application, the Administration shall issue a special Class G "farm trailer or semitrailer" registration to any applicant who certifies:

(1) That the applicant is a farmer; and

(2) That the vehicle for which the application is made is a farm trailer or semitrailer, specifying its proposed use.

(c) Except as otherwise provided in this part, for each farm trailer or semitrailer, the annual registration fee is based on the maximum gross weight limitations for the vehicle, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee
3,000	\$ 12.75
5,000	25.50
10,000	40.00
20,000	62.00

(d) A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.

(e) A vehicle registered under this section may not be used in any manner other than as a farm trailer or semitrailer.

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§ 13-932

(a) When registered with the Administration, every school vehicle is a Class H (school) vehicle.

(b) For each Type I school vehicle, the annual registration fee is:

(1) If the vehicle is a school bus only operated for the transportation of children, students, or teachers for educational purposes or in connection with a school activity or, with approval from a board of education in any county, to provide transportation for persons 60 years of age or older to civic, educational, social, or recreational activities:

(i) On or after July 1, 2024, but before July 1, 2025, \$71.00; and

(ii) On or after July 1, 2025, \$81.00; and

(2) If the vehicle is a school bus charter operated for any purpose in addition to that specified in item (1) of this subsection:

(i) On or after July 1, 2024, but before July 1, 2025, \$170.00, less any amount paid under item (1) of this subsection; and

(ii) On or after July 1, 2025, \$180.00, less any amount paid under item (1) of this subsection.

(c) For each Type II school vehicle, the annual registration fee is:

(1) On or after July 1, 2024, but before July 1, 2025, \$71.00; and

(2) On or after July 1, 2025, \$81.00.

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§ 13-933

(a) When registered with the Administration, every bus operated under charter or for hire is a Class P (passenger bus) vehicle.

(b) (1) Subject to paragraph (2) of this subsection, for each Class P (passenger bus) vehicle, the annual registration fee is based on the seating capacity of the bus, as follows:

Seating Capacity	Fee
20 or less	\$275.00
21 to 35	525.00
36 or more	875.00

(2) (i) On or after July 1, 2024, but before July 1, 2025, the annual registration fee under paragraph (1) of this subsection is increased by an additional \$20.00.

(ii) On or after July 1, 2025, the annual registration fee under paragraph (1) of this subsection is increased by an additional \$30.00.

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§ 13-934

(a) When registered with the Administration, every vehicle used as a vanpool vehicle is a Class J (vanpool) vehicle.

(b) For each Class J (vanpool) vehicle, the annual registration fee is:

(1) On or after July 1, 2024, but before July 1, 2025, \$96.50; and

(2) On or after July 1, 2025, \$106.50.

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§ 13-935

(a) (1) In this section the following words have the meanings indicated.

(2) "Farm area motor vehicle" means a motor vehicle owned by a farmer and operated only on a farm or on a highway within a 25-mile radius of the farm.

(3) "Island vehicle" means a motor vehicle, other than a golf cart, operated exclusively on an island that:

(i) Is not accessible by a highway;

(ii) Does not have State maintained highways; and

(iii) Contains less than 20 miles of highways.

(b) If registered with the Administration under this section, every farm area motor vehicle, every island vehicle, and every vehicle that meets the requirements of subsection (d)(1) of this section is a Class K (farm area/island) vehicle.

(c) Except as provided in subsection (d) of this section, for each Class K (farm area/island) vehicle, the annual registration fee is \$2.50.

(d) (1) The Administration may issue a temporary registration under this section to a vehicle, other than an island vehicle, that:

(i) Is owned by a resident of another state, or a company operating out of another state, if the individual or company is under contract with a Maryland farmer to conduct seasonal harvesting operations in this State;

(ii) Is used to transport perishable commodities directly between a farm and a packing plant for sorting and processing;

(iii) Passes a level 1 safety inspection conducted by the Department of State Police; and

(iv) Is only operated within a 35-mile radius of the location where the seasonal harvesting operations will occur.

(2) A temporary registration issued under this subsection may not be in effect for more than 90 days.

(3) The Department of State Police shall establish a weight limitation for vehicles registered under this subsection.

(4) A vehicle issued temporary registration under this subsection shall meet the mandatory minimum security requirements of Title 17, Subtitle 1 of this article.

(5) A person may not operate a vehicle registered under this subsection unless the person holds a driver's license issued under Title 16 of this article, or a license to drive issued by the state of the person's residence.

(6) The Administration may establish a fee for a temporary registration issued under this subsection.

(e) An island vehicle registered under this section may not be operated on a highway in the State that is not on an island described in subsection (a)(3) of this section.

(f) In applying for registration of a farm area motor vehicle under this section, the owner of the vehicle shall submit with the application, from the most recent federal tax filing of the owner, a copy of:

(1) Internal Revenue Service form 1040, schedule F; or

(2) Any other federal tax form showing active farming status, as determined by the Administration.

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§ 13-936

(a) In this section, "historic motor vehicle" means a motor vehicle, including a passenger vehicle, motorcycle, or truck that:

(1) Is a model year of 1999 or earlier;

(2) Has not been substantially altered from the manufacturer's original design; and

(3) Meets criteria contained in regulations adopted by the Administration.

(b) In this section, "historic motor vehicle" does not include a vehicle that has been remanufactured or reconstructed as a replica of an original vehicle.

(c) If registered with the Administration under this section, every historic motor vehicle is a Class L (historic) vehicle.

(d) Except as provided in subsection (i) of this section, for each Class L (historic) vehicle, the annual registration fee is:

(1) On or after July 1, 2024, but before July 1, 2025, \$45.50; and

(2) On or after July 1, 2025, \$55.50.

(e) In applying for registration of a historic motor vehicle under this section, the owner of the vehicle shall submit with the application a certification that the vehicle for which the application is made:

(1) Will be maintained for use in exhibitions, club activities, parades, tours, and occasional transportation; and

(2) Will not be used:

(i) For general daily transportation;

(ii) Primarily for the transportation of passengers or property on highways;

(iii) For employment;

(iv) For transportation to and from employment or school; or

(v) For commercial purposes.

(f) Except as provided in § 13–936.1 of this subtitle, on registration of a vehicle under this section, the Administration shall issue a special, historic motor vehicle registration plate of the size and design that the Administration determines.

(g) Unless the presence of the equipment was specifically required by a statute of this State as a condition of sale when the vehicle was manufactured, the presence of any specific equipment is not required for the operation of a vehicle registered under this section.

(h) (1) A vehicle with a model year of 1985 or earlier registered under this section is exempt from any statute that requires vehicle inspections.

(2) A vehicle registered under this section is exempt from any statute that requires the use and inspection of emission controls.

(i) (1) For a motor vehicle manufactured at least 60 years prior to the current model year, there is a onetime registration fee of \$50.00.

(2) Registration of a motor vehicle manufactured under this subsection is not transferable to a subsequent owner.

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§ 13-937

(a) When registered with the Administration, every multipurpose passenger vehicle is a Class M (multipurpose) vehicle.

(b) For each Class M (multipurpose) vehicle, the annual registration fee is:

(1) For a vehicle with a manufacturer's shipping weight of 3,500 pounds or less:

(i) On or after July 1, 2024, but before July 1, 2025, \$70.50; and

(ii) On or after July 1, 2025, \$80.50;

(2) For a vehicle with a manufacturer's shipping weight of more than 3,500 pounds but not more than 3,700 pounds:

(i) On or after July 1, 2024, but before July 1, 2025, \$80.50; and

(ii) On or after July 1, 2025, \$85.50; and

(3) For a vehicle with a manufacturer's shipping weight of more than 3,700 pounds:

(i) On or after July 1, 2024, but before July 1, 2025, \$121.50; and

(ii) On or after July 1, 2025, \$151.50.

(c) The Administration may by rule and regulation provide for the registration under this section of all multipurpose passenger vehicles registered under another classification.

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§ 13-938

If registration plates issued for a vehicle registered under this part have never been used, the owner of the vehicle for which the plates were issued is entitled to a refund of the Maryland registration fee paid less an administrative fee established by the Administration if, during the registration year for which the registration plates were issued, the owner:

- (1) Applies to the Administration for a refund; and
- (2) Surrenders to the Administration:
 - (i) The registration card issued for the vehicle; and
 - (ii) The unused registration plates.

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§ 13-939

- (a) When registered with the Administration, every limousine operated for hire is a Class Q (limousine) vehicle.
- (b) For each Class Q (limousine) vehicle, the annual registration fee is:
 - (1) On or after July 1, 2024, but before July 1, 2025, \$205.00; and
 - (2) On or after July 1, 2025, \$215.00.
- (c) On registration of a vehicle under this section, the Administration shall issue special limousine vehicle registration plates of the size and design that the Administration determines.

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§ 13-940

- (a) Special registration plates issued to a dealer, manufacturer, distributor, or factory branch under § 13-621 of this title for use on vehicles in general are Class 1A (dealer) registration plates.
- (b) For Class 1A (dealer) registration plates, the annual registration fee for each registration plate issued to the applicant shall be established by the Administration.
- (c) A Class 1A (dealer) registration plate may be used only on vehicles owned or used by the dealer, manufacturer, distributor, or factory branch, and only as permitted by § 13-621 of this title.

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§ 13-941

- (a) Special registration plates issued to a motorcycle dealer under § 13-621 of this title for use only on motorcycles are Class 1B (motorcycle dealer) registration plates.
- (b) For Class 1B (motorcycle dealer) registration plates, the annual registration fee for each registration plate issued to the applicant shall be established by the Administration.
- (c) A Class 1B (motorcycle dealer) registration plate may be used only on motorcycles owned or used by the motorcycle dealer and only as permitted by § 13-621 of this title.

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§ 13-942

- (a) Special registration plates issued to a trailer dealer under § 13-621 of this title for use only on trailers and semitrailers are Class 1C (trailer dealer) registration plates.
- (b) For Class 1C (trailer dealer) registration plates, the annual registration fee for each registration plate issued to the applicant shall be established by the Administration.
- (c) A Class 1C (trailer dealer) registration plate may be used only on trailers or semitrailers owned or used by the trailer dealer, and only as permitted by § 13-621 of this title.

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§ 13-943

(a) Special registration plates issued to an automotive dismantler or recycler or scrap processor under § 13-622 of this title are Class 2 (recycler) registration plates.

(b) For Class 2 (recycler) registration plates, the annual registration fee for each registration plate issued to the applicant shall be established by the Administration.

(c) A Class 2 (recycler) registration plate may be used only on used vehicles owned or used by the automotive dismantler or recycler or scrap processor, and only as permitted by § 13-622 of this title.

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§ 13-944

(a) Special registration plates issued to a financial institution under § 13-623 of this title are Class 3 (finance company) registration plates.

(b) For Class 3 (finance company) registration plates, the annual registration fee for each registration plate issued to the applicant shall be established by the Administration.

(c) A Class 3 (finance company) registration plate may be used only on vehicles repossessed by or on behalf of the financial institution, and only as permitted by § 13-623 of this title.

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§ 13-945

(a) Special registration plates issued to the owner or operator of special mobile equipment under § 13-624 of this title are Class 4 (mobile equipment) registration plates.

(b) For each Class 4 (mobile equipment) registration plate, the annual registration fee shall be established by the Administration.

(c) A Class 4 (mobile equipment) registration plate may be used only on special mobile equipment owned or operated by the person to whom the plate is issued, and only as permitted by § 13-624 of this title.

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§ 13-946

(a) Special registration plates issued to a transporter under § 13-625 of this title are Class 5 (transporter) registration plates.

(b) For Class 5 (transporter) registration plates, the annual registration fee for each registration plate issued to the applicant shall be established by the Administration.

(c) A Class 5 (transporter) registration plate may be used on vehicles transported by the transporter, but only as permitted by § 13-625 of this title.

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§ 13-950

(a) (1) On application, the Administration may issue an additional registration card for a registered vehicle.

(2) For the issuance of an additional registration card under this subsection, the fee shall be established by the Administration.

(b) For the issuance of a duplicate registration card, issued under § 13-415(a) of this title to replace a lost, stolen, or damaged registration card, the fee shall be established by the Administration.

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§ 13-951

For the issuance of replacement validation tabs, issued under § 13-415(a) through (c) of this title to replace lost, stolen, or damaged validation tabs that have never been affixed to registration plates, the fee shall be established by the Administration.

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§ 13-952

(a) For the issuance of replacement registration plates, a replacement registration card, and replacement validation tabs, issued under § 13-415(d) through (f) of this title to replace a lost, stolen, or damaged registration plate or an affixed validation tab, the fee shall be established by the Administration.

(b) For the issuance of replacement registration plates issued under Subtitle 6, Part II of this title, the fee shall be as established by the Administration.

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§ 13-953

(a) Any person with a perfected security interest in a vehicle may apply to the Administration for a duplicate of the security interest filing.

(b) If a person who applies to the Administration for a duplicate of the security interest filing under this section furnishes information satisfactory to the Administration and pays the required fee, the Administration shall issue to the person a duplicate of the security interest filing.

(c) For the issuance of a duplicate of a security interest filing under this section, the fee shall be established by the Administration.

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§ 13-954

(a) In this section, "motor vehicle" means a:

- (1) Class A (passenger) vehicle;
- (2) Class B (for hire) vehicle;
- (3) Class C (funeral and ambulance) vehicle;
- (4) Class D (motorcycle) vehicle;
- (5) Class E (truck) vehicle;
- (6) Class F (tractor) vehicle;
- (7) Class H (school) vehicle;
- (8) Class J (vanpool) vehicle;
- (9) Class M (multipurpose) vehicle;
- (10) Class P (passenger bus) vehicle;
- (11) Class Q (limousine) vehicle;
- (12) Class R (low speed) vehicle; or
- (13) Vehicle within any other class designated by the Administrator.

(b) (1) In addition to the registration fee otherwise required by this title, the owner of any motor vehicle registered under this title shall pay a surcharge of \$40.00 per year for each motor vehicle registered.

(2) (i) \$6.50 of the surcharge collected under paragraph (1) of this subsection shall be paid into the Maryland Trauma Physician Services Fund established under § 19–130 of the Health – General Article.

(ii) The Governor annually shall allocate at least \$9.00 of the surcharge collected under paragraph (1) of this subsection to the R Adams Cowley Shock Trauma Center.

(iii) The balance of the surcharge collected under paragraph (1) of this subsection shall be paid to the Maryland Emergency Medical System Operations Fund established under § 13–955 of this subtitle.

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§ 13-955

- (a) In this section, "Fund" means the Maryland Emergency Medical System Operations Fund.
- (b) (1) There is a Maryland Emergency Medical System Operations Fund.
- (2) The Comptroller shall administer the Fund, including accounting for all transactions and performing year-end reconciliation.
- (3) The Fund is a continuing, nonlapsing fund which is not subject to § 7-302 of the State Finance and Procurement Article.
- (4) Interest and earnings on the Fund shall be separately accounted for and credited to the Fund, and are not subject to § 6-226(a) of the State Finance and Procurement Article.
- (c) The Fund consists of:
- (1) Registration surcharges collected under § 13-954 of this subtitle;
- (2) All funds, including charges for accident scene transports and interhospital transfers of patients, generated by an entity specified in subsection (e) of this section that is a unit of State government; and
- (3) Revenues distributed to the Fund from the surcharges collected under § 7-301(f) of the Courts Article.
- (d) Expenditures from the Fund shall be made pursuant to an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided under § 7-209 of the State Finance and Procurement Article, provided that any budget amendment shall be submitted to and approved by the Legislative Policy Committee prior to the expenditure or obligation of funds.
- (e) Except as provided in subsection (f) of this section, the money in the Fund shall be used solely for:
- (1) Medically oriented functions of the Department of State Police, Special Operations Bureau, Aviation Division;
- (2) The Maryland Institute for Emergency Medical Services Systems;
- (3) The R Adams Cowley Shock Trauma Center at the University of Maryland Medical System;
- (4) The Maryland Fire and Rescue Institute;
- (5) The provision of grants under the Senator William H. Amoss Fire, Rescue, and Ambulance Fund in accordance with the provisions of Title 8, Subtitle 1 of the Public Safety Article; and
- (6) The Volunteer Company Assistance Fund in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article.
- (f) For fiscal years 2025 and 2026, the money in the Fund may be used to support general operations of the Department of State Police, Special Operations Bureau, Aviation Command.

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§ 13-956

- (a) In addition to the registration fee otherwise required by this title, the owner of a motor vehicle shall pay an annual surcharge:
- (1) On or before July 1, 2025, of:
- (i) \$125.00 for each zero-emission vehicle, as defined in § 23-206.4 of this article; and
- (ii) \$100.00 for each plug-in electric drive vehicle that is not a zero-emission vehicle; and
- (2) After June 30, 2025, at a rate based on the amounts established under item (1) of this subsection adjusted for inflation as determined annually by the Administration.
- (b) The Administration shall allow for payment of a surcharge assessed under this section:
- (1) At the time the annual registration fee is paid; or
- (2) In installments throughout the registration period, as determined by the Administration.
- (c) The proceeds collected from the surcharge assessed under subsection (a)(1) of this section shall be deposited into the Transportation Trust Fund.

(d) If a person that owns a motor vehicle that is assessed the surcharge fails to pay the surcharge or installments, the Administration shall refuse to register or renew or transfer the registration of the motor vehicle.

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Title 14 — Motor Vehicle Inspection

§ 14-101

(a) This title does not apply to the following:

(1) A vehicle moved only by human or animal power; or

(2) A self-propelled invalid:

(i) Wheelchair; or

(ii) Tricycle.

(b) This title does not apply to the following unless a certificate of title has been issued for them under Title 13 of this article:

(1) Any farm equipment; or

(2) Any special mobile equipment.

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§ 14-102

(a) A person may not drive any vehicle without the consent of its owner and with intent to deprive the owner temporarily of his possession of the vehicle, even if without intent to steal it.

(b) A person may not take a vehicle without the consent of the owner of the vehicle and with the intent to deprive the owner temporarily of the owner's possession of the vehicle, even if without the intent to steal the vehicle.

(c) The consent of the owner of a vehicle to the driving or taking of the vehicle may not in any case be presumed or implied because of the owner's consent on a previous occasion to the driving or taking of the vehicle by the same or a different person.

(d) A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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§ 14-103

(a) No person, except a person while making lawful use of it in pursuit of a legitimate business interest or a law enforcement officer while in pursuit of his duties, shall at any time have or possess a motor vehicle master key adapted for or capable of being used to open any motor vehicle in this State.

(b) No person, except a person while making lawful use of a motor vehicle master key in pursuit of a legitimate business interest or a law enforcement officer while in pursuit of the law enforcement officer's duties, shall at any time have or possess a motor vehicle master key adapted for or capable of being used to operate any motor vehicle in this State.

(c) A person convicted of a violation of this section is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

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§ 14-104

(a) A person may not willfully damage or tamper with any vehicle without the consent of its owner.

(b) A person may not drop or throw stones or other objects at any vehicle or at occupants of a vehicle.

(c) A person may not, with intent to commit any malicious mischief, damage, injury, or crime, climb into or on any vehicle, whether it is in motion or at rest.

(d) A person may not, with intent to commit any malicious mischief, damage, injury, or crime, manipulate or attempt to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of any vehicle while the vehicle is at rest and unattended.

(e) A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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§ 14-105

(a) If a police officer receives reliable information that a vehicle has been stolen, the police officer shall immediately report the theft to the Administration and the Department of State Police, unless the police officer has received reliable information of the recovery of the vehicle.

(b) An alleged violation under § 7-205 of the Criminal Law Article shall be a reportable theft of a vehicle for purposes of subsection (a) of this section.

(c) If a police officer receives reliable information that a vehicle which he previously reported stolen has been recovered, he shall immediately report the recovery to the Administration and the Department of State Police.

(d) If a vehicle titled or registered in this State has been stolen, the owner or secured party may notify the Administration of the theft.

(e) Every person who has given notice under subsection (d) of this section shall notify the Administration of a recovery of the vehicle.

(f) The Administration shall maintain and appropriately index cumulative public records of stolen vehicles reported to it under this section.

(g) The Administration may suspend the registration of a vehicle whose theft is reported to it under this section.

(h) Until the Administration learns of the recovery of the vehicle or that the report of its theft was erroneous, it may not issue a certificate of title for the vehicle.

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§ 14-106

(a) A person may not knowingly make a false report of the theft of a vehicle to a police officer.

(b) A person may not knowingly make a false report of the theft of a vehicle to the Administration.

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§ 14-107

(a) (1) In this section the following words have the meanings indicated.

(2) "Falsify" includes alter, counterfeit, duplicate, or forge.

(3) "Identification number" includes any vehicle identification number, serial number, transmission number, federal vehicle certification label, engine number, or other distinguishing number or mark placed on a vehicle or engine:

(i) By its manufacturer;

(ii) By authority of the Administration; or

(iii) In accordance with the laws of the federal government or another state or country.

(4) "Remove" includes deface, cover, or destroy.

(b) A person may not willfully remove any identification number of a vehicle.

(c) A person may not willfully falsify any identification number of a vehicle.

(d) A person may not willfully remove any identification number of an engine for a vehicle.

(e) A person may not willfully falsify any identification number of an engine for a vehicle.

(f) Except as provided in subsection (m) of this section, a person may not buy, receive, possess, sell, or dispose of a vehicle, knowing that an identification number of the vehicle has been removed.

(g) A person may not buy, receive, possess, sell, or dispose of a vehicle, knowing that an identification number of the vehicle has been falsified.

(h) Except as provided in subsection (m) of this section, a person may not buy, receive, possess, sell, or dispose of an engine for a vehicle, knowing that an identification number of the engine has been removed.

(i) A person may not buy, receive, possess, sell, or dispose of an engine for a vehicle, knowing that an identification number of the engine has been falsified.

(j) A person may not, with intent to conceal or misrepresent the identity of a vehicle or its owner, remove a registration card or registration plate from the vehicle.

(k) A person may not, with intent to conceal or misrepresent the identity of a vehicle or the owner of the vehicle, attach to the vehicle a registration plate not authorized by law for use on it.

(l) An identification number may be:

(1) Placed on a vehicle or engine by its manufacturer in the regular course of business; or

(2) Placed or restored on a vehicle or engine by authority of the Administration.

(m) (1) An insurance company or its insurance producer may buy, receive, and possess a motor vehicle knowing that the identification number of the vehicle has been removed, if the vehicle is the subject of a total loss settlement by the insurance company.

(2) An insurance company or its insurance producer may sell or dispose of a motor vehicle knowing that the identification number of the vehicle has been removed, if:

(i) The vehicle is the subject of a total loss settlement by the insurance company;

(ii) The Administration will not issue a distinguishing number under § 13–106.1 of this article;

(iii) The insurance company or its insurance producer determines that the vehicle is not rebuildable; and

(iv) The transfer is to a licensed automotive dismantler and recycler or licensed scrap processor.

(3) An insurance company or its insurance producer may sell or dispose of a motor vehicle knowing that the identification number of the vehicle has been removed, if:

(i) The vehicle is the subject of a total loss settlement by the insurance company;

(ii) The Administration will not issue a distinguishing number under § 13–106.1 of this article;

(iii) The insurance company or its insurance producer determines that the vehicle is rebuildable;

(iv) The transfer is to a licensed dealer, licensed automotive dismantler and recycler, or licensed scrap processor; and

(v) The transferee is advised that the vehicle may not be offered for resale to any other person until after the vehicle has been assigned a distinguishing number under § 13–106.1 of this article.

(n) A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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§ 14-108

(a) A person may not, with fraudulent intent, possess any certificate of title or other ownership document, registration card, registration plate, or vehicle identification number plate.

(b) A person may not, with fraudulent intent, give away, sell, or attempt to sell any certificate of title or other ownership document, registration card, registration plate, or vehicle identification number plate.

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§ 14-110

(a) (1) In this section the following words have the meanings indicated.

(2) "Falsify" includes alter, counterfeit, duplicate, or forge.

(3) "Registration plate" means every plate or marker required by law to be attached to a vehicle, but does not include the temporary number plate referred to in § 13–415(e)(1) of this article.

(b) A person may not, with fraudulent intent, falsify or attempt to falsify any certificate of title, registration card, registration plate, validation tab, permit, or any other official document issued by the Administration.

(c) A person may not, with fraudulent intent, manufacture, construct, or possess any paraphernalia for use in any falsification prohibited by this section.

(d) A person may not, with fraudulent intent, possess, give away, sell, or attempt to sell any item falsified in violation of this section.

(e) A person may not, with fraudulent intent, falsify any assignment on a certificate of title.

(f) A person may not hold any document or registration plate described in this section, knowing that it has been falsified in violation of this section.

(g) A person may not use any document or registration plate described in this section, knowing that it has been falsified in violation of this section.

(h) A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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Title 15 — Motor Vehicle Services

§ 15-101

(a) In this title the following words have the meanings indicated.

(b) "Administration funds" means any payment or other money which is:

(1) Paid to a person licensed under Subtitle 2, 3, 4, or 6 of this title; and

(2) Owed to the Administration for payment of taxes or fees.

(c) (1) "Dealer" means, except as provided in paragraph (3) of this subsection, a dealer in vehicles of a type required to be registered under Title 13 of this article.

(2) (i) "Dealer" includes:

1. A person who is in the business of buying, selling, or exchanging vehicles, including a person who during any 12-month period offers to sell three or more of these vehicles, the ownership of which was acquired for resale purposes; and

2. For the purposes of §§ 15–301 through 15–315, inclusive, of this title, any person who sells vehicles, whether or not that person acquired the vehicles for personal or business use, if the vehicles are displayed at a fixed location used principally for the purpose of selling vehicles on a regular basis.

(ii) 1. For the purposes of subparagraph (i)1 of this paragraph, a person who offers to sell three or more vehicles during any 12-month period is presumed to have acquired the vehicles for resale purposes.

2. The vehicle owner has the burden of rebutting the presumption established under subparagraph 1 of this subparagraph by a preponderance of the evidence.

(3) "Dealer" does not include:

(i) A public official who sells or disposes of vehicles in the performance of his official duties;

(ii) An insurance company, finance company, bank, or other lending institution licensed or otherwise authorized to do business in this State that, to save it from loss, sells or disposes of vehicles under a contractual right and in the regular course of its business;

- (iii) A licensed auctioneer acting on behalf of a seller, secured party or owner and where title does not pass to the auctioneer and the auction is not for the purpose of avoiding the provisions of this title;
- (iv) A receiver, trustee, personal representative, or other person appointed by or acting under the authority of any court;
- (v) Either a manufacturer or distributor who sells or distributes vehicles to licensed dealers or a person employed by a manufacturer or distributor to promote the sale of the vehicles of the manufacturer or distributor, if that manufacturer, distributor, or person does not sell vehicles to retail buyers;
- (vi) A person who sells or disposes of vehicles acquired and used for personal or business use and not for the purpose of avoiding the provisions of this title, if that person is not engaged in buying, selling, or exchanging vehicles as a business;
- (vii) An automotive dismantler and recycler who during the normal course of business acquires a salvage vehicle and transfers the vehicle on a salvage certificate. However, if the automotive dismantler and recycler rebuilds and sells more than 5 vehicles during a 12-month period to a person other than another automotive dismantler and recycler or licensed dealer, the automotive dismantler and recycler must be licensed as a dealer under § 15-302 of this title;
- (viii) A person engaged in the leasing of motor vehicles under leases not intended as security;
- (ix) A religious, charitable, or volunteer organization exempt from taxation under § 501(c) of the Internal Revenue Code, the Department of Human Services, or a local department of social services transferring a vehicle under § 13-810 of this article; or
- (x) An autonomous vehicle converter as defined in § 15-901 of this title.
- (d) "New Class A vehicle" and "new Class B vehicle" means a new vehicle that, if later sold and registered in this State, could be registered either as a Class A (passenger) vehicle or a Class B (for hire) vehicle, as the case may be.
- (e) "Truck component part" means a truck's engine, power train, or rear axle that is not warranted by the final manufacturer of the truck.
- (f) "Two-stage vehicle" means a two-stage vehicle, as defined in § 13-113.2 of this article, that is of a type required to be registered under Title 13 of this article.
- (g) (1) "Vehicle salesman" means, except as provided in paragraph (2) of this subsection, any individual who:
 - (i) For a commission or other compensation, under any form of agreement or arrangement with a dealer, buys, sells, or exchanges or negotiates or attempts to negotiate a sale or exchange of an interest in a vehicle of a type required to be registered under Title 13 of this article;
 - (ii) Induces or attempts to induce any other person to buy or exchange an interest in a vehicle of a type required to be registered under Title 13 of this article and receives or expects to receive a commission or other compensation from either the seller or the buyer of the vehicle; or
 - (iii) For a commission or other compensation, negotiates with or induces any other person to enter into a financial security or warranty agreement on behalf of a dealer in connection with the sale of a vehicle.
- (2) "Vehicle salesman" does not include:
 - (i) A person described in subsection (c)(3) of this section;
 - (ii) An individual acting as a representative of a person described in subsection (c)(3) of this section;
 - (iii) A person who:
 1. Is compensated for arranging for the leasing of a vehicle for a period exceeding 180 days; and
 2. As an incidental step in the consummation of the lease, induces or arranges for the sale of a vehicle from a licensed dealer to another person, who in turn leases the vehicle to a lessee under a lease not intended as a security; or
 - (iv) A person engaged in the leasing of vehicles under leases not intended as security.

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§ 15-102

- (a) Each application for a license under this title shall be made on the form that the Administration requires.
- (b) In addition to any other information required by this title, each application for a license under this title shall include:

- (1) The name and address of the applicant;
 - (2) The address of the fixed location from which the licensed activity of the applicant will be conducted;
 - (3) A statement of the maximum amount charged as a dealer processing charge under § 15-311.1 of this title; and
 - (4) Any other information that the Administration requires.
- (c) Each application for a license under this title shall:
- (1) Contain a certification by the applicant that the information given in it is true; and
 - (2) Be signed by:
 - (i) The applicant, if the applicant is an individual;
 - (ii) A partner or other authorized representative, if the application is made for a partnership; or
 - (iii) An officer or other authorized representative, if the application is made for a corporation or any other business entity.
 - (d) Except for an application for a drivers' school license, each application for a license under this title shall be accompanied by the annual fee required for that license.

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§ 15-103

- (a) (1) Except as provided in paragraph (2) of this subsection, a surety bond required of a licensee under this title shall be for the benefit of the Administration and any other person who suffers any loss because of a violation by the licensee, his agents, or employees of those provisions of the Maryland Vehicle Law that the Administration specifies.
- (2) A manufacturer's or distributor's bond required under Subtitle 2 of this title shall be for the benefit of the Administration, any dealer, any buyer of a new or used Class A vehicle, and any member of the public who suffers any loss because of the breach of any express or implied warranty given by the manufacturer or distributor to a buyer of the vehicle from a dealer.
- (b) Any person who suffers a loss described in subsection (a) of this section has a right of action in his own name against the surety on the bond.
- (c) If, before a surety bond required under this title expires or is terminated, the licensee does not file satisfactory evidence that the bond has been extended or replaced by a bond that the Administration approves, his license automatically is suspended. The Administration immediately shall notify the licensee of the suspension.

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§ 15-104

The Administration shall issue a license under this title to an applicant if:

- (1) The applicant has complied with the provisions of this title that apply to that license; and
- (2) The applicant otherwise is entitled to a license.

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§ 15-105

- (a) (1) A person who is licensed under this title may conduct the licensed activity only from a fixed location, as specified in the application for the license, unless conducting wholesale transactions at auctions or at other licensed dealership locations.
- (2) The books of account and records of, except as otherwise specified by law, the licensee shall be kept at that location.
- (3) A person, who holds multiple licenses at more than one location and has established a computerized data processing record keeping system at one of his locations, may keep certain records, as designated by the Administrator, of all his licensed activities at the centralized location, provided prior approval of the Administrator has been granted.
- (b) A licensee may not remove or relocate the location specified for the licensed activity, unless the licensee has applied for and obtained a supplemental license from the Administration.

(c) A licensee may not open any additional location other than a location specified for the licensed activity, unless the licensee has applied for and obtained a supplemental license from the Administration.

(d) Each licensee under this title shall maintain and keep records required by this article.

(e) The records shall be kept for 3 years after the transaction to which it applies.

(f) During business hours, the records of the licensee shall be open to inspection by the Administration or any police officer while discharging his official duties.

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§ 15-106

(a) If, during any license year, there is any change in the information that a licensee gave the Administration in obtaining a license under this title, the licensee shall report the change to the Administration within 30 days after the change occurs.

(b) If, during any license year, there is any change in the information that a licensee gave the Administration in retaining a license under this title, the licensee shall report the change to the Administration within 30 days after the change occurs.

(c) The report under this section shall be made on the form that the Administration requires.

(d) The licensee shall sign the form and certify that the information given in it is true.

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§ 15-107

If a license issued under this title is lost, stolen, mutilated, destroyed, or becomes illegible, the Administration may issue a duplicate license on application and payment of a fee established by the Administration. Before the Administration issues a duplicate, it may require the licensee to furnish satisfactory proof of the loss, theft, mutilation, destruction, or illegibility. When the Administration issues the duplicate, the license previously issued is void.

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§ 15-108

(a) Each license issued under this title expires on a staggered basis as determined by the Administration.

(b) A license issued under this title may be renewed on application and payment of the fee required by this title for that license.

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§ 15-109

In addition to any other grounds specified in this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this title to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that:

(1) The person has violated or is attempting to violate any provision of this title or any rule or regulation adopted under this title;

(2) The person has violated or is attempting to violate any of the other provisions of the Maryland Vehicle Law that relate to the business or activity of that person; or

(3) Any officer, manager, agent, or employee of the person has violated or is attempting to violate any provision of this title, any rule or regulation adopted under this title, or any of the other provisions of the Maryland Vehicle Law that relate to the business or activity of the person, unless the Administration is satisfied that the individuals engaged in the management of the business or activity:

(i) Had no knowledge of the wrongful conduct; or

(ii) Were unable to prevent the violation or attempted violation.

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§ 15-110

- (a) If the Administration refuses an application for a license or for the renewal of a license under this title, the applicant may request a hearing under Title 12, Subtitle 2 of this article.
- (b) Except as provided in subsection (c) of this section, the Administration may suspend or revoke a license issued under this title only after a hearing under Title 12, Subtitle 2 of this article.
- (c) (1) If the Administration determines that a person licensed under this title is violating the used vehicle safety inspection requirements under § 23–106 of this article and that there is a danger of immediate, substantial, and continuing harm to the public if the license is continued pending a hearing, the Administration:
- (i) May immediately suspend the license;
 - (ii) Shall, within 7 days of a request for a hearing on the license suspension, grant the hearing in accordance with Title 12, Subtitle 2 of this article; and
 - (iii) After the hearing, render an immediate decision to:
 - 1. Continue the license suspension;
 - 2. Revoke the license; or
 - 3. Reinstate the license.
- (2) To the extent of a conflict between this subsection and Title 12, Subtitle 2 of this article, this subsection shall take precedence.

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§ 15-111

- (a) If the Administration suspends the license of any person licensed under this title, the licensee immediately shall return the license to the Administration.
- (b) If the Administration revokes the license of any person licensed under this title, the licensee immediately shall return the license to the Administration.

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§ 15-112

- (a) Any dealer or agent or employee of a dealer, any vehicle salesman, or any other person who sells a motorized minibike shall inform the buyer in writing that a motorized minibike may not be driven on a highway in the State.
- (b) Any dealer or agent or employee of a dealer, any vehicle salesman, or any other person who sells a motorized minibike shall inform the buyer in writing that local law, ordinance, and regulation may limit the use of the motorized minibike.

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§ 15-113

- (a) Each person who conducts auctions as a business in this State of motor vehicles of a type required to be registered under this article shall keep a record of:
- (1) The name and address of the consignor;
 - (2) The date on which it was consigned;
 - (3) The year, make, model, and serial number of each vehicle consigned;
 - (4) The title number and state where the vehicle was last registered;
 - (5) The odometer mileage reading at the time of consignment;
 - (6) The name and address of the person to whom the vehicle was sold;
 - (7) The selling price; and
 - (8) The date of sale.

(b) During business hours, the records shall be open to inspection by the Administration, by the Department of State Police, or by a law enforcement officer with a county or municipal police department or sheriff's office who is assigned to an antitheft unit.

(c) The records required by this section shall be kept for at least 3 years after the transaction to which it applies.

(d) A person who fails to comply with any requirement under subsections (a) through (c) of this section is subject to a civil penalty not exceeding:

(1) For a first offense, \$500; or

(2) For a second or subsequent offense, \$1,000.

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§ 15-115

(a) (1) A person issued a citation under § 15-113 or § 15-113.1 of this subtitle shall comply with a notice to appear contained in a citation or a trial notice issued by the District Court.

(2) A person may comply with the notice to appear by:

(i) Appearance in person or by counsel; or

(ii) Payment of the civil penalty as provided in the citation.

(b) A citation issued for a violation under § 15-113 or § 15-113.1 of this subtitle shall include:

(1) Information advising the person receiving the citation of the manner in which liability may be contested; and

(2) A warning that failure to pay the civil penalty or to contest liability in a timely manner in accordance with the citation:

(i) Is an admission of liability and waiver of defenses; and

(ii) Results in an entry of a default judgment that may include a fine, court costs, and administrative expenses in favor of the Administration against the person named in the citation.

(c) (1) Subject to paragraph (2) of this subsection, the District Court:

(i) May enter a default judgment in favor of the Administration if a person fails to pay a fine or comply with a notice to appear; and

(ii) Shall mail notice of any default judgment to the person named in the citation.

(2) The default judgment shall take effect unless, by the end of the 15th day after the date that notice of the default judgment was mailed, the person named in the citation posts bond or a civil penalty deposit and requests a new date for a trial and the court has granted the motion.

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§ 15-116

Any penalty under this subtitle is in addition to any other penalty provided by law.

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§ 15-201

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Distributor" means a distributor who is authorized by the manufacturer or the manufacturer's authorized importer to enter into franchise agreements with dealers of:

(i) New motor vehicles constructed or assembled outside of the United States; or

(ii) New two-stage vehicles completed outside of the United States by a second-stage manufacturer.

(2) "Distributor" does not include an autonomous vehicle converter as defined in § 15-901 of this title.

(c) (1) "Factory branch" means a branch office of a manufacturer from which the manufacturer:

(i) Sells or promotes the sale to dealers in this State of a particular brand or make of new motor vehicles, or new completed two-stage vehicles;

- (ii) Directs and supervises its representatives in this State; or
- (iii) Supervises or contacts its dealers or prospective dealers in this State.
- (2) "Factory branch" does not include an autonomous vehicle converter as defined in § 15-901 of this title.
- (d) "License" means a manufacturer's, distributor's, or factory branch's license issued by the Administration under this subtitle.
- (e) (1) "Manufacturer" means:
 - (i) A manufacturer of new motor vehicles constructed or assembled in the United States;
 - (ii) A second-stage manufacturer of new two-stage vehicles completed in the United States; and
 - (iii) In the case of trucks, a person engaged in the business of manufacturing truck component parts.
- (2) "Manufacturer" does not include an autonomous vehicle converter as defined in § 15-901 of this title.
- (f) "Second-stage manufacturer" has the meaning stated in § 13-113.2 of this article.

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§ 15-202

- (a) A manufacturer may not transfer any new motor vehicle, new two-stage vehicle, or truck component part to any dealer or distributor in this State unless the manufacturer is licensed by the Administration under this subtitle.
- (b) A distributor may not transfer any new motor vehicle, or new two-stage vehicle to any dealer in this State unless the distributor is licensed by the Administration under this subtitle.
- (c) A person may not conduct the business of a factory branch in new motor vehicles, or new two-stage vehicles unless the person is licensed by the Administration under this subtitle.

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§ 15-203

- (a) In addition to the information required under Subtitle 1 of this title, each application for a license shall include:
 - (1) The address of the principal place of business of the applicant;
 - (2) The address of each place from which the applicant will make substantial contacts with dealers in this State; and
 - (3) The nature of the business to be conducted at each address.
- (b) Each applicant for a license shall submit as part of the application:
 - (1) A copy of each form of any new vehicle warranty currently given or offered by the applicant;
 - (2) A copy of each form of franchise and any other contract with dealers used by the applicant, together with a list of dealers in this State who hold a franchise from the applicant;
 - (3) A copy of the vehicle preparation and delivery obligations of its dealers; and
 - (4) A statement of the compensation the applicant agrees to pay a dealer for parts supplied and work done by the dealer under:
 - (i) The preparation and delivery obligations referred to in item (3) of this subsection; or
 - (ii) Any outstanding express or implied new vehicle warranty.

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§ 15-204

- (a) Each licensee shall pay an annual fee to the Administration for each license year or part of a license year for which the license is issued.
- (b) The annual license fee for a manufacturer or a distributor shall be established by the Administration based on the combined number of new motor vehicles, new two-stage vehicles, and truck component parts transferred by the manufacturer or distributor to dealers in this State during the preceding license year.

(c) The annual license fee for a factory branch shall be established by the Administration.

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§ 15-205

(a) After the Administration notifies a manufacturer or distributor of new motor vehicles of the approval of an application for a license and before the Administration issues a license, the manufacturer or distributor shall file with the Administration a surety bond in the form and with the surety that the Administration approves.

(b) (1) The amount of the surety bond shall be based on the number of new motor vehicles transferred by the manufacturer or distributor to dealers in this State during the preceding license year, according to the following schedule:

- (i) 1 to 50 vehicles – \$25,000 surety bond;
- (ii) 51 to 500 vehicles – \$50,000 surety bond;
- (iii) 501 to 10,000 vehicles – \$100,000 surety bond; and
- (iv) Over 10,000 vehicles – \$300,000 surety bond.

(2) Each bond shall remain continuously in the amounts specified in this subsection.

(3) A manufacturer or distributor need file only one bond, regardless of the number of makes of motor vehicles manufactured or distributed.

(4) A manufacturer of truck component parts shall file a bond in the amount of \$25,000.

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§ 15-206

A license issued under this subtitle authorizes the licensee to conduct the business of a manufacturer, distributor, or factory branch, as the case may be, during the license year for which it is issued.

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§ 15-207

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Coerce" means to compel or attempt to compel by threat of harm, breach of contract, or other adverse action or consequences, including the loss of any incentive or other benefit made available to other dealers of the same line make in the State.

(ii) "Coerce" includes to act in a manner that violates § 15–206.1 of this subtitle.

(iii) "Coerce" does not include to argue, urge, recommend, or persuade.

(3) "Require" means to impose upon a dealer a provision not required by law or previously agreed to by a dealer in a franchise agreement, excluding business decisions made to comply with the requirements of this title by a manufacturer, distributor, or factory branch which are uniformly applied to all Maryland dealers in new vehicles of the manufacturer, distributor, or factory branch.

(b) A manufacturer, distributor, or factory branch, whether directly or through an agent, employee, affiliate, or representative, may not coerce any dealer to make any agreement with the manufacturer, distributor, or factory branch or their agent, employee, affiliate, or representative.

(c) A manufacturer, distributor, or factory branch, whether directly or through an agent, employee, affiliate, or representative, may not coerce any dealer to order or accept delivery of any vehicle, any equipment, parts, or accessories for a vehicle, or any other commodity that is not required by law or by the dealer's franchise or that was not ordered voluntarily by the dealer.

(d) A manufacturer, distributor, or factory branch, whether directly or through an agent, employee, affiliate, or representative, may not require or coerce a dealer, by franchise agreement or otherwise, or as a condition to the renewal or continuation of a franchise agreement, to:

(1) Exclude from the use of the dealer's facilities a dealership for which the dealer has a franchise agreement to utilize the facilities; or

(2) Materially change the dealer's facilities or method of conducting business if the change would impose substantial financial hardship on the business of the dealer.

(e) (1) The provisions of this subsection apply notwithstanding the terms of any franchise agreement or agreement related to a franchise.

(2) A manufacturer, distributor, or factory branch, whether directly or through an agent, employee, affiliate, or representative, may not require or coerce a dealer to adhere to performance standards that are not applied uniformly to other similarly situated dealers.

(3) (i) Whether or not uniformly applied to other similarly situated dealers, an assigned market area or a performance standard, sales objective, or program for measuring dealership performance that may have a material effect on a dealer, including the dealer's right to a benefit or payment under any incentive or reimbursement program, and the application of the standard, sales objective, or program by a manufacturer, distributor, or factory branch shall:

1. Be fair, reasonable, and equitable;

2. Be based on accurate information; and

3. Include considerations of the demographic characteristics and consumer preferences of the population in the dealer's assigned market area, including:

A. Car and truck preferences of consumers; and

B. Geographic characteristics, such as natural boundaries, road conditions, and terrain, that affect car and truck shopping patterns.

(ii) A dealer that claims that the assignment of a market area or application of a performance standard, sales objective, or program for measuring dealership performance is unfair or unreasonable due to the manufacturer, distributor, or factory branch failing to reasonably consider demographic characteristics of the population in the dealer's assigned market area, including car and truck preferences of consumers, or due to the geographic characteristics, such as natural boundaries, road conditions, and terrain, that affect car and truck shopping patterns in the dealer's assigned marketing area, may file a claim in a court of competent jurisdiction to determine whether the design of the assigned market area or the application of the performance standard, sales objective, or program is unfair or unreasonable under this paragraph.

(iii) A manufacturer, distributor, or factory branch has the burden of proving that the design of the assigned market area, or the performance standard, sales objective, or program for measuring dealership performance is fair and reasonable under this paragraph.

(4) (i) If the performance standard is based on a survey, it must be shown that:

1. The survey was designed with experts;

2. The proper universe was examined;

3. A representative sample was chosen; and

4. The data was accurately reported.

(ii) The manufacturer, distributor, or factory branch shall establish the objectivity of the survey process and provide this information to any dealer of the same line make covered by the survey on request.

(f) A franchise agreement or other contract offered to a dealer by a manufacturer, distributor, or factory branch may not contain any provision requiring a dealer to pay the attorney's fees of the manufacturer, distributor, or factory branch related to disputes involving the franchise.

(g) (1) (i) If the dealer is an entity other than an individual, the dealer shall designate an individual to represent the dealer to do business with the manufacturer, distributor, or factory branch.

(ii) Approval of the individual may not be withheld by the manufacturer, distributor, or factory branch unless the individual is unfit due to lack of good moral character or fails to meet reasonable general business experience requirements.

(2) A dealer shall have a reasonable amount of time to:

(i) Designate a representative or a successor if a change is required for any reason; and

(ii) Obtain approval of the representative or successor designated under item (i) of this paragraph, including time for a hearing, in the event of any objection by the manufacturer, distributor, or factory branch.

(3) At a hearing resulting from an objection to the approval of the designated individual, the manufacturer, distributor, or factory branch has the burden of proving that the designated individual is not of good moral character or fails to meet reasonable general business experience requirements.

(h) (1) (i) Any consumer rebates, dealer incentives, price or interest rate reductions, or finance terms that a manufacturer, distributor, or factory branch offers or advertises, or allows its dealers to offer or advertise, shall be offered to all dealers of the same line make.

(ii) Any manufacturer, distributor, or factory branch that denies the benefit of any consumer rebates, dealer incentives, price or interest rate reductions, or finance terms to a dealer on the basis that the dealer failed to comply with performance standards has the burden of proving that the performance standards comply with the provisions of this section.

(2) Unless a dealer violates a State or local law intended to protect the public, a manufacturer, distributor, or factory branch may not:

(i) Require a dealer to alter or replace an existing dealership facility; or

(ii) Deny, or threaten to deny, any benefit generally available to all dealers for a dealer's failure to alter or replace an existing dealership facility.

(3) A manufacturer, distributor, or factory branch may not reduce the price of a motor vehicle charged to a dealer or provide different financing terms to a dealer in exchange for the dealer's agreement to:

(i) Maintain an exclusive sales or service facility;

(ii) Build or alter a sales or service facility; or

(iii) Participate in a floor plan or other financing arrangement.

(i) A manufacturer, distributor, or factory branch may offer rebates, cash incentives, or other promotional items for the sale of a vehicle by its dealers if:

(1) The same rebate, cash incentive, or promotion is offered to all of its dealers of the same line make; and

(2) Any rebate, cash incentive, or promotion that is based on the sale of an individual vehicle is not increased for meeting a performance standard unless the standard is reasonable considering all existing circumstances.

(j) A manufacturer, distributor, or factory branch may not discriminate among its dealers in any program that provides assistance to its dealers, including Internet listings, sales leads, warranty policy adjustments, marketing programs, and dealer recognition programs.

(k) (1) This subsection does not apply to:

(i) The purchase or procurement of:

1. Moveable displays;

2. Brochures or other promotional materials;

3. Special tools and training as required by the manufacturer;

4. Parts for repairs made under warranty obligations of a manufacturer, distributor, or factory branch; or

5. Any goods or services for which a manufacturer, a distributor, a factory branch, or an affiliate provides a credit, stipend, payment, or reimbursement to the dealer that covers all or a substantial portion of the dealer's program costs;

(ii) Optional programs;

(iii) A program, or the renewal or modification of a program, in existence on October 1, 2014; or

(iv) An agreement between the manufacturer, distributor, factory branch, or affiliate and the dealer that is directly related to the dealer's completion of a program if separate and valuable consideration has been offered to the dealer and accepted.

(2) (i) Subject to subparagraph (ii) of this paragraph, a manufacturer, distributor, factory branch, or one of its affiliates may not, directly or through an agent, an employee, an affiliate, or a representative, require or coerce by agreement, program, or incentive provision, a dealer to purchase goods or services from a vendor that is selected, identified, or designated by the manufacturer, distributor, factory branch, or one of its affiliates.

(ii) A manufacturer, distributor, factory branch, or one of its affiliates may offer a dealer the option to obtain goods or services under this subsection of substantially similar quality and design from a vendor chosen by the dealer subject to the advanced approval of the manufacturer, distributor, factory branch, or one of its affiliates.

(3) A manufacturer, distributor, factory branch, or one of its affiliates may not unreasonably withhold the approval required under paragraph (2) of this subsection.

(4) Nothing in this subsection may be construed to allow a dealer or vendor to:

(i) Directly or indirectly eliminate or impair in any way a manufacturer's intellectual property, trademark, or trade dress rights; or

(ii) Erect or maintain signs that do not conform to the intellectual property usage guidelines of the manufacturer, distributor, factory branch, or one of its affiliates.

(5) (i) A manufacturer, distributor, factory branch, or one of its affiliates may not penalize a dealer for failure to participate in an optional program.

(ii) Withholding the benefits of an optional program in which the dealer failed to participate may not be construed to be a penalty imposed by the manufacturer, distributor, factory branch, or affiliate.

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§ 15-208

(a) A manufacturer may not refuse to deliver new motor vehicles, new two-stage vehicles, or truck component parts, as the case may be, to a licensed dealer or distributor, in reasonable quantities and within a reasonable time after receipt of a written or electronic order, if:

(1) The manufacturer specifically advertises that these vehicles or truck component parts are available for immediate delivery; and

(2) The dealer or distributor has a franchise or other contract with the manufacturer for the sale of these vehicles or truck component parts to the public.

(b) A distributor may not refuse to deliver new motor vehicles, or new two-stage vehicles, as the case may be, to a licensed dealer, in reasonable quantities and within a reasonable time after receipt of a written or electronic order, if:

(1) The distributor specifically advertises that these vehicles are available for immediate delivery; and

(2) The dealer has a franchise or other contract with the distributor for the sale of these vehicles to the public.

(c) A factory branch may not refuse to deliver new motor vehicles, or new two-stage vehicles, as the case may be, to a licensed dealer, in reasonable quantities and within a reasonable time after receipt of a written or electronic order, if:

(1) The factory branch specifically advertises that these vehicles are available for immediate delivery; and

(2) The dealer has a franchise or other contract with the factory branch for the sale of these vehicles to the public.

(d) A failure to deliver vehicles because of a labor strike, government regulation, or other cause not the fault of the manufacturer, distributor, or factory branch is not a violation of this section.

(e) If a dealer has a franchise or other contract with a manufacturer, distributor, or factory branch for the sale of vehicles or truck component parts of a specific line or make, the manufacturer, distributor, or factory branch shall allow the dealer to:

(1) Purchase the vehicles or truck component parts at the same price and on the same terms as all other dealers with a franchise or other contract for the sale of vehicles or truck component parts of the same line or make; and

(2) Receive the same right to incentive payments that is given to all other dealers with a franchise or other contract for the sale of vehicles or truck component parts of the same line or make.

(f) (1) Any system operated by a manufacturer, distributor, or factory branch or its affiliate for the allocation of new vehicles to dealers shall be reasonable and fair for all dealers.

(2) On the written request by any of its dealers, a manufacturer, distributor, or factory branch or its affiliate shall disclose to the dealer the method by which new vehicles are allocated to dealers of the same line make.

(3) In any dispute over compliance with this subsection, a manufacturer, distributor, or factory branch or its affiliate has the burden of proving its compliance.

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§ 15-209

(a) A manufacturer may not terminate, cancel, or fail to renew the franchise of a dealer, notwithstanding any term or provision of the franchise, unless:

(1) The dealer has failed to comply substantially with the reasonable requirements of the franchise; and

(2) Except as otherwise provided by subsection (d) of this section, the manufacturer:

(i) Gives the dealer at least 90 days' prior written notice of the termination, cancellation, or nonrenewal and of the specific grounds for the action; and

(ii) Provides the Administration with a copy of that notice.

(b) A distributor may not terminate, cancel, or fail to renew the franchise of a dealer, notwithstanding any term or provision of the franchise, unless:

(1) The dealer has failed to comply substantially with the reasonable requirements of the franchise; and

(2) Except as otherwise provided by subsection (d) of this section, the distributor:

(i) Gives the dealer at least 90 days' prior written notice of the termination, cancellation, or nonrenewal and of the specific grounds for the action; and

(ii) Provides the Administration with a copy of that notice.

(c) A factory branch may not terminate, cancel, or fail to renew the franchise of a dealer, notwithstanding any term or provision of the franchise, unless:

(1) The dealer has failed to comply substantially with the reasonable requirements of the franchise; and

(2) Except as otherwise provided by subsection (d) of this section, the factory branch:

(i) Gives the dealer at least 90 days' prior written notice of the termination, cancellation, or nonrenewal and of the specific grounds for the action; and

(ii) Provides the Administration with a copy of that notice.

(d) The 90-day notice period required by subsection (a) of this section:

(1) May be reduced to not less than 15 days, if the ground for the termination, cancellation, or nonrenewal is the dealer's inability to reasonably serve the interests of the public; and

(2) Is not required, if the dealer waives it in writing.

(e) (1) If a dealer receives written notice that his franchise is being terminated, canceled, or not renewed, the dealer may, within the notice period required by this section, request a hearing under Title 12, Subtitle 2 of this article in which the manufacturer, distributor, or factory branch must show that the dealer has failed to comply substantially with the reasonable requirements of the franchise.

(2) If the dealer requests a hearing under this subsection, the dealer's franchise continues in effect, notwithstanding any term or provision of the franchise or any other provision of this subtitle, until the Administration, after the hearing, makes a final determination.

(3) A dealer, manufacturer, distributor, or factory branch may appeal the determination of the Administration to the circuit court for the county in which the dealer's principal place of business is located.

(4) If the dealer, manufacturer, distributor, or factory branch appeals the determination of the Administration to a circuit court, the dealer's franchise continues in effect, notwithstanding any term or provision of the franchise or any other

provision of this subtitle, until the circuit court makes a final determination.

(5) A dealer, manufacturer, distributor, or factory branch may appeal from a final judgment entered by a circuit court to the Appellate Court of Maryland as provided in § 12–301 of the Courts and Judicial Proceedings Article.

(f) (1) In addition to any administrative and criminal sanctions imposed under this subtitle, a manufacturer, distributor, or factory branch that terminates, cancels, or fails to renew the franchise of a dealer in violation of this section shall pay to the dealer the fair value of his business as a going concern.

(2) On payment, the dealer shall convey his business, free of liens and encumbrances, to the manufacturer, distributor, or factory branch.

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§ 15-210

(a) A manufacturer, whether directly or through an agent, employee, or representative, may not use any advertisement that is in any way false, deceptive, or misleading.

(b) A distributor, whether directly or through an agent, employee, or representative, may not use any advertisement that is in any way false, deceptive, or misleading.

(c) A factory branch, whether directly or through an agent, employee, or representative, may not use any advertisement that is in any way false, deceptive, or misleading.

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§ 15-211

(a) A manufacturer, whether directly or through an agent, employee, affiliate, or representative, may not prevent, by contract or otherwise, any owner, partner, or stockholder of any dealership from transferring any ownership interest in the dealership to any other person.

(b) A distributor, whether directly or through an agent, employee, affiliate, or representative, may not prevent, by contract or otherwise, any owner, partner, or stockholder of any dealership from transferring any ownership interest in the dealership to any other person.

(c) A factory branch, whether directly or through an agent, employee, affiliate, or representative, may not prevent, by contract or otherwise, any owner, partner, or stockholder of any dealership from transferring any ownership interest in the dealership to any other person.

(d) (1) A dealer or an owner, partner, or stockholder of a dealership may not sell, assign, or otherwise transfer a franchise or any right under a franchise without the consent of the manufacturer.

(2) Notwithstanding the terms of any franchise agreement or agreement related to a franchise, a manufacturer may not exercise a right of first refusal in the event of a sale or transfer or proposed sale or transfer of a dealer's business or any equity interest in a dealer's business to a person who meets the manufacturer's reasonable qualifications for ownership and is:

(i) A member of the dealer's immediate family;

(ii) A qualified manager with at least 2 years management experience at the dealer's business;

(iii) An existing dealer in good standing; or

(iv) A business entity controlled by a person described in item (i), (ii), or (iii) of this paragraph.

(3) If a manufacturer exercises a right of first refusal in the event of a sale or transfer or proposed sale or transfer of the dealer's business or an equity interest in the dealer's business, the manufacturer shall pay the reasonable expenses, including customary attorney's fees, incurred by the prospective purchaser in negotiating and implementing the contract for the proposed sale or transfer, provided that the dealer has given the manufacturer at least 45 days' notice of an intent to sell or transfer.

(e) (1) A manufacturer may not unreasonably withhold consent to the transfer of a franchise under subsection (d) of this section.

(2) If an owner, partner, or stockholder of a dealership seeks to sell, assign, or otherwise transfer a franchise or any right under a franchise, the owner, partner, or stockholder shall provide written notice to the manufacturer of the proposed transfer.

(3) Within 20 days after a manufacturer receives written notice of a proposed transfer from a transferor, the manufacturer shall provide the transferor with all forms and requests for information that the manufacturer considers necessary to evaluate the proposed transfer.

(4) Within 75 days after a manufacturer receives all completed forms and requested information from a transferor, the manufacturer shall:

(i) Give consent to the transfer; or

(ii) Provide a written statement of the specific grounds for its refusal to consent to the transfer, consistent with the requirements under subsection (k) of this section.

(f) (1) A dealer or an owner, partner, or stockholder of a dealership may not sell, assign, or otherwise transfer a franchise or any right under a franchise without the consent of the distributor.

(2) Notwithstanding the terms of any agreement related to the franchise, a distributor may not exercise a right of first refusal in the event of a sale or transfer or proposed sale or transfer of a dealer's business or any equity interest in a dealer's business to a person who meets the distributor's reasonable qualifications for ownership and is:

(i) A member of the dealer's immediate family;

(ii) A qualified manager with at least 2 years management experience at the dealer's business;

(iii) An existing dealer in good standing; or

(iv) A business entity controlled by a person described in item (i), (ii), or (iii) of this paragraph.

(3) If a distributor exercises a right of first refusal in the event of a sale or transfer or proposed sale or transfer of the dealer's business or an equity interest in the dealer's business, the distributor shall pay the reasonable expenses, including customary attorney's fees, incurred by the prospective purchaser in negotiating and implementing the contract for the proposed sale or transfer, provided that the dealer has given the distributor at least 45 days' notice of an intent to sell or transfer.

(g) However, the distributor may not unreasonably withhold consent to the transfer of a franchise under subsection (f) of this section.

(h) (1) A dealer or an owner, partner, or stockholder of a dealership may not sell, assign, or otherwise transfer a franchise or any right under a franchise without the consent of the factory branch.

(2) Notwithstanding the terms of any agreement related to the franchise, a factory branch may not exercise a right of first refusal in the event of a sale or transfer or proposed sale or transfer of a dealer's business or any equity interest in a dealer's business to a person who meets the factory branch's reasonable qualifications for ownership and is:

(i) A member of the dealer's immediate family;

(ii) A qualified manager with at least 2 years management experience at the dealer's business;

(iii) An existing dealer in good standing; or

(iv) A business entity controlled by a person described in item (i), (ii), or (iii) of this paragraph.

(3) If a factory branch exercises a right of first refusal in the event of a sale or transfer or proposed sale or transfer of the dealer's business or an equity interest in the dealer's business, the factory branch shall pay the reasonable expenses, including customary attorney's fees, incurred by the prospective purchaser in negotiating and implementing the contract for the proposed sale or transfer, provided that the dealer has given the factory branch at least 45 days' notice of an intent to sell or transfer.

(i) However, the factory branch may not unreasonably withhold consent to the transfer of a franchise under subsection (h) of this section.

(j) A manufacturer, distributor, or factory branch may not impose a condition on the approval of the sale or transfer of the ownership of a dealership, by the sale of the business, stock transfer, or otherwise, if the condition would violate the provisions of this title if imposed on an existing dealer.

(k) (1) A manufacturer, distributor, or factory branch violates this section if, without a statement of specific grounds consistent with this title for the action, the manufacturer, distributor, or factory branch takes action to prevent or refuse to approve:

(i) The sale, assignment, or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise;

(ii) The sale, transfer, or assignment of a dealer franchise; or

(iii) A change in the executive management or principal operator of the dealership.

(2) (i) An existing dealer denied the sale, assignment, transfer, or change under this section may request that the Administrator conduct a hearing to review the denial or the imposition of a condition in violation of this section.

(ii) If the Administrator finds that the action leading to the denial or the imposition of a condition was in violation of this section, the Administrator may order the sale, assignment, or transfer to be approved by the manufacturer, distributor, or factory branch without imposition of the condition.

(3) (i) An applicant for approval of a sale, assignment, or transfer of ownership of a dealership or an existing dealer denied the sale, assignment, or transfer may institute an action for damages in the circuit court for the county in which the dealer's principal place of business is located, if:

1. The existing dealer does not request a hearing by the Administrator; and

2. The action taken in violation of this section to deny the sale, assignment, or transfer of ownership or the change in executive management or the condition imposed on the sale, assignment, or transfer is the proximate cause of the failure of the contract for the sale, assignment, or transfer of ownership of the dealership.

(ii) An action for damages under this section must be instituted within 2 years of the violation of this section.

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§ 15-212

(a) In this section, "motor home" means a motor vehicle that:

(1) Is designed to provide temporary living quarters, built into as an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or van; and

(2) Contains permanently installed independent life support systems which provide at least four of the following facilities:

(i) Cooking;

(ii) Refrigeration or ice box;

(iii) Self-contained toilet;

(iv) Heating, air-conditioning, or both;

(v) A potable water supply system including a faucet and sink;

(vi) Separate 110–125 volt electrical power supply; or

(vii) An LP gas supply.

(b) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that the person has:

(1) Made any material misrepresentation in transferring a vehicle or truck component part to a dealer or distributor;

(2) Failed to comply with any written warranty agreement; or

(3) Failed to reasonably compensate any franchised dealer who does work under:

(i) The vehicle preparation and delivery obligations of the dealer; or

(ii) Any outstanding express or implied new vehicle or truck component parts warranty.

(c) (1) A licensee shall specify in writing to each of its motor vehicle dealers licensed in the State:

(i) The dealer's obligation for vehicle preparation, delivery, warranties, and recalls on its products;

(ii) The schedule of compensation to be paid to the dealers for parts, including parts assemblies, and labor, including diagnostic labor and associated administrative requirements, in connection with the service obligations established under item (i) of this paragraph; and

(iii) A time allowance for the performance of labor described in this paragraph that is reasonable and adequate.

(2) Reasonable compensation under this section may not be less than:

(i) With respect to labor for warranty or recall repairs, the dealer's current labor rate for nonwarranty repairs of a like kind for retail customers; and

(ii) With respect to any part, the dealer's cost plus its current retail mark-up percentage charged to retail customers for nonwarranty repairs of a like kind.

(3) (i) For purposes of paragraph (2) of this subsection, the dealer's labor rate or parts mark-up percentage shall be established by a submission to the licensee of whichever of the following produces fewer repair orders closed, as of the date of submission, within the preceding 180 days:

1. 100 qualifying sequential customer-paid repair orders; or

2. 90 days of qualifying customer-paid repair orders.

(ii) With respect to parts, a schedule of compensation established under this subsection shall be equal to the parts mark-up percentage as reflected in qualifying repair orders, calculated by dividing the total charges for parts in the repair orders by the total dealer cost for the parts minus one.

(iii) 1. A dealer may not make a submission under this subsection more than once in 1 year.

2. For purposes of subparagraph 1 of this subparagraph, a revision or supplement to a submission to correct or clarify the submission does not constitute a new submission.

(4) Repair orders for labor or parts in connection with any of the following may not constitute a qualifying repair order under paragraph (2) of this subsection:

(i) Accessories;

(ii) Repairs for manufacturer, distributor, or factory branch special events, promotions, or service campaigns;

(iii) Repairs related to collision;

(iv) Vehicle emission or safety inspections required by law;

(v) Parts sold, or repairs performed, at wholesale or for insurance carriers, or other third-party payors;

(vi) Routine maintenance not covered under any warranty, including maintenance involving fluids, filters, and belts not provided in the course of repairs;

(vii) Nuts, bolts, fasteners, and similar items that do not have an individual parts number;

(viii) Tires;

(ix) Vehicle reconditioning;

(x) Goodwill or policy repairs or replacements; or

(xi) Repairs on vehicles from a different line-make.

(5) If a licensee gives a dealer a part at no cost to use in performing a repair under a recall, campaign service action, or warranty repair, the licensee shall compensate the dealer for the part by paying the dealer the parts mark-up percentage established under this subsection on the cost for the part listed on the licensee's price schedule.

(6) (i) The schedule of compensation submitted under paragraph (3) of this subsection shall be presumed to be accurate and reasonable.

(ii) The licensee shall approve or rebut the dealer's submission within 30 days of receipt.

(iii) If the licensee approves a dealer's submission, the licensee shall begin compensating the dealer under the schedule within 30 days after the date of approval.

(iv) In the absence of a timely rebuttal by the licensee, the schedule of compensation submitted by the dealer shall go into effect on the 31st day following the licensee's receipt of the schedule.

(v) Any rebuttal of the schedule of compensation by the licensee shall:

1. Be delivered to the dealer within 30 days of the licensee's receipt of the schedule; and
2. Consist of reasonable substantiating evidence that the declared rate is materially inaccurate.

(vi) In the event of a timely rebuttal, on resolution of the matter by agreement of the parties or by administrative, judicial, or other action, a licensee's payment obligations under the resulting schedule of compensation shall begin on the 31st day following a final order unless otherwise provided for by the fact finder.

(vii) 1. To the extent that any action commenced under subsection (d) of this section or § 15–213 or § 15–214 of this subtitle involves the application of paragraph (3) of this subsection, the issues shall be limited to whether the labor rate or parts mark-up percentage stated in the dealer's submission was materially inaccurate.

2. A licensee shall have the burden of proving under this subparagraph that the dealer's submission was materially inaccurate.

(viii) 1. A licensee may verify a dealer's effective rates once annually.

2. If a licensee finds that a dealer's effective rates have increased or decreased, the licensee may increase or decrease, respectively, the warranty reimbursement rate prospectively.

(7) A licensee may not directly or indirectly:

(i) Calculate its own labor rate or parts mark-up percentage on a warranty reimbursement rate submission by the licensee's dealer under this section, or require a dealer to calculate a labor rate or parts mark-up percentage, by any method not required under this section, including a method that is unduly burdensome or time-consuming or that requires information that is unduly burdensome or time-consuming to provide such as:

1. A part-by-part or transaction-by-transaction calculation; or
2. Presentation of information as to, or calculations based on, the dealer's or other dealers' warranty compensation;

(ii) Establish or implement a special part or component number for parts used in warranty fulfillment, if the special part or component number results in reduced compensation for the dealer unless the part is used for specific, limited repair situations;

(iii) Require or coerce a dealer to change the prices for which it sells parts or labor for retail customer repairs;

(iv) Take adverse action against a dealer because the dealer seeks compensation under this section, by:

1. Implementing a process that is inconsistent with the licensee's obligations to the dealer under this subtitle; or
2. Failing to act in good faith;

(v) Conduct any warranty or retail customer repair audit, or other service-related audit, solely because the dealer makes a request for warranty reimbursement at retail rates in the ordinary course of business; or

(vi) Establish, implement, enforce, or apply any policy, standard, rule, program, or incentive regarding the compensation due under this section other than in a uniform manner among the licensee's dealers in the State.

(8) The provisions of paragraphs (1) through (7) of this subsection do not apply to travel trailers or parts of systems, fixtures, appliances, furnishings, accessories, and features of motor homes that are not manufactured by the manufacturer of the motor home as a part of the unit.

(9) (i) A claim filed under this section by a dealer with a manufacturer or distributor shall be:

1. In the manner and form reasonably prescribed by the manufacturer or distributor; and
2. Approved or disapproved within 30 days of receipt.

(ii) A claim not approved or disapproved within 30 days of receipt shall be deemed approved.

(iii) Payment of or credit issued on a claim filed under this section shall be made within 30 days of approval.

(10) A dealer's failure to comply with a specific requirement of the manufacturer or distributor may not constitute grounds for denial of the claim or reduction of the amount of compensation paid to the dealer if the dealer presents documentation or other reasonable evidence to substantiate that the repair and the claim were done according to manufacturer warranty guidelines.

(11) (i) If a claim filed under this section is shown by the manufacturer or distributor to be false or unsubstantiated, the manufacturer or distributor may charge back the claim within 9 months from the date the claim was paid or credit issued.

(ii) This paragraph does not limit the right of a manufacturer or distributor to:

1. Conduct an audit of any claim filed under this section; or
2. Charge back for any claim that is proven to be fraudulent.

(iii) An audit under this paragraph shall be conducted according to generally accepted accounting principles.

(12) A licensee may not prohibit a dealer from, or take any adverse action against a dealer for, providing to a customer information given to the dealer by a manufacturer related to any condition that may substantially affect motor vehicle safety, durability, reliability, or performance.

(13) A dealer may provide the information specified in paragraph (12) of this subsection only to a customer that has:

- (i) Purchased the vehicle for which the information pertains from the dealer; or
- (ii) Had the vehicle for which the information pertains serviced by the dealer.

(14) A licensee may not deny a claim, reduce the amount of compensation to a dealer, or process a charge back to a dealer for performing covered warranty or required recall repairs on a vehicle:

- (i) For resolving a condition covered by the licensee's original warranty;
- (ii) For remedying a safety-related defect that is subject to an outstanding recall under federal law;
- (iii) If the dealer properly performed the repairs and submitted the claims; or
- (iv) If the dealer discovered the need for repairs:
 1. During the course of a separate repair requested by the customer; or
 2. Through notice of an outstanding recall under federal law for a safety-related defect.

(d) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or nonrenewal of a license under this section, the Administrator:

- (1) May order the licensee to pay a fine not exceeding \$50,000 for each violation of this subtitle; and
- (2) May order the licensee to compensate any person for financial injury or other damage suffered as a result of the violation.

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§ 15-213

Notwithstanding any administrative or criminal sanctions imposed by this subtitle, if a person suffers financial injury or other damage as a result of a violation of this subtitle by any other person, whether or not that other person has been found guilty of a criminal violation, the injured person may recover damages and reasonable attorneys' fees in any court of competent jurisdiction.

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§ 15-214

In addition to any other right to request a hearing under this subtitle and notwithstanding any provisions of the franchise agreement to the contrary, a dealer, designated dealer successor as provided in § 15-211.1 of this subtitle, manufacturer, distributor, or factory branch may request a hearing under Title 12, Subtitle 2 of this article to:

- (1) Resolve a dispute under any provision of this title between a dealer or a designated dealer successor and a manufacturer, distributor, or factory branch; or
- (2) Seek clarification or interpretation of any provision of this subtitle.

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§ 15-301

In this subtitle, "license" means a dealer's license issued by the Administration under this subtitle.

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§ 15-302

(a) A person may not conduct the business of a dealer unless the person is licensed by the Administration under this subtitle.

(b) Any person who has been refused a dealer's license in this State or whose dealer's license is revoked or suspended may not conduct the business of a dealer under any license, permit, or registration certificate issued by any other jurisdiction.

(c) A person convicted of a violation of this section is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

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§ 15-303

(a) A license may not be issued to a partnership or corporation as such.

(b) (1) If an application for a license is made for a corporation, the license shall be applied for by and issued to three officers of the corporation who are authorized to act for it or, if it is a close corporation, at least one officer authorized to act for the close corporation.

(2) If an application is made for a partnership, the license shall be applied for and issued to all of the partners who are authorized to act for the partnership. However, as to any such partner that is a corporation, the application for the corporate partner shall be made by and issued to three officers of the corporate partner who are authorized to act for it or, if it is a close corporation, at least one officer authorized to act for the close corporation.

(c) Each individual who applies for a license under this section assumes, as an individual, all responsibilities of the dealership and, as an individual, is subject to all conditions, restrictions, and penalties imposed on licensed dealers by the Maryland Vehicle Law.

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§ 15-304

(a) Except as provided in subsection (b) of this section, a person may not be licensed under this subtitle unless:

(1) The business to be conducted under the license is the only or principal business conducted from the fixed location specified in the application;

(2) That business is conducted from a building that is adequate and appropriate for the sale of the vehicles that may be sold under the license; and

(3) That business either:

(i) Maintains and operates an automotive repair facility equipped for reasonably adequate and proper servicing of the vehicles to be sold by it; or

(ii) Has an existing contract, approved by the Administration, that requires the contractor to service, at a reasonably convenient location, the vehicles to be sold by the business.

(b) (1) As to trailers, semitrailers, motorcycles, Class C (funeral and ambulance) vehicles, or emergency vehicles as defined in § 11–118(2), (5), and (7) of this article, the sale of these vehicles need not be the only or principal business conducted from the fixed location, but shall be subject to any reasonable location requirements determined by the Administration by rule or regulation.

(2) A wholesale dealer may be licensed under this subtitle regardless of whether the wholesale dealer meets the requirements of subsection (a)(1) and (3) of this section, but a wholesale dealer shall be subject to any reasonable location requirements determined by the Administration by rule or regulation.

(c) Notwithstanding the provisions of this section:

(1) Except as provided in paragraph (3) of this subsection, a new vehicle dealer, or a licensed vehicle salesman who is employed by the dealer, may participate in 2 annual vehicle shows for each dealer location.

(2) A display or exhibit of vehicles provided by a vehicle manufacturer is not a vehicle show under this section if buyers' orders are not executed and deposits are not accepted.

(3) (i) A new vehicle dealer franchised to sell Class M motor homes or Class G trailers, or a licensed salesman who is employed by the dealer, may participate in 3 annual vehicle shows.

(ii) A new vehicle dealer franchised to sell motorcycles, or a licensed salesman who is employed by the dealer, may participate in more than 2 annual vehicle shows.

(d) A vehicle dealer or licensed vehicle salesman listed in subsection (c) of this section may participate in a vehicle show if:

(1) The dealer holds a valid license issued under this title; and

(2) At least 60 days before the vehicle show, an application is filed with the Administration, for approval by the Administration, that contains:

(i) A list of the names and business addresses of participating dealers to the extent known;

(ii) The location of the vehicle show;

(iii) The specific dates on which the vehicle show will be held; and

(iv) Other reasonable information required by the Administration; and

(3) The vehicle show does not exceed 10 consecutive days and, except for motorcycle shows, is restricted to new vehicles only.

(e) (1) This subsection does not apply to a licensed motorcycle dealer or a licensed motorcycle salesman who is employed by the dealer.

(2) A licensed dealer, or a licensed vehicle salesman who is employed by the dealer, who participates in a vehicle show may execute a buyer's order and accept a deposit as provided in paragraph (3) of this subsection.

(3) A licensed dealer may not accept a deposit that:

(i) For an order for any vehicle, except a Class M motor home, exceeds 5 percent of the cost of the vehicle; or

(ii) For an order of a Class M motor home, exceeds 10 percent of the cost of the motor home.

(4) Except as otherwise provided in paragraph (2) of this subsection, a licensed dealer, or a licensed vehicle salesman who is employed by the dealer, shall conduct activities involved in a vehicle sale, including the completion of the sales contract, the issuance of temporary registration plates and a temporary registration certificate, and delivery of the vehicle, at the dealer's fixed location as shown in the dealer's application for the license.

(f) A licensed motorcycle dealer, or a licensed salesman who is employed at a vehicle show by the dealer, may conduct all activities involved in a motorcycle sale, including executing a buyer's order, accepting a deposit of any amount, completing the sales contract, issuing temporary registration plates and a temporary registration certificate, and delivery of the motorcycle.

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§ 15-305

(a) A license to deal in new vehicles may not be issued to any person unless the manufacturer or distributor of the vehicles is in compliance with the surety bond requirements of § 15-205 of this title.

(b) A license to deal in new vehicles may be issued only for a dealer in new vehicles who holds a franchise from:

(1) The manufacturer of the vehicles; or

(2) A distributor who is authorized by the manufacturer or the manufacturer's authorized importer of the vehicles.

(c) If an applicant for a license to deal in new vehicles seeks to qualify under subsection (b) of this section, the applicant shall submit with the application an exact copy of the required franchise.

(d) (1) If a franchise required by this section is terminated in accordance with § 15-209 of this title, the license of the dealer shall be suspended automatically unless, before the effective date of termination, the licensed dealer files satisfactory evidence that the franchise has been extended. The Administration immediately shall notify the licensee of

the suspension.

(2) (i) Notwithstanding paragraph (1) of this subsection, if a franchise issued to a licensee who deals in Class M motor homes or Class G travel trailers is terminated for any reason, the Administration may authorize the licensee to dispose of the Class M motor homes and Class G travel trailers that were in the dealer's inventory prior to the franchise termination without applying for a certificate of title in the dealership's name or paying the applicable excise tax.

(ii) The initial authorization period under subparagraph (i) of this paragraph may not exceed 12 months from the date of the franchise termination.

(iii) After the initial authorization period under subparagraph (i) of this paragraph, the Administration may review each situation on a case by case basis and determine whether a further extension of time to dispose of remaining inventory is warranted or whether the dealer shall be required to take title to any remaining Class M motor homes and Class G travel trailers in the dealer's inventory.

(e) (1) Notwithstanding subsections (a) and (f) of this section, a manufacturer or distributor may be licensed as a dealer if the manufacturer or distributor:

(i) Operates temporarily a dealership that:

1. Was previously owned by a franchised dealer; and
2. Is for sale to any qualified person at a reasonable price;

(ii) Operates a dealership in a bona fide relationship in which an independent person:

1. Has made a significant investment, subject to loss, in the dealership; and
2. Can reasonably expect to acquire full ownership of the dealership under reasonable terms and conditions; or

(iii) 1. Is a second-stage manufacturer as defined in § 13–113.2(a)(7) of this article; and

2. Deals only in Class E (truck) vehicles with a gross weight limit of 10,000 pounds or more, as defined in § 13–916 of this article.

(2) (i) Notwithstanding subsections (b) and (f) of this section and subject to subparagraph (ii) of this paragraph, a manufacturer or distributor may be licensed as a dealer if:

1. The manufacturer or distributor deals only in electric or nonfossil-fuel burning vehicles;
2. No dealer in the State holds a franchise from the manufacturer or distributor;
3. The manufacturer or distributor, or a subsidiary, an affiliate, or a controlled entity of the manufacturer or distributor, does not hold a controlling interest in another manufacturer or distributor, or a subsidiary, an affiliate, or a controlled entity of the other manufacturer or distributor, that is licensed as a dealer under this paragraph; and
4. No other manufacturer or distributor, or subsidiary, affiliate, or controlled entity of the other manufacturer or distributor, that is licensed as a dealer under this paragraph, holds a controlling interest in the manufacturer or distributor, or a subsidiary, an affiliate, or a controlled entity of the manufacturer or distributor.

(ii) No more than four licenses may be issued under this paragraph.

(iii) The Administration shall adopt regulations to implement this paragraph.

(f) A manufacturer or distributor, or a person who is acting for a partnership or corporation that is owned or controlled by or under common control with a manufacturer or distributor, may not sell a new vehicle to a retail buyer.

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§ 15-306

In addition to the information required under Subtitle 1 of this title, each application for a license shall include:

- (1) The type of dealership applied for;
- (2) If the application is made for a partnership, the name and address of each partner applying for the partnership;
- (3) If the application is made for a corporation or for a partnership by a corporate partner, the name and address of each of the officers applying for the corporation or partnership;

- (4) If the application is made for a corporation, the place of its incorporation; and
- (5) The nature of the business to be conducted at each address.

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§ 15-307

- (a) Each licensed dealer shall pay to the Administration an annual license fee established by the Administration for each license year or part of a license year for which the license is issued.
- (b) A licensed dealer need not pay more than one annual fee, regardless of the number of its business locations.
- (c) On payment of the fee required by this section and issuance of a dealer's license, the Administration also shall issue one vehicle salesman's license without further charge.

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§ 15-308

- (a) (1) After the Administration notifies an applicant of the approval of an application and before the Administration issues a license, the applicant shall file with the Administration a surety bond in the form and with the surety that the Administration approves.
- (2) The bond shall be for the applicant's primary location and all supplemental locations if all of the locations are licensed under the same dealer business license number.
- (b) The amount of the surety bond shall be:
 - (1) For a licensee who is licensed to deal only in trailers or semitrailers 15 feet or less in length, or only in boat trailers of any size \$5,000;
 - (2) For a licensee who is licensed to deal in the sale of new motor vehicles, an amount based on the number of new motor vehicle sales during the preceding license year, according to the following schedule:
 - (i) 1 to 500 vehicles \$50,000;
 - (ii) 501 to 1,000 vehicles \$75,000;
 - (iii) 1,001 to 2,500 vehicles \$100,000; and
 - (iv) Over 2,500 vehicles \$300,000; and
 - (3) For a licensee who is licensed to deal only in the sale of used motor vehicles, including wholesalers, or a licensee who is licensed to deal in the sale of trailers or semitrailers over 15 feet in length, an amount based on the number of used vehicle sales, or sales of trailers or semitrailers over 15 feet in length, during the preceding license year, according to the following schedule:
 - (i) 1 to 250 vehicles \$15,000;
 - (ii) 251 to 500 vehicles \$25,000;
 - (iii) 501 to 1,000 vehicles \$35,000;
 - (iv) 1,001 to 2,500 vehicles \$50,000; and
 - (v) Over 2,500 vehicles \$150,000.
- (c) (1) This subsection applies only to an applicant who:
 - (i) Applies for a license to deal in the sale of new or used vehicles; and
 - (ii) Was not licensed to sell vehicles during the preceding license year.
- (2) Subject to paragraph (3) of this subsection, the Administration shall base the amount of a surety bond for an applicant described in paragraph (1) of this subsection on the estimated volume of sales in the initial year in which the license is in effect.
- (3) The amount of the surety bond under paragraph (2) of this subsection may not be less than:
 - (i) For an applicant for a license to deal in the sale of new motor vehicles, \$50,000; or

(ii) For an applicant for a license to deal in the sale of either used vehicles or trailers or semitrailers over 15 feet in length, \$15,000.

(d) Notwithstanding subsection (c) of this section, if an applicant seeks a license for a location that is or that previously had been operated by a licensed dealer, the Administration may require a surety bond under subsection (b)(2) or (3) of this section based on the volume of sales at that location during a preceding license year.

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§ 15-309

A license issued under this subtitle authorizes the licensed dealer to conduct the business of a dealer in the types of vehicles specified in it during the license year for which it is issued.

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§ 15-310

Each license shall state:

- (1) The type of vehicles in which the licensee may deal;
- (2) The locations from which the licensee may deal in that type of vehicle;
- (3) If it is a license to deal in new vehicles, the make of new vehicles in which the licensee may deal;
- (4) As to a wholesale dealer, that the wholesale dealer may not sell a vehicle to or exchange vehicles with a retail buyer; and
- (5) As to a wholesale dealer, that the wholesale dealer may not buy, sell, or exchange new vehicles.

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§ 15-311

(a) A contract for the sale of a vehicle by a dealer shall contain a clear statement of:

- (1) The principal amount charged for the vehicle;
- (2) Any interest charged on the principal amount;
- (3) Any fee charged under § 13–610 of this article;
- (4) Any dealer processing charge, as defined in § 15–311.1 of this subtitle; and
- (5) Any other charge made in connection with the sale of the vehicle.

(b) In addition to the information required by subsection (a) of this section, a contract for the sale of a new vehicle shall include:

- (1) The base price of the vehicle;
- (2) The manufacturer's code or stock number for the vehicle; and
- (3) A clear and specific description of each extra item and each extra charge not included in the base price of the vehicle ordered by the buyer.

(c) If a licensee issues a stop sale directive applicable to a used vehicle manufactured by the licensee to a dealer that holds a franchise from the licensee and there are no remedies or parts available to fix the motor vehicle, the licensee shall compensate the dealer by:

- (1) Providing payment to the dealer at a rate of at least 1% per month or portion of a month of the value of the vehicle; or
- (2) Compensating the dealer under a national program that is applicable to all dealers holding a franchise from the licensee for the dealer's costs associated with the stop sale directive.

(d) When a vehicle arrives for delivery, the dealer shall advise the buyer of any extra items ordered by the buyer that are not on the vehicle.

(e) When a vehicle arrives for delivery, the dealer shall advise the buyer of any extra items on the vehicle that the buyer did not order.

(f) When a vehicle arrives for delivery, the dealer shall advise the buyer of the cost of extra items described under subsections (d) and (e) of this section.

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§ 15-312

(a) A dealer or an agent or employee of a dealer may not permit any individual to road test a motor vehicle if he knows that the other individual does not have a license to drive of the appropriate class.

(b) A dealer or an agent or employee of a dealer may not make any material misrepresentation in obtaining a vehicle sales contract.

(c) A dealer or an agent or employee of a dealer may not commit any fraud in the execution of or any material alteration of a contract, power of attorney, or other document incident to a sales transaction.

(d) A dealer or an agent or employee of a dealer may not prepare or accept any promissory note or other evidence of indebtedness on a vehicle sales contract knowing that it requires the debtor to pay an amount greater than that agreed on in the written contract for the sale of the vehicle.

(e) A dealer or an agent or employee of a dealer may not willfully fail to perform, without justification, any vehicle sales contract.

(f) A dealer or an agent or employee of a dealer may not materially deviate from or disregard, without the consent of the buyer, any of the original terms of the contract.

(g) A dealer or an agent or employee of a dealer may not willfully fail to comply with the terms of a warranty or guarantee.

(h) A dealer or an agent or employee of a dealer may not rent a dealer registration plate issued by the Administration.

(i) A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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§ 15-313

(a) A dealer or an agent or employee of a dealer may not use any advertisement that is in any way false, deceptive, or misleading.

(b) A dealer or an agent or employee of a dealer may not by any means advertise or offer to the public any vehicle without intent to sell it as advertised or offered.

(c) (1) A dealer or an agent or employee of a dealer:

(i) May not state the purchase price of a vehicle in an advertisement unless the price is the full delivered purchase price of the vehicle, excluding only taxes, title fees, and any freight or dealer processing charge disclosed in accordance with § 15-311.1 of this subtitle; and

(ii) Shall print the full delivered purchase price in a vehicle advertisement in the largest font used in the advertisement to provide any information related to the price of the vehicle.

(2) The advertisement of a leased vehicle by a dealer is governed under Title 14, Subtitle 20 of the Commercial Law Article.

(d) (1) A dealer or an agent or employee of a dealer may not place on a vehicle an insignia, logo, or other plate that advertises the name of the dealer, unless:

(i) The contract of sale for the vehicle contains a notice of the rights of the buyer described in this subsection; and

(ii) The buyer of the vehicle consents to the placement of the insignia, logo, or other plate on the vehicle.

(2) A dealer or an agent or employee of a dealer may enter into an agreement with a buyer of a vehicle to compensate the buyer in exchange for the buyer's consent to the placement on the vehicle of an insignia, logo, or other plate that advertises the name of the dealer.

(3) If a dealer or an agent or employee of a dealer places an insignia, logo, or other plate that advertises the name of the dealer without obtaining a buyer's consent, the dealer shall, at the request of the buyer, remove the advertising and make

all repairs necessary to restore the vehicle to its original appearance at no charge to the buyer.

(e) A dealer or an agent or employee of a dealer may not sell a Class A (passenger) or Class M (multipurpose) vehicle that has a maximum speed capability of more than 25 miles per hour but less than 55 miles per hour unless the dealer:

- (1) Permanently affixes an emblem to the vehicle in accordance with § 21-805.1 of this article; and
- (2) Informs the buyer in writing that the vehicle may be driven lawfully only on highways on which the speed capability of the vehicle exceeds the posted maximum speed limit for the highway by at least 5 miles per hour.

(f) A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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§ 15-314

(a) A dealer or an agent or employee of a dealer may not misrepresent any material fact in obtaining a license.

(b) A dealer or an agent or employee of a dealer may not conduct a dealership in any name other than the one in which the dealer is licensed.

(c) A dealer or an agent or employee of a dealer may not willfully fail to notify the Administration of any change of ownership, management, business name, or location or of the employment of vehicle salesmen, as required by this title.

(d) A dealer or an agent or employee of a dealer may not do any vehicle sales business with or through any person required to be licensed under this title if he knows that the person is not licensed.

(e) A dealer or an agent or employee of a dealer may not sell any new motor vehicle, or new two-stage motor vehicle unless the manufacturer or distributor of the vehicle is licensed as required by this title.

(f) A dealer or an agent or employee of a dealer may not willfully fail to comply with any rule, regulation, or lawful order adopted by the Administration under this title.

(g) A dealer or an agent or employee of a dealer may not willfully violate any of the dealer licensing laws of this State.

(h) A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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§ 15-315

(a) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that:

- (1) The person, his management personnel, or any other person who has a direct or indirect financial interest in the dealership is untrustworthy, lacks competence, or has been convicted by final judgment in any court of a crime of moral turpitude;
- (2) The vehicle sales transactions of the person have been marked by a practice of failure to perform contracts or by fraud or bad faith;
- (3) The person or the manufacturer or distributor of the vehicles in which the person deals is not in compliance with the surety bond requirements of § 15-205 of this title; or
- (4) The person has failed to comply with any of the provisions of the Maryland Vehicle Law relating to the registration of vehicles, certificates of title, and the sale of vehicles.

(b) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or refusal to renew a license under this section, the Administrator may order the licensee to pay a fine not exceeding \$1,000 for each violation of this subtitle.

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§ 15-401

In this subtitle, "license" means a vehicle salesman's license issued by the Administration under this subtitle.

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§ 15-402

(a) A person may not act as a vehicle salesman unless the person is licensed by the Administration under this subtitle.

(b) Any person who has been refused a vehicle salesman's license in this State or whose vehicle salesman's license is revoked or suspended may not conduct the business of a vehicle salesman under any license, permit, or registration certificate issued by any other jurisdiction.

(c) A person convicted of a violation of this section is subject to:

- (1) For a first offense, imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both; and
- (2) For a second or subsequent offense, imprisonment not exceeding 1 year or a fine not exceeding \$2,000 or both.

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§ 15-403

A license may not be issued under this subtitle to a partnership, corporation, or other entity. It only may be applied for by and issued to an individual.

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§ 15-404

(a) A person may not be licensed under this subtitle unless the person:

- (1) Is a licensed dealer; or
- (2) Is employed as a vehicle salesman by a licensed dealer.

(b) Unless the applicant is himself a licensed dealer, each application for a license shall contain or be accompanied by the written statement of the licensed dealer by whom the applicant is or will be employed, certifying that the applicant has been accepted by the licensed dealer for employment as a vehicle salesman. The written statement shall be signed on behalf of the licensed dealer by a person authorized under this title to sign an application for a dealer's license.

(c) If a dealer makes a certified statement under this section, the dealer immediately shall notify the Administration of any termination of employment of the salesman.

(d) The notification required under subsection (c) of this section shall be made on the form that the Administration requires.

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§ 15-405

In addition to the information required under Subtitle 1 of this title, each application for a license shall include:

- (1) The name and business address of the licensed dealer by whom the applicant is or will be employed; or
- (2) A statement that the applicant is himself a licensed dealer.

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§ 15-406

(a) Except as otherwise provided in this title, each licensee shall pay an annual fee to the Administration for each license year or part of a license year for which the license is issued.

(b) The annual license fee shall be established by the Administration.

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§ 15-408

A license issued under this subtitle authorizes the licensee to be a vehicle salesman for a licensed dealer during the license year for which it is issued.

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§ 15-409

- (a) Each license shall state the name of the licensed dealer by whom the licensee is employed, as specified in the application for the license.
- (b) A licensed vehicle salesman may not act as a vehicle salesman for any person other than the licensed dealer named in the salesman's license.
- (c) A licensed vehicle salesman may act as a vehicle salesman for any dealership that is at least 60 percent owned by the licensed dealer named in the salesman's license.

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§ 15-410

A contract for the sale of a vehicle by a vehicle salesman shall comply with the requirements of § 15-311 of this title on contracts by a dealer.

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§ 15-411

- (a) A vehicle salesman may not fail to account for and remit to his dealership any payment received by him in connection with a vehicle sales contract.
- (b) A vehicle salesman may not do any act that a dealer is prohibited from doing under § 15-312 of this title as to vehicle sales transactions.
- (c) A vehicle salesman may not do any act that a dealer is prohibited from doing under § 15-313 of this title on prohibited advertising practices.
- (d) A vehicle salesman may not misrepresent any material fact in obtaining a license.
- (e) A vehicle salesman may not do any vehicle sales business with or through any person required to be licensed under this title if he knows that the person is not licensed.
- (f) A vehicle salesman may not willfully fail to comply with any rule, regulation, or lawful order adopted by the Administration under this title.
- (g) A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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§ 15-412

In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that:

- (1) The person has been convicted by final judgment in any court of a crime of moral turpitude; or
- (2) The vehicle sales transactions of the person have been marked by a practice of failure to perform contracts or by fraud or bad faith.

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§ 15-501

- (a) In this subtitle the following words have the meanings indicated.
- (b) (1) "Automotive dismantler and recycler" means a person in the business of:
- (i) Dismantling, destroying, or scrapping any vehicle for the purpose of reselling any of its usable parts; or
 - (ii) Otherwise acquiring vehicles for the benefit of their parts or the materials in them.
- (2) Notwithstanding any provision to the contrary, any reference to a wrecker in any statute, rule, or regulation shall apply to an automotive dismantler and recycler.

(c) "License" means an automotive dismantler's or recycler's or scrap processor's license issued by the Administration under this subtitle.

(d) "Scrap processor" means a person in a business:

- (1) That has facilities for processing iron, steel, and nonferrous scrap metal; and
- (2) The principal product of which is scrap iron, scrap steel, and nonferrous scrap for sale only for resmelting purposes.

(e) "Vehicle" means any vehicle, or the body or chassis of any vehicle, that is to be dismantled, destroyed, or scrapped.

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§ 15-502

(a) A person may not conduct the business of an automotive dismantler and recycler or a scrap processor, or engage in the business of acquiring or offering to purchase or remove vehicles which are to be dismantled in whole or in part by that person for the sale of usable parts, unless the person is licensed by the Administration under this subtitle.

(b) (1) A person may not advertise for the purchase, towing, or removal of junk or abandoned vehicles unless the person is licensed by the Administration under this subtitle.

(2) Any advertisement for the purchase, towing, or removal of junk or abandoned vehicles by a licensee under this subtitle shall include the license number of the licensee.

(c) A person may not store on any private property for more than 30 days any vehicle that is to be dismantled, destroyed, or scrapped, unless the person is an automotive dismantler and recycler or a scrap processor licensed under this subtitle.

(d) This section does not prohibit an unlicensed person from purchasing, transporting, towing, or removing a vehicle to a licensed automotive dismantler and recycler or a licensed scrap processor for dismantling, destroying, or scrapping.

(e) A person convicted of a violation of subsection (a) of this section is subject to:

- (1) For a first offense, imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both; and
- (2) For a second or subsequent offense, imprisonment not exceeding 1 year or a fine not exceeding \$2,000 or both.

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§ 15-503

(a) A person may not be licensed under this subtitle unless:

(1) The business to be conducted under the license is conducted from a building that is adequate and appropriate for the business;

(2) That business has a storage area large enough for at least 25 vehicles; and

(3) At the fixed location from which the business is conducted, as specified in the application, there is a substantial and legible sign:

(i) That advertises the type of business conducted at the location; and

(ii) That is placed in a way so as to be seen readily by the public.

(b) A person may not be licensed as a scrap processor unless the person maintains the following equipment suitable for processing vehicle scrap:

(1) A hydraulic baler and shears;

(2) A shredder; or

(3) Any other suitable equipment that the Administration requires by rule or regulation.

(c) A person licensed under this subtitle at a fixed location, as specified in the application, on or before December 31, 1985, and the person's successors or assigns, may not be refused permission to operate at the fixed location solely because any portion of the fixed location is within the 100-year floodplain of waters of the State as defined in § 8-101 of the Natural Resources Article.

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§ 15-504

The Administration shall submit a copy of each application for a license under this subtitle to the Maryland Department of Health, for its comments on matters relating to air pollution and health.

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§ 15-505

(a) Each licensee shall pay an annual fee to the Administration for each license year or part of a license year for which the license is issued.

(b) The annual license fee shall be established by the Administration.

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§ 15-506

A license issued under this subtitle authorizes the licensee to conduct the business of an automotive dismantler and recycler or scrap processor, as the case may be, during the license year for which it is issued.

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§ 15-507

(a) Except as provided in subsection (c) of this section, any person who transfers a vehicle to an automotive dismantler and recycler or scrap processor shall execute an assignment and warranty of title on:

(1) The certificate of title issued for the vehicle by this State or any other state; or

(2) Any other documentary evidence of ownership acceptable to the Administration.

(b) Except as provided in subsection (c) of this section, any person who transfers a vehicle to an automotive dismantler and recycler or scrap processor shall deliver the certificate of title or other documentary evidence of ownership to the automotive dismantler and recycler or scrap processor at the time of the transfer.

(c) If a person holds an assigned certificate of title or any other documentary evidence of ownership acceptable to the Administration, the person:

(1) May transfer the vehicle to an automotive dismantler and recycler or scrap processor by endorsing a reassignment and warranty of title on the forms that the Administration requires; and

(2) Need not obtain a certificate of title in the person's own name.

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§ 15-509

(a) (1) If an automotive dismantler and recycler or scrap processor takes possession of a vehicle from a person other than the owner of the vehicle and does not receive a certificate of title, a certificate of authority under § 25–209 of this article, or other documentary evidence of ownership acceptable to the Administration, the automotive dismantler and recycler or scrap processor shall comply with this section.

(2) This section does not apply to a vehicle towed from residential or commercial property under a continuing contract to tow unauthorized vehicles, for which a certificate of authority is required to be obtained under § 25–209 of this article.

(b) (1) As soon as reasonably possible and within 7 days after it takes a vehicle into possession from a person other than the owner of the vehicle, an automotive dismantler and recycler or scrap processor shall send a notice, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:

(i) The last known registered owner of the vehicle; and

(ii) Each secured party, as shown on the records of the Administration.

(2) The notice shall:

(i) State that the vehicle has been taken into custody;

(ii) Describe the year, make, model, and vehicle identification number of the vehicle;

(iii) Give the location of the facility where the vehicle is held;

(iv) Inform the owner and secured party of the owner's and secured party's right to reclaim the vehicle within 11 working days after the date of the notice, on payment of all towing, recovery, and storage charges owed to the automotive dismantler and recycler or scrap processor resulting from taking or holding the vehicle; and

(v) State that the failure of the owner or secured party to exercise this right in the time provided is:

1. A waiver by the owner or secured party of all of the owner's or secured party's right, title, and interest in the vehicle; and

2. A consent to the dismantling, destroying, or scrapping of the vehicle.

(c) If the automotive dismantler and recycler or scrap processor receives with the vehicle documentary proof that the notification procedures of subsection (b) of this section already have been completed by another person before taking possession of the vehicle or that the vehicle is being received from the owner of the vehicle or an agent of the owner, the automotive dismantler and recycler or scrap processor may accept documentation as to notice or ownership as proof of compliance and is not required to repeat provision of this notification.

(d) In addition to documentation of notice under subsections (b) and (c) of this section, an automotive dismantler and recycler or scrap processor shall obtain from a person who provides the vehicle:

(1) An affidavit in a form approved by the Administration signed under penalty of perjury by the person providing the vehicle;

(2) A copy of the driver's license of the person who provides the vehicle;

(3) Any proof of ownership documents acceptable to the Administration, if available; and

(4) If the vehicle is transported by a tow vehicle, a copy of the registration of the tow vehicle.

(e) An affidavit under subsection (d) of this section shall include:

(1) A statement that the person providing the vehicle has the lawful right to possess the vehicle and the basis of that right;

(2) A statement that, except as provided in § 25–209 of this article, the vehicle may not be retitled and may only be dismantled, destroyed, or scrapped;

(3) A description of the vehicle, including year, make, model, color, and vehicle identification number;

(4) The name, address, driver's license number, and signature of the person providing the vehicle;

(5) An acknowledgement that:

(i) The form is being signed under penalty of perjury; and

(ii) The penalties established under subsection (k) of this section apply;

(6) The date the vehicle is provided to the automotive dismantler and recycler or scrap processor;

(7) The name, address, and State-issued license number of the automotive dismantler and recycler or scrap processor acquiring the vehicle; and

(8) The printed name, title, and signature of the person accepting the vehicle.

(f) The automotive dismantler and recycler or scrap processor shall keep and make available for inspection by a law enforcement agency for 3 years under procedures adopted by the Administration by regulation:

(1) All documentation of notice provided under subsection (b) or (c) of this section; and

(2) All additional documentation required to be obtained or kept on file under subsection (d) of this section.

(g) An automotive dismantler and recycler or scrap processor may not accept a vehicle that is transported by a tow truck unless the tow truck is registered under § 13–920 of this article.

(h) On receipt of a vehicle, an automotive dismantler and recycler or scrap processor shall comply with procedures for notification, reporting, and document retention as established by the Administration by regulation.

(i) The automotive dismantler and recycler or scrap processor takes unencumbered title to the vehicle for the purpose of dismantling, recycling, or scrap processing, without having to obtain a certificate of title for it in his own name, if:

(1) The automotive dismantler and recycler or scrap processor has complied with this section; and

(2) The vehicle has not been recovered or reclaimed, before the end of the 11–working day period specified in the notice, by the owner, secured party, or other person entitled to its possession.

(j) A person may not knowingly make a false statement on an affidavit of lawful possession under this section.

(k) A person who violates subsection (j) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$1,000 or both.

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§ 15-511

(a) Each automotive dismantler and recycler and each scrap processor shall keep an accurate and complete record of all vehicles acquired in the person's business.

(b) The records shall contain, for each vehicle acquired:

(1) The name and address of the person from whom the vehicle was acquired;

(2) The date on which it was acquired;

(3) Documentary evidence acceptable to the Administration of ownership of the vehicle;

(4) Any information required under § 17–1009(b) of the Business Regulation Article; and

(5) Any other information that the Administration requires.

(c) (1) Except as provided in paragraph (3) of this subsection, within 30 days after an automotive dismantler and recycler or scrap processor acquires title to a vehicle, the automotive dismantler and recycler or scrap processor shall, electronically and in a form prescribed by the Administration, notify the Administration or the Administration's designee of the acquisition.

(2) Immediately after giving the notice required under paragraph (1) of this subsection, the automotive dismantler and recycler or scrap processor may dispose of the vehicle for dismantling or scrapping.

(3) Paragraph (1) of this subsection does not apply to a vehicle acquired through a salvage certificate issued by the Administration or by the appropriate government agency of another state.

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§ 15-513

(a) An automotive dismantler and recycler may not store vehicles at his place of business at a density of more than 250 vehicles for any 1 acre if the vehicles are not crushed.

(b) (1) An automotive dismantler and recycler may not store vehicles at the automotive dismantler and recycler's place of business at a density of more than 500 vehicles per acre if the vehicles are crushed.

(2) Crushed vehicles may not be stored on more than 1 acre per place of business.

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§ 15-514

(a) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that the person has violated any applicable rule or regulation of the Maryland Department of Health.

(b) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or refusal to renew a license under this section, the Administration may order the licensee to pay a fine not exceeding \$1,000 for each violation of this subtitle.

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§ 15-515

Except as otherwise provided in this subtitle, a person convicted of a violation of this subtitle is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 15-601

(a) In this subtitle the following words have the meanings indicated.

(b) "License" means a title service agent's license issued by the Administration under this subtitle.

(c) (1) "Title service agent" means any person in the business of physically or electronically transporting to and from the Administration certificates of title, registrations, drivers' licenses, certified copies of records, and other related documents.

(2) "Title service agent" does not include a licensed dealer or employee of a licensed dealer who conducts the activities described in paragraph (1) of this subsection only on behalf of the business of that dealer.

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§ 15-602

A person may not conduct the business of a title service agent unless the person is licensed by the Administration under this subtitle.

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§ 15-603

(a) Each licensee shall pay an annual fee to the Administration for each license year or part of a license year for which the license is issued.

(b) The annual license fee shall be established by the Administration.

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§ 15-604

(a) This section does not apply to:

(1) A licensed dealer who is in compliance with the surety bond requirement of Subtitle 3 of this title; or

(2) A motor club that is in compliance with the surety bond requirement of § 26–204 of the Insurance Article.

(b) After the Administration notifies an applicant of the approval of an application and before the Administration issues a license, the applicant shall file with the Administration a surety bond in the form and with the surety that the Administration approves.

(c) The amount of the surety bond shall be \$50,000.

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§ 15-605

A license issued under this subtitle authorizes the licensee to conduct the business of a title service agent during the license year for which it is issued.

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§ 15-606

(a) A title service agent or an agent or employee of a title service agent may not make any material misrepresentation on any form of the Administration.

(b) A title service agent or an agent or employee of a title service agent may not misrepresent any material fact in obtaining a license.

(c) A title service agent or an agent or employee of a title service agent may not willfully fail to notify the Administration of any change in the ownership, management, name, or location of the business conducted under the license.

(d) A title service agent or an agent or employee of a title service agent may not fail to account for and remit to the Administration any fees received by him for any certificates of title, registrations, drivers' licenses, certified copies of records, or other related documents.

(e) A title service agent or an agent or employee of a title service agent may not conduct any title service agency business with or through any person required to be licensed under this title if he knows that the person is not licensed.

(f) A title service agent or an agent or employee of a title service agent may not willfully violate any provision of the Maryland Vehicle Law that relates to the business of a title service agent.

(g) A title service agent or an agent or employee of a title service agent may not willfully fail to comply with any rule, regulation, or lawful order adopted by the Administration under this title.

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§ 15-607

(a) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that:

(1) The person, his management personnel, or any other person who has a direct or indirect financial interest in the title service agency is untrustworthy, lacks competence, or has been convicted by final judgment in any court of a crime of moral turpitude; or

(2) The title service agency transactions of the person with the Administration have been marked by fraud or bad faith.

(b) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or refusal to renew a license under this section, the Administration may order the licensee to pay a fine not exceeding \$1,000 for each violation of this subtitle.

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§ 15-608

(a) A title service agent that, on behalf of the Administration, collects and remits the vehicle excise tax imposed under Title 13, Subtitle 8 of this article may keep the lesser of \$12 per vehicle or 0.6% of the gross excise tax that the title service agent collects.

(b) Each title service agent that collects any tax or fee required for titling a vehicle shall:

(1) Keep complete and accurate records of each taxable sale, together with a record of the tax collected on the sale;

(2) Keep copies of every invoice, bill of sale, and other pertinent documents and records, in the form that the Administration requires; and

(3) Preserve these records in original form for at least 3 years, unless the Administration consents in writing to their earlier destruction or, by order, requires that they be kept for a longer period.

(c) Each title service agent that collects any tax or fee required for titling a vehicle shall, during business hours, allow any representative of the Administration and any police officer full access to the documents and records required to be kept under subsection (b) of this section.

(d) If the Administration finds that the records of a title service agent are inadequate or incorrect and that the amount of excise tax collected for the Administration on these sales cannot be determined accurately from the records:

(1) The Administration shall determine the taxable sales facilitated by the title service agent for the period involved and compute the tax from the best information available; and

(2) The determination and computation of the Administration are prima facie correct.

(e) (1) If, under subsection (d) of this section, the Administration determines the taxable sales of vehicles facilitated by the title service agent and computes the tax due, the Administration shall:

(i) Levy an assessment against the title service agent for the deficiency, interest, and penalties in the manner authorized in §§ 13-401, 13-601, and 13-701 of the Tax – General Article; and

(ii) Notify the title service agent of the tax due and the amount of the deficiency assessment.

(2) If the title service agent fails to pay the tax and assessment within 10 days after receiving the notice from the Administration, the Administration may levy, in addition to the tax and assessment, a penalty equal to 25% of the tax due.

(f) If a title service agent fails to keep any records of sales of vehicles, the Administration may compute the tax due as provided in § 13–407 of the Tax – General Article.

(g) All amounts received from a title service agent under this section shall be credited:

- (1) First, to any penalty and interest accrued under this section; and
- (2) Then, to the tax due.

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§ 15-701

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Drivers’ school” means, except as provided in paragraph (2) of this subsection, any person in the business of giving instruction in the driving of motor vehicles.

(2) “Drivers’ school” does not include:

(i) Any public school or other noncollegiate educational institution giving instruction in the driving of motor vehicles during its normal school hours and not charging a fee for this instruction; or

(ii) Any college, university, or other institution of postsecondary education approved by the Maryland Higher Education Commission.

(c) “License” means a drivers’ school license issued by the Administration under this subtitle.

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§ 15-702

A person may not conduct a drivers’ school unless the person is licensed by the Administration under this subtitle.

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§ 15-703

Each application for a license shall be accompanied by a nonrefundable application fee established by the Administration.

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§ 15-704

(a) Each licensee shall pay an annual license fee to the Administration for each license year for which the license is issued.

(b) The annual license fee shall be established by the Administration.

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§ 15-705

(a) After the Administration notifies an applicant of the approval of an application and before the Administration issues a license, the applicant shall file with the Administration a surety bond in the form and with the surety that the Administration approves.

(b) The amount of the surety bond shall be \$40,000.

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§ 15-706

Each applicant for a license shall furnish and maintain with the Administration, as to each of its vehicles used for instruction, proof of financial responsibility in the form and amount that the Administration requires.

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§ 15-707

(a) A license issued under this subtitle authorizes the licensee to conduct a drivers’ school during the license year for which the license is issued.

(b) The license shall be displayed conspicuously at the location from which the business of the licensee is conducted.

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§ 15-708

Each licensee shall maintain all vehicles used for instruction in the condition that the Administration requires.

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§ 15-709

A drivers' school may not:

- (1) Provide or offer to provide any instruction in driving unless the individual who gives the instruction is a driving instructor employed by it; or
- (2) Employ any individual as a driving instructor unless that individual:
 - (i) Is licensed to drive under Title 16 of this article;
 - (ii) Has completed the instructor certification program approved by the Administration; and
 - (iii) Is licensed as a driving instructor under Subtitle 8 of this title.

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§ 15-710

(a) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that:

- (1) The person has made a material misrepresentation or concealed a material fact in obtaining a license;
 - (2) The person is not the true owner of the drivers' school;
 - (3) The person or any partner, officer, director, or stockholder of the person, or any other person who has a direct or indirect interest in the drivers' school:
 - (i) Was the holder of a drivers' school license that was suspended or revoked by the Administration; or
 - (ii) Was an officer, director, stockholder, or partner in a drivers' school the license of which was suspended or revoked by the Administration;
 - (4) The person or any partner, officer, agent, or employee of the person has committed any fraud in connection with the business conducted under the license, including:
 - (i) Inducing any individual to obtain a driver's license by illegal or improper means;
 - (ii) Representing or implying to any individual by word or deed that a driver's license or any other license, registration, or other document or service granted by the Administration may be obtained by any means other than those specified by law; or
 - (iii) Furnishing or obtaining by illegal or improper means any license, registration, or other document or service granted by the Administration, or requesting or accepting money for that purpose; or
 - (5) As to any drivers' school that is a participant in the Maryland driver education program, the person has failed to comply with any of the provisions of or any of the rules and regulations adopted under the Maryland Driver Education Program Act.
- (b) Notwithstanding the renewal of any license, the Administration may revoke or suspend that license for any violation or other cause, as permitted by this title, that occurred during the 2 license years immediately preceding the renewal.
- (c) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or refusal to renew a license under this section, the Administration may order the licensee to pay a fine not exceeding \$1,000 for each violation of this subtitle.

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§ 15-801

(a) In this subtitle the following words have the meanings indicated.

(b) "Driving instructor" means any individual who:

(1) For compensation, under any form of agreement or arrangement with a drivers' school, gives or offers to give instruction in the driving of motor vehicles; or

(2) Otherwise gives or offers to give any other individual instruction in the driving of motor vehicles and receives or expects to receive compensation for that instruction.

(c) "License" means a driving instructor's license issued by the Administration under this subtitle.

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§ 15-802

A person may not act as a driving instructor unless the person is licensed by the Administration under this subtitle.

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§ 15-803

(a) A person may not be licensed under this subtitle unless the person:

(1) Is an individual of good reputation and moral character;

(2) Is licensed to drive under Title 16 of this article;

(3) Has completed the instructor certification program approved by the Administration; and

(4) Is either:

(i) Licensed under Subtitle 7 of this title to conduct a drivers' school; or

(ii) Employed as a driving instructor by a licensed drivers' school.

(b) Unless the applicant himself is licensed to conduct a drivers' school, each application for a license shall contain or be accompanied by the written statement of the licensed drivers' school by whom the applicant is or will be employed, certifying that the applicant has been accepted as a driving instructor. The written statement shall be signed on behalf of the licensed drivers' school by a person authorized under this title to sign an application for a drivers' school license.

(c) If a drivers' school makes a certified statement under this section, the drivers' school immediately shall notify the Administration of any termination of employment of the driving instructor.

(d) The notification required under subsection (c) of this section shall be made on the form that the Administration requires.

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§ 15-804

(a) In addition to the information required under § 15-102 of this title, each application for a license shall include:

(1) The name and business address of the drivers' school by whom the applicant is or will be employed; or

(2) A statement that the applicant himself is licensed to conduct a drivers' school.

(b) (1) In this subsection, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

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

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

(i) One complete set of the applicant's legible fingerprints taken in a manner approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

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

(iii) 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 10–229 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Administration the applicant's criminal history record information.

(5) If criminal history record information is reported to the Central Repository after the date of the criminal history records check, the Central Repository shall provide to the Administration a revised printed statement of the individual's criminal history record information.

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

(i) Is confidential and may not be disseminated; and

(ii) Shall be used only for the licensing purpose authorized by this subsection.

(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 as provided in § 10–223 of the Criminal Procedure Article.

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§ 15-805

(a) Each licensee shall pay an annual fee to the Administration for each year for which the license is issued.

(b) The annual fee shall be established by the Administration.

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§ 15-806

The license authorizes the licensee to be a driving instructor for a licensed drivers' school during the license year for which it is issued.

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§ 15-807

(a) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that the person:

(1) Has been convicted of a crime of moral turpitude; or

(2) As to any driving instructor that is a participant in the Maryland driver education program, the person has failed to comply with any of the provisions of or any of the rules and regulations adopted under the Maryland Driver Education Program Act.

(b) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or refusal to renew a license under this section, the Administration may order the licensee to pay a fine not exceeding \$1,000 for each violation of this subtitle.

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§ 15-901

(a) In this subtitle the following words have the meanings indicated.

(b) "Automated driving standards" means the six levels of driving automation established under the SAE International J3016 standard.

(c) "Automated driving system" means the hardware and software that are collectively capable of performing part or all of the dynamic driving task on a sustained basis, regardless of whether the driving task is limited to a specific operational design domain.

(d) "Autonomous vehicle converter" means a person that:

(1) Alters or modifies a new or used motor vehicle by addition, substitution, or removal of components, other than readily attachable components, in compliance with all applicable motor vehicle safety requirements established under federal law; and

(2) Assembles, installs, and affixes an automated driving system to a new or used motor vehicle in such a manner that converts the vehicle into a converted autonomous vehicle.

(e) "Converted autonomous vehicle" means a motor vehicle that:

(1) Is equipped with an aftermarket automated driving system capable of operating in accordance with some or all of the automated driving standards;

(2) Meets or exceeds weight or capacity thresholds established under federal law; and

(3) Is capable of operating in accordance with applicable State and federal law.

(f) "Operational design domain" means operating conditions under which a given automated driving system is specifically designed to function, including conditions subject to:

(1) Environmental restrictions;

(2) Geographic restrictions;

(3) Time-of-day restrictions; or

(4) The required presence or absence of certain traffic or roadway characteristics.

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§ 15-902

This subtitle applies only to motor vehicles intended for commercial or industrial use.

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§ 15-903

(a) Notwithstanding any other provision of this article, an autonomous vehicle converter may sell, transfer, lease, offer for sale, or resell:

(1) A converted autonomous vehicle; or

(2) A motor vehicle purchased by an autonomous vehicle converter with the intent to convert the motor vehicle into a converted autonomous vehicle.

(b) An autonomous vehicle converter may not be licensed under this title as a manufacturer, distributor, or factory branch or as a dealer.

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§ 15-1001

(a) In this subtitle the following words have the meanings indicated.

(b) "Area of sales" means the geographical area agreed to by the dealer and the manufacturer in an agreement that grants the dealer the exclusive right to display or sell the manufacturer's new recreational vehicles of a particular line—make.

(c) (1) "Coerce" means to compel or attempt to compel an action or inaction by threat of harm, breach of contract, or other adverse action or consequences.

(2) "Coerce" includes threatening to terminate, cancel, or not renew a dealer agreement without good cause, or hold or delay product delivery as an inducement to amend the dealer agreement.

(d) "Dealer" means any person licensed or required to be licensed to sell recreational vehicles.

(e) "Dealer agreement" means a written agreement or contract entered into between a dealer and a manufacturer or distributor:

(1) That states the rights and responsibilities of the parties; and

- (2) Under which the dealer may sell new recreational vehicles.
- (f) "Distributor" means any person that purchases new recreational vehicles for resale to dealers.
- (g) "Factory branch" means a branch office of a manufacturer from which the manufacturer:
- (1) Sells or promotes sales of a particular brand or make of new recreational vehicles to dealers in the State;
 - (2) Directs and supervises the manufacturer's representatives in the State; or
 - (3) Supervises or contacts dealers or prospective dealers in the State.
- (h) "Factory campaign" means an effort on the part of a warrantor to contact recreational vehicle owners or dealers to address a part or equipment issue.
- (i) "Family member" means a spouse, child, grandchild, parent, sibling, niece, or nephew, or a spouse of a child, grandchild, parent, sibling, niece, or nephew.
- (j) "License" means a manufacturer, distributor, or factory branch license issued by the Administration under this subtitle.
- (k) "Line-make" means a specific series of recreational vehicles that:
- (1) Is targeted to a particular market segment, as determined by its decor, features, equipment, size, weight, and price range;
 - (2) Has lengths and interior floor plans that distinguish the recreational vehicles from other similar models; and
 - (3) Belongs to a single distinct classification of recreational vehicle product type that has a substantial degree of commonality in the construction, chassis, frame, and body style.
- (l) "Manufacturer" means any person engaged in the manufacturing of recreational vehicles.
- (m) "Model" means a series of recreational vehicle products identified by a common series trade name or trademark.
- (n) "Proprietary part" means any part manufactured by or for the manufacturer or sold exclusively by the manufacturer.
- (o) (1) "Recreational vehicle" means a vehicle that is:
- (i) Either self-propelled or towed by a tow vehicle; and
 - (ii) Designed to provide temporary living quarters for recreational, camping, or travel use.
- (2) "Recreational vehicle" includes:
- (i) A motor home;
 - (ii) A travel trailer;
 - (iii) A fifth-wheel travel trailer;
 - (iv) A truck camper; and
 - (v) A folding camping trailer.
- (p) "Transient customer" means a customer who is temporarily traveling through a dealer's area of sales.
- (q) (1) "Warrantor" means any person that gives a warranty in connection with new recreational vehicle parts, accessories, or components.
- (2) "Warrantor" does not include service contracts, insurance, or extended warranties sold for separate consideration by a dealer or person not affiliated with a manufacturer or distributor.

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§ 15-1002

- (a) A manufacturer may not transfer any new recreational vehicle to any dealer or distributor in the State unless the manufacturer is licensed by the Administration under this subtitle.
- (b) A distributor may not transfer any new recreational vehicle to any dealer in the State unless the distributor is licensed by the Administration under this subtitle.
- (c) A person may not conduct the business of a factory branch of a recreational vehicle manufacturer unless the person is licensed by the Administration under this subtitle.

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§ 15-1003

(a) In addition to the information required under Subtitle 1 of this title, each application for a license under this subtitle shall include:

- (1) The address of the principal place of business of the applicant;
- (2) The address of each place of business from which the applicant will make substantial contacts with dealers in the State; and
- (3) The nature of the business to be conducted at each address.

(b) Each applicant for a license shall submit as part of the application:

- (1) A copy of each form for any new vehicle warranty currently provided or offered by the applicant;
- (2) A copy of each franchise contract and any other contract with dealers used by the applicant, together with a list of dealers in the State who hold a franchise from the applicant;
- (3) A copy of the vehicle preparation and delivery obligations of the dealers described in item (2) of this subsection; and
- (4) A statement of the compensation structure the applicant agrees to pay a dealer for parts supplied and work done by a dealer under:
 - (i) The preparation and delivery obligations of the dealer; or
 - (ii) Any outstanding express or implied new recreational vehicle warranty.

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§ 15-1004

(a) Each licensee shall pay an annual fee to the Administration for each license year or part of a license year for which the license is issued.

(b) The annual license fee for a manufacturer or a distributor shall be established by the Administration based on the combined number of new recreational vehicles transferred by the manufacturer or distributor to dealers in the State during the preceding license year.

(c) The annual license fee for a factory branch shall be established by the Administration.

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§ 15-1005

(a) After the Administration notifies a manufacturer or distributor of new recreational vehicles of the approval of an application for a license and before the Administration issues a license, the manufacturer or distributor shall file with the Administration a surety bond in the form and with the surety that the Administration requires.

(b) (1) The amount of the surety bond shall be based on the number of new recreational vehicles transferred by the manufacturer or distributor to dealers in the State during the preceding license year, as follows:

- (i) If 1 to 50 vehicles were transferred, a \$25,000 surety bond;
- (ii) If 51 to 500 vehicles were transferred, a \$50,000 surety bond;
- (iii) If 501 to 10,000 vehicles were transferred, a \$100,000 surety bond; and
- (iv) If more than 10,000 vehicles were transferred, a \$300,000 surety bond.

(2) Each surety bond shall continuously maintain the amount specified in this subsection.

(3) A manufacturer or distributor need not file more than one bond regardless of the number of makes of recreational vehicles manufactured or distributed.

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§ 15-1006

A license issued under this subtitle authorizes the licensee to conduct the business of a manufacturer, distributor, or factory branch during the license year for which it is issued.

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§ 15-1007

(a) In this section, "good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.

(b) A manufacturer, distributor, or factory branch, whether directly or through an agent, an employee, or a representative, may not fail to act in good faith:

- (1) In acting or purporting to act under the terms, provisions, or conditions of any franchise agreement; or
- (2) In any transaction or conduct governed by this subtitle.

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§ 15-1008

(a) A manufacturer or distributor may not sell a new recreational vehicle in the State to or through a dealer without having first entered into a written dealer agreement that has been signed by both parties.

(b) (1) Except as specified in paragraph (2) of this subsection, the manufacturer shall designate the duration of the dealer agreement and the area of sales exclusively assigned to a dealer in the dealer agreement and may not make changes to the terms specified in the agreement.

(2) The terms specified in the dealer agreement may be altered with written mutual consent of both parties.

(c) A dealer may not sell a new recreational vehicle in the State unless:

- (1) The dealer is licensed by the Administration under Subtitle 3 of this title;
- (2) The dealer has entered into a dealer agreement; and
- (3) The dealer is selling within the area of sales designated in the dealer agreement.

(d) (1) A manufacturer or distributor shall distribute recreational vehicles to its dealers in a fair and equitable manner.

(2) On request, a manufacturer or distributor shall provide information on its manner of distribution to dealers.

(e) A manufacturer or distributor shall provide adequate repair instructions to its licensed dealers to facilitate the dealers performing proper service and repairs on recreational vehicles.

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§ 15-1009

(a) (1) A manufacturer or distributor may terminate, cancel, or fail to renew a model, line—make, or dealer agreement with a dealer only for good cause.

(2) (i) The manufacturer or distributor has the burden of showing good cause for the termination or cancellation of or failure to renew a model, line—make, or dealer agreement with a dealer.

(ii) The determination of good cause shall be based on:

1. The extent of the dealer's penetration into the relevant market area for the relevant model or line—make;
2. The nature and extent of the dealer's investment in the dealer's business;
3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;
4. The effect of the proposed action on the community;
5. The extent and quality of the dealer's service under recreational vehicle warranties;
6. Any failure of the dealer to follow agreed—on procedures and standards related to the overall operation of the dealership consistent with the law and the dealer agreement; and
7. The dealer's performance under the terms of the dealer agreement.

- (b) On renewal of a dealer agreement, a manufacturer or distributor may not require additional inventory stocking requirements or increased sales targets in excess of the market growth in the dealer's area of sales.
- (c) (1) Except as otherwise provided in this subsection, a manufacturer or distributor shall provide a dealer with written notice at least 120 days before the termination, cancellation, or nonrenewal of a model, line—make, or dealer agreement.
- (2) The notice shall state all reasons for the proposed termination, cancellation, or nonrenewal.
- (3) (i) Within 30 days following receipt of the notice, a dealer may provide written notice of intent to rectify all claimed deficiencies.
- (ii) If the deficiencies are rectified by the dealer within 120 days following the notice of intent to rectify, the manufacturer's or distributor's notice of termination is void.
- (iii) Subject to paragraph (5) of this subsection, if a dealer fails to provide timely written notice of intent to rectify or fails to rectify within 120 days after notice of intent to rectify, the termination, cancellation, or nonrenewal of the dealer agreement shall take effect.
- (4) The 120—day notice period shall be reduced to 30 days if the termination, cancellation, or nonrenewal is due to:
- (i) A dealer or one of the dealer's owners being convicted of, or entering a plea of nolo contendere to, a felony;
- (ii) The abandonment or closing of the business operations of the dealer for 10 consecutive business days, unless the closing is due to a cause that is out of the dealer's control;
- (iii) A significant misrepresentation by a dealer materially affecting the business relationship; or
- (iv) A suspension or revocation of a dealer's license, or failure by a dealer to renew a dealer's license.
- (5) The notice provisions of this section do not apply if the reason for termination, cancellation, or nonrenewal is insolvency, the occurrence of an assignment for the benefit of creditors, or bankruptcy.
- (d) (1) A dealer may terminate, cancel, or not renew a model, a line—make, or the dealer agreement with a manufacturer or distributor with or without good cause at any time by giving 30 days' written notice to the manufacturer or distributor.
- (2) (i) If the termination, cancellation, or nonrenewal of the model, line—make, or dealer agreement is for good cause, the dealer has the burden of showing good cause.
- (ii) A determination of good cause may be based on:
1. A manufacturer or distributor being convicted of, or entering a plea of nolo contendere to, a felony;
 2. The business operations having been abandoned or closed for 10 consecutive days, unless the closing is due to a cause that is out of the control of the manufacturer or distributor;
 3. A significant misrepresentation by the manufacturer or distributor that materially affects the business relationship;
 4. A declaration by the manufacturer or distributor of insolvency, the occurrence of an assignment for the benefit of creditors, or bankruptcy;
 5. A manufacturer's or distributor's material violation of the dealer agreement that is not cured within 120 days after written notice by the dealer;
 6. A manufacturer or distributor coercing or attempting to coerce a dealer;
 7. A manufacturer or distributor violating an area of sales protection or allowing other dealers to violate an area of sales protection; or
 8. A material violation of this section that is not cured within 30 days after written notice of the violation by the dealer.
- (e) If the dealer agreement is terminated, canceled, or not renewed by the dealer for good cause, within 45 days after the termination, cancellation, or nonrenewal, the manufacturer or distributor shall, at request of the dealer, repurchase:
- (1) All new, unaltered, undamaged, and untitled recreational vehicles that were acquired from the manufacturer or distributor within 18 months before the termination, cancellation, or nonrenewal, at 100% of the invoice cost, including transportation costs, except that if any recreational vehicle is damaged, the amount due to the dealer shall be reduced by the cost to repair the damage;

(2) All new, undamaged accessories and proprietary parts with the original invoice sold to the dealer for resale within 12 months before the termination, cancellation, or nonrenewal of the dealer agreement, at 105% of the dealer's original price paid; and

(3) Any properly functioning diagnostic equipment, specialty tools, current signage, or other equipment and machinery that was purchased within 5 years before the termination, cancellation, or nonrenewal and can no longer be used in the normal course of business, at 100% of the dealer's original price paid, plus freight, destination, delivery, and any applicable tax.

(f) If the dealer agreement is terminated, canceled, or not renewed by the manufacturer or distributor without good cause, the manufacturer or distributor shall repurchase dealer inventory as provided in subsection (e) of this section.

(g) A dealer is not prohibited from selling the remaining in-stock inventory of a particular model or line-make after a dealer agreement has been terminated, canceled, or not renewed by the manufacturer or distributor.

(h) When taking on an additional line-make of a recreational vehicle, a dealer shall notify in writing any manufacturer or distributor with whom the dealer has a dealer agreement of a similar line-make at least 30 days before entering into a dealer agreement for the additional line-make.

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§ 15-1010

(a) (1) If a dealer desires to make a transfer in ownership by sale of the business assets, stock transfer, or any other method, the dealer shall give a manufacturer or distributor that has entered into a dealer agreement with the dealer written notice at least 10 business days before the transfer, including all supporting documentation as may be reasonably required by the manufacturer or distributor to determine whether an objection to the transfer may be made.

(2) A manufacturer or distributor may not object to the proposed transfer of ownership unless the prospective transferee:

(i) Has been terminated for cause by the manufacturer or distributor;

(ii) Has been convicted of a felony or any crime of moral turpitude;

(iii) Lacks any dealer license required by law;

(iv) Lacks an active line of credit sufficient to purchase the manufacturer's or distributor's product; or

(v) Has undergone bankruptcy, insolvency, a general assignment for the benefit of creditors, or the appointment of a receiver, trustee, or conservator to take possession of the transferee's business property.

(b) (1) If the manufacturer or distributor objects to a proposed change of ownership, the manufacturer or distributor shall give written notice to the dealer within 7 business days after receipt of the dealer's notification and complete documentation.

(2) If the manufacturer or distributor does not give timely notice of the objection, the transfer shall be deemed approved.

(c) (1) A dealer shall have an opportunity to designate, in writing, a family member as a successor to the dealer's business in the event of death, incapacity, or retirement of the dealer.

(2) A manufacturer or distributor may object to the successor within 10 business days after receipt of the dealer's succession plan only if the successor:

(i) Was convicted of a felony or crime of moral turpitude;

(ii) Declared bankruptcy or insolvency within the previous 10 years;

(iii) Lacks an active line of credit sufficient to purchase the manufacturer's or distributor's product;

(iv) Lacks any dealer's license required by law; or

(v) Would cause or has caused a breach of the dealer agreement.

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§ 15-1011

(a) (1) Each warrantor shall:

(i) Specify in writing each dealer's obligations for preparation, delivery, and warranty service for the warrantor's products;

- (ii) Compensate the dealer for warranty service performed by the dealer that is covered by the warranty; and
 - (iii) Provide the dealer a schedule of compensation to be paid and the reasonable time allowance for the performance of any service and repairs under a warranty.
- (2) If the schedule of compensation does not include a particular service or repair, a warrantor shall reimburse the dealer a reasonable amount for the service or repair.
- (b) (1) A warrantor shall reimburse the dealer for any warranty part at wholesale cost plus a 30% handling charge.
- (2) The maximum handling charge under this subsection is \$300.
- (3) A warrantor shall reimburse a dealer the cost of freight to return a warranty part, an accessory, or a component to the warrantor, if the return is requested by the warrantor.
- (c) Warranty audits of dealer records may be conducted by the warrantor on a reasonable basis.
- (d) (1) A dealer shall submit a warranty claim within 45 days after completing the work.
- (2) A warrantor may disapprove warranty claims only in writing within 45 days after the date the warranty claim was submitted by the dealer in the manner prescribed by the warrantor.
- (3) Claims not disapproved in writing within 45 days shall be deemed to be approved and shall be paid by the warrantor within 60 days.
- (e) A dealer shall give notice to a warrantor as soon as reasonably possible if the dealer is unable or unwilling to perform material or repetitive warranty repairs.
- (f) It is a violation of this section for any warrantor to:
- (1) Fail to perform any of its warranty obligations with respect to its warranted products;
 - (2) Fail to include written notices of factory campaigns to recreational vehicle owners and dealers for the expected date by which parts and equipment will be available to dealers to perform the campaign work;
 - (3) If the carrier is designated by the manufacturer, distributor, or warrantor, fail to compensate a dealer for authorized repairs performed by a dealer for a product damaged in transit to the dealer;
 - (4) Fail to compensate any dealer for authorized warranty service in accordance with the time allowances set forth in the schedule of compensation, if performed in a timely manner;
 - (5) Intentionally misrepresent to purchasers of recreational vehicles that a dealer is a warrantor or co-warrantor; or
 - (6) Require a dealer to make warranties to customers in any manner related to the manufacturing of a recreational vehicle.
- (g) It is a violation of this section for a dealer to:
- (1) Fail to perform predelivery inspection functions as specified by the warrantor;
 - (2) Fail to perform warranty service work authorized by the warrantor in a reasonably timely manner on any transient customer's recreational vehicle of the same line-make;
 - (3) Fail to track actual time expended to perform warranty work not governed by time allowance in the schedule of compensation;
 - (4) Claim an agency relationship with a warrantor; or
 - (5) Misrepresent the terms of a warranty.
- (h) Unless specified in the terms of a dealer agreement, it is a violation of this section for:
- (1) A warrantor to fail to indemnify, defend, and hold harmless a dealer against any losses or damages to the extent the losses or damages are caused by the negligence or misconduct of the warrantor; or
 - (2) A dealer to fail to indemnify, defend, and hold harmless a warrantor against any losses or damages to the extent the losses or damages are caused by the negligence or misconduct of the dealer.
- (i) Indemnification under this subsection shall include court costs, reasonable attorney's fees, and expert witness fees incurred by the defending party.

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§ 15-1012

(a) When a new recreational vehicle is damaged before transit to the dealer, or is damaged in transit to the dealer and the manufacturer or distributor was responsible for transit, the dealer shall:

- (1) Notify the manufacturer or distributor of the damage within the time frame specified in the dealer agreement;
- (2) Request authorization to replace the components, parts, or accessories damaged; and
- (3) Reject the recreational vehicle within 2 days after physical delivery of the recreational vehicle.

(b) (1) If a dealer determines that a recreational vehicle at the time of delivery has an unreasonable amount of miles on the odometer, the recreational vehicle may be subject to rejection by the dealer and reversion of the recreational vehicle to the manufacturer or distributor.

(2) A dealer may not deem less than the distance between the dealer and the manufacturer's factory or a distributor's point of distribution, as appropriate, plus 100 miles as an unreasonable amount of miles.

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§ 15-1013

(a) A manufacturer, distributor, or factory branch, whether directly or through an agent, an employee, an affiliate, or a representative, may not coerce or attempt to coerce a dealer to:

- (1) Purchase a product the dealer did not order;
- (2) Enter into an agreement with the manufacturer or distributor;
- (3) Take action that is unfair or unreasonable to the dealer; or
- (4) Forgo exercising a right authorized by a dealer agreement or any law governing the business relationship.

(b) A dealer bears the burden of proof regarding the prohibited acts described in this section.

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§ 15-1014

(a) Notwithstanding any administrative or criminal sanctions imposed by this subtitle, if a person suffers financial injury or other damage as a result of a violation of this subtitle by any other person, whether or not that other person has been found guilty of a criminal violation, the injured person may recover damages and reasonable attorney's fees in any court of competent jurisdiction.

(b) (1) Before bringing a civil action under this section, the party bringing the action shall serve a written demand for mediation on the offending party.

(2) The parties to mediation shall pay their own costs for attorney's fees and divide the mediator cost equally.

(3) This subsection does not apply to an action for injunctive relief.

(c) A dealer, manufacturer, distributor, factory branch, or warrantor may apply for a grant of injunctive relief from a violation of this subtitle or a refusal to comply with a requirement of this subtitle.

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§ 15-1015

(a) The Administration may suspend or revoke any dealer, manufacturer, distributor, or factory branch license on a finding that a party violated this subtitle.

(b) The Administration may impose a fine not exceeding \$1,000 for each violation of this subtitle.

(c) A dealer, manufacturer, distributor, factory branch, or warrantor is entitled to a hearing under Title 12, Subtitle 2 of this article to contest an action or fine imposed under this section.

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Title 16 — Motor Vehicle Dealers

§ 16-101

- (a) (1) An individual may not drive or attempt to drive a motor vehicle on any highway in this State unless:
- (i) The individual holds a driver's license issued under this title;
 - (ii) The individual is expressly exempt from the licensing requirements of this title; or
 - (iii) The individual otherwise is specifically authorized by this title to drive vehicles of the class that the individual is driving or attempting to drive.
- (2) On portions of a highway in the State where driving an all-terrain vehicle or a snowmobile is authorized by this article, an individual may not drive or attempt to drive an all-terrain vehicle or a snowmobile on the highway unless:
- (i) The individual holds a driver's license issued under this title; or
 - (ii) The individual is expressly exempt from the licensing requirements of this title.
- (b) Each individual operating on any highway in this State a moped, as defined in § 11-134.1 of this article or a motor scooter, as defined in § 11-134.5 of this article, shall have with the individual:
- (1) A driver's license issued to the individual under this title, which license may be of any class issued by the Administration;
 - (2) If the individual is a nonresident of this State, a license to drive issued to the individual by the state or country of the individual's residence, which license may be for any class of vehicle; or
 - (3) A moped operator's permit issued to the individual under this subtitle.
- (c) A person convicted of a violation of this section is subject to:
- (1) For a first offense, imprisonment not exceeding 60 days or a fine not exceeding \$500 or both; and
 - (2) For a second or subsequent offense, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

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§ 16-102

- (a) The licensing requirements of this title do not apply to:
- (1) An officer or employee of the United States while driving on official business a motor vehicle other than a commercial motor vehicle owned or operated by the United States;
 - (2) Except for members elected from this State, a member of the United States Congress who resides in this State during his term of office in the Congress;
 - (3) An individual while driving any road machine, farm tractor, or farm equipment temporarily driven on a highway in this State, or dock equipment at Dundalk or Locust Point marine terminals which does not require registration under the provisions of this article;
 - (4) An individual who, while driving a mobile crane on a highway to or from a construction site in this State, has with him a valid Class A, B, or C license issued to him under § 16-104.1 of this subtitle or a Class A or B commercial driver's license issued to him under this title;
 - (5) A nonresident student enrolled in an accredited school, college, or university of this State or of a bordering state or serving a medical internship in this State, if:
 - (i) The state of which the student is a resident extends the same privileges to the residents of this State;
 - (ii) The student has with him a license to drive issued to him by the state of which he is a resident; and
 - (iii) The license authorizes the student to drive in the state of which he is a resident vehicles of the class he is driving in this State;
 - (6) A new resident of this State during the first 60 days of residency, if:
 - (i) The individual has a valid license issued by the state of which the individual formerly was a resident;

- (ii) The license authorizes the individual to drive in the state of former residence vehicles of the class the individual is driving in this State; and
 - (iii) The individual is at least the same age as that required for a resident to drive a vehicle of the same class the individual is driving in this State;
- (7) A member of the uniformed services who is serving on active duty and any dependent of the member, if:
- (i) The driver has in the driver's possession a license to drive issued to the driver by the driver's state of domicile; and
 - (ii) The license authorizes the driver to drive in the driver's state of domicile vehicles of the class the driver is driving in this State;
- (8) For not more than 30 days after he returns to the United States, a member of the armed forces of the United States who is returning from active duty outside the United States and any dependent of the member who is returning from residence with the member outside the United States; if:
- (i) The driver has with him a license to drive issued to him by the armed forces of the United States in a place outside the United States; and
 - (ii) The license authorizes the driver to drive vehicles of the class he is driving in this State;
- (9) A nonresident of this State if:
- (i) He has with him a license to drive issued to him by the state of his residence;
 - (ii) His license authorizes him to drive in that state vehicles of the class he is driving in this State; and
 - (iii) He is at least the same age as that required of a resident for the vehicle he is driving in this State;
- (10) A nonresident of the United States if:
- (i) The individual has a valid license to drive issued to the individual by the country of residence;
 - (ii) The individual's license authorizes him to drive in that country vehicles of the class he is driving in this State;
 - (iii) The individual is at least the same age as that required of a resident for the vehicle he is driving in this State; and
 - (iv) Except as provided for in Subtitle 8 of this title, the vehicle is not a commercial motor vehicle;
- (11) A member of the Maryland National Guard or a National Guard military technician if:
- (i) The driver is driving a military vehicle in the performance of duty; and
 - (ii) The driver has with him an operator's identification card issued by the Maryland National Guard for the type of military vehicle being driven; and
- (12) A member or employee of a fire department, rescue squad, emergency medical services unit, or volunteer fire company while driving an emergency vehicle if the driver:
- (i) Holds a valid Class C license issued to the driver under § 16-104.1 of this subtitle;
 - (ii) Has been authorized by the political subdivision that operates a fire department, rescue squad, emergency medical services unit, or volunteer fire department to operate the type of emergency vehicle being driven; and
 - (iii) Is driving the emergency vehicle in the performance of the official duties of the driver in or out of this State.
- (b) (1) The Administration shall adopt regulations that establish mandatory training and testing requirements that a political subdivision that operates a fire department, rescue squad, emergency medical services unit, or volunteer fire department must implement before the political subdivision may authorize an individual to operate an emergency vehicle in accordance with subsection (a)(12) of this section.
- (2) The Administration shall adopt the regulations required under this subsection in consultation with:
- (i) The Maryland Firefighters Association;
 - (ii) The Maryland Fire Chief's Association;
 - (iii) The Professional Firefighters Association of Maryland;
 - (iv) The Metropolitan Fire Chief's Council; and
 - (v) The Maryland Fire and Rescue Institute of the University of Maryland.

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§ 16-103

(a) Except as provided in subsection (b) of this section, the Administration may not issue a driver's license to any individual who is not at least 18 years old.

(b) (1) Except as provided under paragraph (2) of this subsection, the Administration may issue a noncommercial Class B, C, or M license to an individual under the age of 18 if the individual otherwise qualifies for a driver's license under this subtitle.

(2) The Administration may not issue a Class M license to an individual under the age of 18 years unless the individual has also completed satisfactorily a motorcycle safety course approved under Subtitle 6 of this title.

(c) The Administration may not issue:

(1) A learner's instructional permit to any individual who has not reached the age of 15 years, 9 months;

(2) A provisional license to any individual who has not reached the age of 16 years, 6 months; or

(3) A license to any individual who has not reached the age of 18 years.

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§ 16-105

(a) (1) Any individual who desires to obtain an original driver's license under this subtitle or to be licensed in a class for which the individual is not already licensed under this subtitle shall apply to the Administration for the desired driver's license.

(2) Except as provided in subsection (f) of this section, before issuing a driver's license, the Administration shall issue to each applicant a learner's instructional permit. The learner's instructional permit shall identify clearly the class of license for which the applicant has applied.

(3) (i) Each applicant for a learner's instructional permit who is under the age of 16 years shall present to the Administration a copy of the applicant's school attendance record.

(ii) The Administration may not issue a learner's instructional permit to an applicant under the age of 16 years if the applicant's school attendance record indicates more than 10 unexcused absences during the prior school semester.

(b) (1) The holder of a learner's instructional permit may drive the same vehicle and combinations of vehicles as may a holder of the class of driver's license for which the permit holder has applied, but only while accompanied by and under the immediate supervision of an individual who:

(i) Is at least 21 years old;

(ii) Has been licensed for at least 3 years in this State or in another state to drive vehicles of the class then being driven by the holder of the learner's instructional permit; and

(iii) Unless the vehicle is a motorcycle, is seated beside the holder of the learner's instructional permit.

(2) The individual supervising the holder of the learner's instructional permit under paragraph (1) of this subsection is the only individual allowed in the front seat of a motor vehicle with the permit holder while the permit holder is driving.

(c) The holder of a learner's instructional permit for a motorcycle may drive the motorcycle with another individual on it only if the other individual is one described in subsection (b)(1)(i) and (ii) of this section.

(d) (1) This subsection applies to an individual who:

(i) Seeks to obtain an original driver's license under this subtitle; and

(ii) Does not qualify for a learner's instructional permit under subsection (e) of this section.

(2) Except as provided in paragraph (3) of this subsection, an individual under the age of 19 years who holds a learner's instructional permit may not take a driver skills examination or driver road examination for a provisional license:

(i) Sooner than 9 months following the later of:

1. The date that the individual first obtains the learner's instructional permit; or

2. The most recent date the individual was convicted of, or granted probation before judgment under § 6–220 of the Criminal Procedure Article for, a moving violation;

(ii) Until after successful completion of:

1. The driver education program approved under Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at least 6 hours of highway driving instruction; and
2. At least 60 hours, 10 hours of which must occur during the period beginning 30 minutes before sunset and ending 30 minutes after sunrise, of behind-the-wheel driving practice supervised by an individual who:

A. Holds a valid driver's license;

B. Is at least 21 years old; and

C. Has been licensed to drive for at least 3 years; and

(iii) Unless the individual submits, in accordance with the Administration's regulations, a completed skills log book signed by:

1. Each supervising driver who certifies that the individual has satisfactorily demonstrated a required skill and has completed the driving practice requirements of item (ii)2 of this paragraph; and
2. If a signature of a parent, guardian, or other person is required under § 16–107 of this subtitle, the parent, guardian, or other person who signs the individual's application under that section.

(3) An individual who holds a learner's instructional permit and who is 18 years old and has a high school diploma or its equivalent or is at least 19 years old but under the age of 25 years may not take a driver skills examination or driver road examination for a provisional license:

(i) Sooner than the later of:

1. 3 months following the date that the individual first obtains the learner's instructional permit; or
2. 9 months following the most recent date the individual was convicted of, or granted probation before judgment for, a moving violation;

(ii) Until after successful completion of:

1. A standard driver education program approved under Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at least 6 hours of highway driving instruction; and
2. At least 60 hours, 10 hours of which must occur during the period beginning 30 minutes before sunset and ending 30 minutes after sunrise, of behind-the-wheel driving practice supervised by an individual who:

A. Holds a valid driver's license;

B. Is at least 21 years old; and

C. Has been licensed to drive for at least 3 years; and

(iii) Unless the individual submits, in accordance with the Administration's regulations, a completed skills log book signed by each supervising driver who certifies that the individual has satisfactorily demonstrated a required skill and has completed the driving practice requirements under this paragraph.

(4) An individual at least 25 years old who holds a learner's instructional permit and has not been convicted of, or granted probation before judgment for, a moving violation may not take a driver skills examination or driver road examination for a provisional license:

(i) Sooner than 45 days following the date that the individual first obtains the learner's instructional permit;

(ii) Until after successful completion of:

1. A standard driver education program approved under Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at least 6 hours of highway driving instruction; and
2. At least 14 hours, 3 hours of which must occur during the period beginning 30 minutes before sunset and ending 30 minutes after sunrise, of behind-the-wheel driving practice supervised by an individual who:

A. Holds a valid driver's license;

B. Is at least 21 years old; and

C. Has been licensed to drive for at least 3 years; and

(iii) Unless the individual submits, in accordance with the Administration's regulations, a completed skills log book signed by each supervising driver who certifies that the individual has satisfactorily demonstrated a required skill and has completed the driving practice requirements under this paragraph.

(5) An individual at least 25 years old who holds a learner's instructional permit and has been convicted of, or granted probation before judgment for, at least one moving violation may not take a driver skills examination or driver road examination for a provisional license:

(i) Sooner than 9 months following the most recent date the individual was convicted of, or granted probation before judgment for, a moving violation;

(ii) Until after successful completion of:

1. A standard driver education program approved under Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at least 6 hours of highway driving instruction; and

2. At least 14 hours, 3 hours of which must occur during the period beginning 30 minutes before sunset and ending 30 minutes after sunrise, of behind-the-wheel driving practice supervised by an individual who:

A. Holds a valid driver's license;

B. Is at least 21 years old; and

C. Has been licensed to drive for at least 3 years; and

(iii) Unless the individual submits, in accordance with the Administration's regulations, a completed skills log book signed by each supervising driver who certifies that the individual has satisfactorily demonstrated a required skill and has completed the driving practice requirements under this paragraph.

(6) A learner's instructional permit issued to an individual described in paragraph (1) of this subsection expires 2 years after the date of issuance.

(e) (1) This subsection only applies to an individual who holds a license and who seeks a different class license to drive a motor vehicle that, under the individual's current license, the individual is not authorized to drive.

(2) The holder of a learner's instructional permit may not take the driver's license examination sooner than 14 days after the permit is issued.

(3) The 14 days' requirement may be waived if a subsequent learner's instructional permit is issued or applied for.

(4) A learner's instructional permit issued to an individual described in paragraph (1) of this subsection expires 1 year after the date of issuance.

(5) A commercial driver's instructional permit issued to an individual described in paragraph (1) of this subsection expires 1 year after the date of issuance.

(f) (1) Subject to paragraph (3) of this subsection, the Administration may issue a driver's license, without first issuing a learner's instructional permit and without a waiting period, to any individual who:

(i) Has been licensed regularly to drive in this State, in another state or country, or by the armed forces of the United States, if the Administration is satisfied that the applicant's experience in driving vehicles of the type that would be authorized by the license class applied for is sufficient to justify issuance of the license without further training; or

(ii) Has successfully completed the Administration approved basic motorcycle safety course.

(2) The Administration may:

(i) Examine the applicant's driving as provided in § 16–110 of this subtitle; or

(ii) Issue a provisional license, if appropriate, under § 16–111(e) of this subtitle.

(3) An individual who never held a driver's license issued by the Administration or by another state, but who otherwise may obtain a license under paragraph (1)(i) of this subsection without first obtaining a learner's instructional permit, shall successfully complete a 3-hour Roadway Safety Driving Education Program established by the Administration under § 16–212.1 of this title before qualifying for a driver's license.

(g) An individual holding a learner's instructional permit issued under this section may not drive or attempt to drive a motor vehicle on any highway in this State in violation of any of the provisions of this section.

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§ 16-106

(a) Each application for a driver's license shall be made on the form that the Administration requires.

(b) The application shall state:

(1) The full name, Maryland residence address, race, sex, height, weight, general physical condition, and date of birth of the applicant;

(2) Whether the applicant previously has been refused a license to drive and, if so:

(i) By what state or country; and

(ii) The date of and reason for the refusal;

(3) Whether the applicant previously has been licensed to drive and, if so:

(i) When and by what state or country; and

(ii) Whether the license ever has been suspended, revoked, or canceled and, if so, the date of and reason for the suspension, revocation, or cancellation;

(4) Subject to the provisions of subsection (c) of this section, the applicant's Social Security number; and

(5) Any other pertinent information that the Administration requires.

(c) An applicant shall provide:

(1) Satisfactory documentary evidence that the applicant has a valid Social Security number by presenting the applicant's Social Security Administration account card or, if the Social Security Administration account card is not available, any of the following documents bearing the applicant's Social Security number:

(i) A current W-2 form;

(ii) A current SSA-1099 form;

(iii) A current non-SSA-1099 form; or

(iv) A current pay stub with the applicant's name and Social Security number on it; or

(2) Satisfactory documentary evidence that the applicant is not eligible for a Social Security number.

(d) The applicant shall sign the application and certify that the statements made in it are true.

(e) (1) Except as otherwise provided in this subsection, an applicant for an original license shall submit with the application a birth certificate or other proof of age and identity that is satisfactory to the Administration.

(2) An individual party to an absolute divorce may elect to use a prior legal or true name upon filing an affidavit or other proof, satisfactory to the Administration, of:

(i) The prior name; and

(ii) The absolute divorce.

(3) An applicant who claims a name change by or under the common law of this State or any other state shall submit with the applicant's application the following:

(i) An affidavit of the name by which the applicant is known and transacts business, as demonstrated by a Social Security card or record together with documents from at least 2 of the following categories:

1. Tax records;

2. Selective Service card or records;

3. Voter registration card or records;

4. Passport;

5. A form of identification issued by a government unit that contains a photograph of the applicant;

6. Baptismal certificate;

7. Banking records; and

8. Other proof of age and identity that is satisfactory to the Administration;

(ii) Any document required under subparagraph (i) of this paragraph reflecting the legal name previously given to, or used by, the applicant prior to assuming the common law name;

(iii) Any driver's license issued to the applicant in the name previously used by the applicant prior to assuming the common law name; and

(iv) A copy of the applicant's birth certificate or other proof of age and identity that is satisfactory to the Administration.

(4) An applicant shall provide satisfactory documentary evidence that the applicant has lawful status.

(f) If an individual previously licensed to drive in another jurisdiction applies for a license, the Administration may request a copy of his driving record from the other jurisdiction.

(g) If another licensing jurisdiction requests a driving record from the Administration, the Administration may send the record to it without charge.

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§ 16-107

(a) The application of a minor for a license shall be cosigned by:

(1) A parent or guardian of the applicant;

(2) If the applicant has no parent or guardian or is married, an adult employer of the applicant or any other responsible adult; or

(3) If the applicant is committed to the custody or guardianship of a local department of social services, the director of the department or the director's designee.

(b) The individual cosigning the application of a minor shall:

(1) (i) Provide the cosigner's mailing address to the Administration; and

(ii) Within 30 days of any change in the mailing address occurring while the applicant or licensee is a minor, notify the Administration of the change; and

(2) Certify that the statements made in the application are true to the best of the cosigner's knowledge, information, and belief.

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§ 16-108

If, while the licensee is still a minor, the Administration receives from the individual who cosigned the license application of the minor a written request that the license of the minor be canceled, the Administration:

(1) Shall cancel the license; and

(2) May not reissue the license until:

(i) Another qualified adult cosigns and certifies an application as required by § 16–107 of this subtitle; or

(ii) The minor becomes an adult.

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§ 16-109

If, while the licensee is still a minor, the Administration receives satisfactory evidence of the death of the individual who cosigned the license application of the minor, the Administration:

(1) Shall suspend the license; and

(2) May not reinstate the license until:

(i) Another qualified adult cosigns and certifies an application as required by § 16-107 of this subtitle; or

(ii) The minor becomes an adult.

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§ 16-110

(a) The Administration shall:

- (1) Establish qualifications for the safe operation of the various classes, types, sizes, or combinations of vehicles; and
- (2) Examine each applicant to determine the applicant's qualifications for the license class applied for.

(b) Except as otherwise provided in this title, the Administration shall examine each applicant for an original driver's license or for a class of driver's license higher than that which the applicant currently holds.

(c) The examination shall include:

(1) A test of the applicant's:

(i) Vision;

(ii) Ability to read and understand highway signs regulating, warning, and directing traffic; and

(iii) Knowledge of the traffic laws of this State and safe driving practices;

(2) A demonstration of the applicant's ability to exercise reasonable control in driving a motor vehicle; and

(3) Any other additional physical or mental examination that the Administration considers necessary to determine an applicant's fitness to drive a motor vehicle safely.

(d) If an applicant is qualified to take the required examinations for the license applied for, the applicant shall appear in person for examination at any one of the places in this State that the Administration has designated for this purpose.

(e) (1) (i) Subject to subparagraph (ii) of this paragraph, for a required driver skills examination or driver road examination, each applicant shall provide a motor vehicle of a type appropriate to test the applicant's ability to drive all vehicles that may be driven under the license class applied for.

(ii) An applicant may not use an autocycle to test the applicant's ability to drive under subparagraph (i) of this paragraph.

(2) Except as provided in paragraphs (3) and (4) of this subsection, when the holder of a learner's instructional permit appears for the driving test, the permit holder shall be accompanied by an individual qualified under § 16-105 of this subtitle to accompany the holder of a learner's permit while driving on a highway. That individual shall have his driver's license with him.

(3) The holder of a Class M (motorcycle) learner's instructional permit may:

(i) Transport a motorcycle to the driving test by truck or other vehicle unaccompanied by another individual, if the permit holder is licensed to drive the truck or other vehicle; or

(ii) Be accompanied by a person transporting a motorcycle to the test by truck or other vehicle, if that person is licensed to drive the truck or other vehicle.

(4) The holder of a learner's instructional permit may be driven to the examination station and to the starting point where the examiner begins the test by any individual authorized to drive the class of vehicle in which the test is being given. That individual shall have a valid driver's license in the individual's possession.

(f) If the applicant does not pass the examination for the license class applied for, the Administration may issue the applicant any license of a lower class for which the applicant qualifies.

(g) Except as provided in subsection (h) of this section, the Administration may waive any driver's license examination provided for under this title if the applicant:

(1) Holds a valid driver's license issued under this subtitle;

(2) Is applying for a Class M license and has successfully completed the Administration approved basic motorcycle safety course; or

(3) Holds a valid license from:

(i) Another state;

- (ii) A territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico; or
- (iii) A province or territory of Canada.
- (h) The Administration may not waive a vision examination required under this section unless the applicant:
 - (1) Is applying for a corrected driver's license under § 16–114.1 of this subtitle; and
 - (2) Has passed a vision examination acceptable to the Administration within the last 12 months.

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§ 16-111

- (a) This section applies to an applicant who:
 - (1) Holds a learner's instructional permit under § 16–105(d) of this subtitle; or
 - (2) Qualifies for a provisional license under subsection (e) of this section.
- (b) An applicant is entitled to receive a provisional license if the applicant:
 - (1) Meets the minimum age required under § 16–103(c)(2) of this subtitle;
 - (2) Satisfies the learner's instructional permit requirements under § 16–105(d)(2), (3), (4), or (5) of this subtitle;
 - (3) Passes a driver skills or driver road examination administered under this subtitle;
 - (4) Surrenders any learner's instructional permit issued to the applicant; and
 - (5) Pays the fee established under this subtitle.
- (c) A provisional license shall be clearly identifiable as a provisional license.
- (d) (1) An individual who holds a provisional license may not receive a license sooner than 18 months following the later of:
 - (i) The date the individual first obtains the provisional license;
 - (ii) The date the individual is convicted of, or granted probation before judgment under § 6–220 of the Criminal Procedure Article for:
 - 1. A moving violation; or
 - 2. A violation of a provisional driver's license restriction under § 16–113(i) of this subtitle; or
 - (iii) The date of restoration of an individual's provisional driver's license or driving privilege that has been suspended, revoked, or canceled for any reason.
- (2) Notwithstanding any other provision of this subtitle, the Administration may issue a license to an individual who was otherwise eligible to receive a license at the time a moving violation was committed.
- (e) (1) Notwithstanding subsection (d) of this section or any other provision of this subtitle, the Administration may issue a provisional license to an individual who has been licensed to drive in another state or country, or by the armed forces for less than 18 months.
- (2) If an individual has been licensed for:
 - (i) Less than 6 months, the individual shall hold the provisional license for at least 18 months before being eligible for a license under § 16–111.1 of this subtitle;
 - (ii) 6 months, but less than 12 months, the individual shall hold the provisional license for at least 12 months before being eligible for a license under § 16–111.1 of this subtitle as long as the individual has not committed an offense as defined in § 16–213(a) of this title during that period; or
 - (iii) 12 months, but less than 18 months, the individual shall hold the provisional license for at least 6 months before being eligible for a license under § 16–111.1 of this subtitle as long as the individual has not committed an offense as defined in § 16–213(a) of this title during that period.
- (3) An individual who commits an offense as defined in § 16–213(a) of this title while holding a provisional license issued under this subsection is subject to:

(i) The waiting periods under subsection (d)(1)(ii) of this section before qualifying for a license under § 16–111.1 of this subtitle; and

(ii) Other sanctions applicable to a holder of a provisional license under this article.

(4) Notwithstanding § 16–103(c)(3) of this subtitle, the Administration may issue a license under § 16–111.1 of this subtitle without issuing a learner's instructional permit or a provisional license if the individual has been licensed to drive in another state or country, or by the armed forces, for at least 18 months.

(f) A provisional license is subject to the expiration and renewal requirements of § 16-115 of this subtitle.

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§ 16-112

(a) (1) In this section the following words have the meanings indicated.

(2) "Credential holder" has the meaning stated in § 16–1001 of this title.

(3) "Display" means the manual surrender of the licensee's license into the hands of the demanding officer for inspection.

(4) "Electronic credential" has the meaning stated in § 16–1001 of this title.

(b) Each individual driving a motor vehicle on any highway in this State shall have his license with him.

(c) (1) Each individual driving a motor vehicle on any highway in this State shall display the license to any uniformed police officer who demands it.

(2) A credential holder is deemed to have satisfied the display requirement under paragraph (1) of this subsection only if the uniformed police officer is able to access the verification system authorized under § 16–1003 of this title.

(d) Each individual driving a motor vehicle on any highway in this State shall, if requested by the officer, sign his usual signature in the presence of the officer so that the officer may determine whether he is the licensee.

(e) A person may not give the name of another person or give a false or fictitious name to any uniformed police officer who is attempting to determine the identity of a driver of a motor vehicle.

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§ 16-113

(a) (1) In addition to the vision and other restrictions provided for in this subtitle, when it issues a driver's license, the Administration for good cause may impose on the licensee:

(i) Any restrictions suitable to the licensee's driving ability with respect to the type of special mechanical control devices required on motor vehicles that the licensee may drive;

(ii) An alcohol restriction which prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee's blood; and

(iii) Any other restrictions applicable to the licensee that the Administration determines appropriate to assure the safe driving of a motor vehicle by the licensee.

(2) An alcohol restriction that prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee's blood may, as described in subsections (b) and (g) of this section, include a restriction that prohibits the licensee from driving or attempting to drive a motor vehicle unless the licensee is a participant in the Ignition Interlock System Program established under § 16–404.1 of this title.

(b) (1) Notwithstanding the licensee's driving record, the Administration shall impose on each licensee under the age of 21 years an alcohol restriction that prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee's blood.

(2) An alcohol restriction imposed under this subsection expires when the licensee reaches the age of 21 years.

(3) This subsection may not be construed or applied to limit:

(i) The authority of the Administration to impose on a licensee an alcohol restriction described in subsection (a)(2) of this section; or

(ii) The application of any other provision of law that prohibits consumption of an alcoholic beverage by an individual under the age of 21 years.

(4) An individual under the age of 21 years who is convicted of a violation of § 21–902(a), (b), or (c) of this article may be required, for a period of not more than 3 years, to participate in the Ignition Interlock System Program in order to retain the individual's driver's license.

(c) (1) Subject to the provisions of paragraph (2) of this subsection, the Administration may:

(i) Issue a special restricted license; or

(ii) Set forth the restrictions on the usual license form.

(2) The Administration shall indicate on the license of a licensee under the age of 21 years that an alcohol restriction has been imposed on the licensee under subsection (b) of this section.

(d) (1) Notwithstanding the licensee's driving record, the Administration shall impose an hour restriction on a provisional driver's license issued to an applicant under the age of 18.

(2) The restriction under this subsection shall limit the holder of a provisional license to driving unsupervised only between the hours of 5 a.m. and 12 midnight.

(3) This subsection does not preclude the holder of a provisional license from driving between the hours of 12 midnight and 5 a.m. the following day if the licensee is:

(i) Accompanied and supervised by a licensed driver who is at least 21 years old;

(ii) Driving to or from or in the course of the licensee's employment;

(iii) Driving to or from a school class or official school activity;

(iv) Driving to or from an organized volunteer program; or

(v) Driving to or from an opportunity to participate in an athletic event or related training session.

(4) The hour restriction and the supervision requirement under this subsection expire on the date the holder of the provisional license turns 18 years of age.

(d–1) (1) Notwithstanding the licensee's driving record, and subject to paragraph (2) of this subsection, the Administration shall impose a restriction on each provisional driver's license prohibiting the licensee from operating a motor vehicle if the driver and each passenger in the motor vehicle are not restrained by a seat belt or, in accordance with § 22–412.2 of this article, by a child safety seat.

(2) It is not a violation of the restriction under paragraph (1) of this subsection if an individual covered by a medical exception under § 22–412.2(f) or § 22–412.3(d) and (e) of this article is not restrained.

(3) The restrictions under paragraph (1) of this subsection expire on the date that the holder of a provisional license turns 18 years of age.

(e) (1) In addition to the other restrictions provided under this subtitle, the Administration may issue:

(i) A driver's license that is valid only in the State of Maryland to an applicant who has been suspended in another jurisdiction as a result of failing to comply with the financial responsibility requirements of that jurisdiction; or

(ii) A temporary driver's license that is valid only in the State of Maryland to an applicant for reinstatement of a suspended or revoked driver's license, renewal of a driver's license, or a duplicate or corrected driver's license if, at the time of application:

1. The applicant's privilege to drive in another jurisdiction is revoked or suspended as a result of failing to comply with the licensing requirements of that jurisdiction for which a comparable violation in this State would not have resulted in revocation or suspension;

2. The initial violation that led to the revocation or suspension did not occur within the preceding 5 years;

3. The applicant is otherwise qualified to be licensed in this State; and

4. The Administration determines that the applicant will be able to take any actions required by the other jurisdiction for reinstatement of the privilege to drive in that jurisdiction.

(2) A temporary license issued under paragraph (1) of this subsection shall be valid for 90 days.

(3) The Administration shall adopt regulations for the issuance of temporary licenses under paragraph (1) of this subsection.

(f) After receiving satisfactory evidence of any violation of a restricted or provisional driver's license, the Administration may suspend or revoke the license. However, the licensee may request a hearing as provided for a suspension or revocation under Subtitle 2 of this title.

(g) (1) The Administration shall impose an alcohol restriction under subsection (a)(1)(ii) of this section that prohibits an individual for a period of 3 years from driving or attempting to drive with alcohol in the individual's blood on any licensee who is convicted within 5 years of any combination of two or more violations under § 21–902(a), (b), or (c) of this article.

(2) If a circuit court or the District Court orders a licensee not to drive or attempt to drive a motor vehicle with alcohol in the licensee's blood or orders, under § 27–107 of this article, the licensee to participate in the Ignition Interlock System Program established under § 16–404.1 of this title, the Administration shall have the licensee's driving record and driver's license reflect that the court ordered restriction was imposed, and shall keep records of the order.

(h) An individual may not drive a vehicle in any manner that violates any restriction imposed by the Administration in a restricted license issued to the individual.

(i) An individual may not drive a vehicle in any manner that violates any restriction imposed in a provisional license issued to the individual.

(j) An individual may not drive or attempt to drive a motor vehicle with alcohol in the individual's blood in violation of a restriction.

(k) A participant in the Ignition Interlock System Program under § 16–404.1 of this title may not drive or attempt to drive a vehicle that is not equipped with an ignition interlock system in violation of an ignition interlock system restriction on a license issued to the participant.

(l) (1) A person convicted of a violation of subsection (j) of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

(2) A person convicted of a violation of subsection (k) of this section is subject to:

(i) For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

(ii) For a second or subsequent offense, imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 16-114

(a) In this section, "mutilated" includes any imperfection of or in a driver's license, after its issuance, that renders it unsuitable for identification purposes or for verifying its authenticity and validity.

(b) If a driver's license is lost, stolen, mutilated, or destroyed, the licensee immediately shall apply for and, after furnishing information satisfactory to the Administration and payment of the required fee, is entitled to obtain a duplicate license. If the duplicate license being applied for is of a type requiring a photo and the licensee is temporarily absent from this State, the Administration may issue a regular license bearing the notation that it is valid without a photo until 15 days after the licensee first returns to this State.

(c) A licensee who is at least 21 years may apply for a duplicate license that includes a frontal photograph of the licensee.

(d) If a person recovers an original license for which a duplicate has been issued, the person promptly shall surrender the original license to the Administration.

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§ 16-115

(a) (1) Subject to paragraph (5) of this subsection, a license issued under this title to a driver at least 21 years old shall expire on the birth date of the licensee at the end of a period of not more than 8 years determined in regulations adopted by the Administration following the issuance of the license.

(2) Subject to paragraph (5) of this subsection, a license issued under this title to a driver under the age of 21 years shall expire not later than 60 days after the driver's 21st birthday.

(3) A license is renewable on the presentation of an application, the payment of the renewal fee required by § 16–111.1 of this subtitle, and satisfactory completion of the examination required or authorized by subsection (i) of this section:

(i) Within 12 months before its expiration; or

(ii) When a driver qualifies for a corrected license issued under § 16–114.1(c) of this subtitle.

(4) Except as provided in subsection (f) of this section, the Administration may renew an individual's license without requiring the individual to appear in person if the photograph for the individual was taken less than 16 years before the renewal.

(5) (i) If an applicant has temporary lawful status, the Administration may not issue to the applicant a license to drive for a period that extends beyond the expiration date of the applicant's authorized stay in the United States or, if there is no expiration date, for a period longer than 1 year.

(ii) Nothing contained in this paragraph may be construed to allow the issuance of a temporary license to drive for a period longer than the period described in this subsection.

(iii) The Administration shall indicate on the face and in the machine–readable zone of a temporary license to drive that the license is a temporary license to drive.

(6) A holder of a temporary license to drive who had temporary lawful status at the time of the issuance of the temporary license to drive shall present satisfactory documentary evidence of lawful status if the holder applies for issuance or renewal of any license to drive under this subtitle.

(b) At least 60 days before a license expires, the Administration shall mail to each licensee, at the last address of the licensee shown in the records of the Administration, notice of the date on which the license will expire.

(c) The Administration may renew a license within 1 year after the expiration date without requiring a driving test.

(d) (1) A license shall remain in full force and effect during an absence from the State if the license is held by:

(i) 1. A member of the uniformed services who is absent from this State on active service in the uniformed services; or

2. A dependent of the member who is residing with the member outside the State; or

(ii) 1. A contract employee working on behalf of a federal agency or branch of the uniformed services who is absent from the State in service of the contract; or

2. A dependent of the contract employee who is residing with the contract employee outside the State.

(2) The license also shall remain in effect, if it would otherwise have expired under this section, for a period of 30 days following the date of the licensee's return to this State, or the member's discharge or separation from active service:

(i) If the licensee has in the licensee's immediate possession, together with the licensee's driver's license, papers indicating the member's active service outside this State or the member's discharge or separation; and

(ii) If the license is not otherwise suspended, revoked, or canceled under this title during the 30–day period.

(e) (1) A license held by an individual who is a member of the Foreign Service of the United States and is absent from the State due to employment in the Foreign Service, or a license held by the spouse or a dependent of the individual who is residing with the individual outside the State, shall remain in full force and effect during the absence.

(2) A license held by an individual described in paragraph (1) of this subsection shall also remain in effect, if it would otherwise have expired under this section, for a period of 30 days following the date of the individual's return to the State, or the individual's separation from employment in the Foreign Service of the United States if:

(i) The individual has in the individual's immediate possession, together with the individual's driver's license, documentation acceptable to the Administration indicating that:

1. The individual is a member of the Foreign Service of the United States, or the spouse or a dependent of a member of the Foreign Service of the United States and resides outside the State; or

2. The individual was formerly a member of the Foreign Service of the United States, or the spouse or a dependent of a former member of the Foreign Service, and has returned to the State on separation of the member from employment with

the Foreign Service; and

(ii) The license is not otherwise suspended, revoked, or canceled under this title during the 30-day period.

(f) If a licensee is absent from this State for cause, other than as provided in subsection (d) of this section, and is unable to renew the licensee's license in the manner required by this section, the licensee may renew by mail to the Administration. The renewal application shall be accompanied by the prescribed fee and a statement giving the reason for and the expected length of the absence. On receipt of the application, the Administration may issue a regular license which bears a photo or a notation that it is valid without a photo until 15 days after the licensee first returns to this State.

(g) An individual may not drive a motor vehicle on any highway in this State if the license issued to him under this title has expired.

(h) An individual may not attempt to drive a motor vehicle on any highway in this State if the license issued to the individual under this title has expired.

(i) (1) Except as provided in paragraphs (2), (3), and (5) of this subsection, the Administration shall require every individual applying for renewal of a driver's license to pass a vision test as prescribed by the Administration.

(2) (i) The Administration shall accept a certification of acceptable visual acuity from a licensed physician or optometrist instead of requiring the actual test provided for in this subsection.

(ii) The examination for which certification is made shall take place within 2 years of the date of application for renewal.

(3) An individual at least 21 years of age but under the age of 40 years may apply for renewal of a driver's license electronically or by mail or other means authorized by the Administration without taking a vision test if the applicant has passed a vision test authorized by the Administration within the previous 9 years.

(4) (i) If the Administration has reason to believe that an individual is a safety hazard by reason of a vision deficiency, the Administration may require the vision test provided for in this subsection at a time other than renewal of a driver's license.

(ii) The Administration may adopt regulations to implement the provisions of this subsection.

(5) An individual who holds a commercial driver's license and applies for renewal is exempt from the requirement to pass a vision test if the individual has a current certificate of physical examination on file with the Administration, as required under 49 C.F.R. §§ 391.43 and 391.45.

(j) Before the expiration of a driver's license, if the Administration has reason to believe that an individual is not a safety hazard, but the individual is unable to pass a required knowledge test or vision test, the Administration may extend the individual's privilege to drive for a period not to exceed 90 days.

(k) (1) The Administration may not renew the driver's license of an applicant who has not paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller or the Secretary of Labor or provided for payment in a manner satisfactory to the unit responsible for collection.

(2) The Administration shall cooperate with the Comptroller and the Maryland Department of Labor to develop procedures and adopt regulations in accordance with this section.

(3) Regulations adopted under this subsection shall require:

(i) The Comptroller to notify the Administration that an individual has not paid all undisputed taxes; and

(ii) The Maryland Department of Labor to notify the Administration that an individual has not paid all undisputed unemployment insurance contributions.

(l) (1) Notwithstanding any other provision of this section, the Administration may issue a temporary renewal for a driver's license that extends the expiration date for a period not exceeding 2 years for an applicant who:

(i) Has the documentation required by federal law, as enumerated in § 16-103.1(10) and (11) of this subtitle, on file with the Administration;

(ii) Has a photograph on file with the Administration that will not be 16 years old or older by the expiration date of the temporary renewal; and

(iii) Has a driver's license that was issued for the full term under subsection (a)(1) of this section.

(2) The Administration may make temporary renewal of a driver's license available to:

- (i) An active duty member of the armed forces of the United States or a spouse or dependent of the member;
 - (ii) A member of the Foreign Service of the United States or a spouse or dependent of the member;
 - (iii) A resident of the State who is a student studying outside the State;
 - (iv) A resident of the State who is temporarily residing outside the State for at least 6 months;
 - (v) A resident of the State who holds a driver's license that would have otherwise expired during a state of emergency declared by the Governor; or
 - (vi) Any other resident of the State who meets any requirements approved by the Administration.
- (3) The Administration may not issue a temporary renewal to an applicant who holds a commercial driver's license.
- (4) The Administration shall adopt regulations to carry out this subsection.

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§ 16-116

- (a) If any individual who has applied for or obtained a driver's license under this subtitle moves from the address given in the application or shown on the license, the individual shall, within 30 days of the change, notify the Administration in writing of the former address and new address and the identifying number of any license issued to the individual.
- (b) If any individual who has applied for or obtained a driver's license under this subtitle has the individual's name changed under the common law of this State, by marriage, or by court order, the individual shall, within 30 days of the change, notify the Administration in writing of the former name and new name, and the identifying number of any license issued to the individual.
- (c) On request of the Administration, if the name of a licensee has been changed, the licensee shall surrender his driver's license to the Administration. After it receives the license, the Administration shall issue a corrected license in the new name.
- (d) If a licensee is required to surrender his license to the Administration to record a change, the Administration shall issue him, without charge, a temporary license valid for not more than 20 days from the date it is issued.
- (e) This section does not apply to an expired license.

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§ 16-117

- (a) The Administration shall keep a record of:
- (1) Each driver's license application that it receives;
 - (2) Each driver's license that it issues; and
 - (3) Each licensee whose license to drive the Administration has suspended or revoked, and the reasons for the action.
- (b) (1) The Administration shall file each accident report and abstract of court disposition records that it receives under the laws of this State.
- (2) (i) The Administration shall keep convenient records or make suitable notations showing the convictions or traffic accidents in which each licensee has been involved and every probation before judgment disposition of any violation of the Maryland Vehicle Law. A record or notation of a probation before judgment disposition, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of this title, shall be segregated by the Administration and shall be available only to:
- 1. The Administration;
 - 2. Other driver licensing authorities;
 - 3. The United States Secretary of Transportation;
 - 4. Current and prospective employers, as defined in § 16-803(e) of this title, of drivers required to hold commercial drivers' licenses;
 - 5. The courts;

6. Criminal justice agencies; and

7. The defendant or the defendant's attorney.

(ii) However, a record or notation of a probation before judgment, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of this title, may not be received or considered by the courts until a plea of guilty or nolo contendere is made by the defendant or a finding of guilty is made by the court.

(3) These records or notations shall be made so that they are readily available for consideration by the Administration of any license renewal application and at any other suitable time.

(4) Accident reports and abstracts of court convictions pertaining to driving an emergency vehicle, if received by a person who was driving an emergency vehicle pursuant to the provisions of § 21-106 of this article, shall be segregated by the Administration and shall be available only to the Administration.

(5) Except as provided in this section, an employee of the Administration may not disclose any records or information regarding probation before judgment, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of this title.

(c) If a charge of a Maryland Vehicle Law violation against any individual is dismissed by a court of competent jurisdiction, a record of the charge and dismissal may not be included in the individual's driving record.

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§ 16-118

(a) (1) The Administrator may appoint a Medical Advisory Board of qualified physicians and optometrists to enable the Administration to comply properly with the provisions of this title regarding the physical and mental condition of individuals who seek to drive on highways in this State.

(2) The Administrator also may appoint a medical secretary to serve the Board.

(b) Each member of the Medical Advisory Board is entitled to compensation for each meeting that the member attends. The compensation shall be paid out of funds appropriated to the Administration.

(c) (1) The Administrator may refer to the Medical Advisory Board, for an advisory opinion, the case of any licensee or applicant for a license, if the Administrator has good cause to believe that the driving of a vehicle by him would be contrary to public safety and welfare because of an existing or suspected mental or physical disability.

(2) The Board shall meet at the pleasure of the Administrator.

(d) (1) Except as provided in paragraph (2) of this subsection, the records of the Medical Advisory Board:

(i) Are confidential;

(ii) May be disclosed only on court order; and

(iii) May be used only to determine the qualifications of an individual to drive.

(2) The Administration may use information in its records for the purpose of driver safety research, provided that personal information is not published or disclosed.

(3) The Administration may contract with third parties to assist with driver safety research.

(4) A person may not use these records for any other purpose.

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§ 16-119

(a) The Maryland Department of Health, together with the Medical and Chirurgical Faculty and the State Board of Examiners in Optometry, shall define:

(1) Disorders characterized by lapses of consciousness; and

(2) Disorders that result in a corrected visual acuity that fails to comply with the vision requirements of this subtitle.

(b) (1) Except as provided in paragraph (2) of this subsection, any physician and any other person authorized to diagnose, detect, or treat disorders defined under subsection (a) of this section may report to the Medical Advisory Board and to the subject of the report, in writing, the full name, date of birth, and address of each individual 15 years old or older

who has any such disorder.

(2) Unless authorized by the individual in writing, a report may not be made from information derived from the diagnosis or treatment of any individual on whom a confidential or privileged relationship is conferred by law.

(c) On receipt of a report under this section, the Administration shall:

(1) As soon as practicable, arrange for an examination of each reported individual who holds a driver's license; and

(2) If the individual fails to meet the requirements of this subtitle, cancel his license.

(d) (1) Except as provided in paragraph (2) of this subsection, the reports made to the Administration under this section:

(i) Are confidential;

(ii) May be disclosed only on court order; and

(iii) May be used only to determine the qualifications of an individual to drive.

(2) The Administration may use information in the reports it receives for the purpose of driver safety research, provided that personal information is not published or disclosed.

(3) The Administration may contract with third parties to assist with driver safety research.

(4) A person may not use these reports for any other purpose.

(e) A civil or criminal action may not be brought against any person who makes a report under this section and who does not violate any confidential or privileged relationship conferred by law.

(f) A report made under this section may not be used as evidence in any civil or criminal trial, except in a legal action involving an alleged violation of a confidential or privileged relationship conferred by law.

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§ 16-120

(a) At regular intervals, the Administration shall request of the Social Services Administration the name of each individual receiving public assistance for blindness. The Social Services Administration promptly shall furnish the requested information.

(b) On receipt of the requested information, the Administration shall:

(1) As soon as practicable, arrange for an examination of the vision of each named individual who holds a driver's license; and

(2) If the individual fails to meet the vision requirements of this subtitle, cancel his license.

(c) (1) The information obtained by the Administration under this section:

(i) Is confidential;

(ii) May be disclosed only on court order; and

(iii) May be used only to determine the qualifications of an individual to drive.

(2) A person may not use this information for any other purpose.

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§ 16-121

(a) This section applies only to a non-match, described under regulations adopted by the Secretary of the United States Department of Homeland Security, that:

(1) Occurs during verification by the Administration of the documentary evidence provided by an applicant for issuance or renewal of an identification card under § 12-301 of this article, a moped operator's permit under § 16-104.2 of this subtitle, or a license to drive under this subtitle; and

(2) Is not resolved by the Administration's verification of the documentary evidence.

(b) In the event of a non-match, the Administration may not issue to the applicant an identification card under § 12-301 of this article, a moped operator's permit under § 16-104.2 of this subtitle, or a license to drive under this subtitle.

(c) Nothing in this section prohibits the Administration from issuing or renewing an identification card, a moped operator's permit, or a license to drive under § 16–122 of this subtitle to allow the applicant to resolve a non–match.

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§ 16-122

(a) (1) Notwithstanding any other provision of this article, the Administration shall, subject to the provisions of this section, issue or renew an identification card, a moped operator's permit, or a license to drive that is not acceptable by federal agencies for official purposes determined by the Secretary of the United States Department of Homeland Security if an applicant:

- (i) 1. Has an unresolved non–match described under § 16–121 of this subtitle;
- 2. Meets the requirements concerning the non–match contained in regulations adopted by the Administration that are consistent with regulations adopted by the Secretary of the United States Department of Homeland Security; and
- 3. Would be otherwise eligible under this article for the issuance or renewal of an identification card under § 12–301 of this article, a moped operator's permit under § 16–104.2 of this subtitle, or a license to drive under this subtitle, but for the unresolved non–match; or

(ii) 1. Does not provide satisfactory documentary evidence that the applicant has lawful status or a valid Social Security number;

2. Certifies that the applicant does not have a Social Security number;

3. In the case of an applicant who is not a current holder of an identification card under § 12–301 of this article, a moped operator's permit under § 16–104.2 of this subtitle, or a license to drive issued under this subtitle, provides documentary evidence that the applicant, for each of the preceding 2 years, has:

A. Filed a Maryland income tax return; or

B. Resided in Maryland and been claimed as a dependent by an individual who has filed a Maryland income tax return; and

4. Would be otherwise eligible for issuance or renewal of an identification card under § 12–301 of this article, a moped operator's permit under § 16–104.2 of this subtitle, or a license to drive issued under this subtitle, but for the absence of documentary evidence described in item 1 of this item.

(2) This subsection does not apply to any provision of law applicable to the issuance or renewal of a commercial driver's license under this title.

(3) An identification card, a moped operator's permit, or a license to drive that is issued under this subsection shall include a statement that the document may not be used to purchase a firearm.

(b) The Administration may require that an application for issuance or renewal of an identification card, a moped operator's permit, or a license to drive under this section be made in person.

(c) A person may not be a holder of an identification card, a moped operator's permit, or a license to drive issued or renewed under this section if the person is the holder of any other identification card, moped operator's permit, or license to drive issued or renewed under this section or any other section of this article.

(d) Each identification card, moped operator's permit, and license to drive issued or renewed in accordance with this section shall:

(1) Clearly state on its face and in its machine–readable zone that it is not acceptable by federal agencies for official purposes;

(2) Have a unique design or color indicator that clearly distinguishes it from the design or color of an identification card under § 12–301 of this article, a moped operator's permit under § 16–104.2 of this subtitle, or any license to drive under any other section of this subtitle; and

(3) Be of the size and design that the Administration requires, tamperproof, to the extent possible, and contain:

(i) The name and address of the applicant;

(ii) The birth date of the applicant;

- (iii) The gender of the applicant;
- (iv) A description of the applicant;
- (v) A color photograph of the applicant taken by the procedure that the Administration requires;
- (vi) The expiration date of the identification card, moped operator's permit, or license to drive;
- (vii) The signature of the applicant; and
- (viii) The signature and seal of the issuing agent.

(e) An identification card, a moped operator's permit, or a license to drive issued or renewed under this section shall expire at the end of a period that is equivalent to the expiration period applicable for an identification card under § 12–301 of this article, a moped operator's permit under § 16–115 of this subtitle, or a license to drive under this subtitle.

(f) Except as otherwise expressly provided by law, an identification card, a moped operator's permit, or a license to drive issued under this section may be used for any purpose as legal identification of the holder to whom the identification card, moped operator's permit, or license to drive is issued.

(g) The Administration may establish a fee for the issuance or renewal of an identification card, a moped operator's permit, or a license to drive issued or renewed under this section.

(h) Except as expressly provided in this section, this section does not limit the application of any other provision of this article to an identification card, a moped operator's permit, or a license to drive issued under this section.

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§ 16-123

(a) (1) In this section the following words have the meanings indicated.

(2) "Covered employee" means an employee of the Administration or a contractor for the Administration who is involved in the manufacture or production of identification cards, moped operators' permits, or licenses to drive or who has the ability to affect the identity information that appears on an identification card, a moped operator's permit, or a license to drive.

(3) "Personally identifiable information" means any information that can be used to distinguish or trace an individual's identity as specified in regulations adopted by the Secretary of the United States Department of Homeland Security, whether the information is stored in a database, on an identification card, a moped operator's permit, or a license to drive, or in the machine-readable zone on an identification card, a moped operator's permit, or a license to drive.

(b) The Administration shall have a security plan for identification cards, moped operators' permits and licenses to drive issued or renewed for the purposes of complying with the provisions of this article.

(c) At a minimum, the security plan shall address:

(1) Physical security of the facilities used and storage areas for card stock and other materials used in production; and

(2) Security of personally identifiable information maintained at locations of the Administration involved in the enrollment, issuance, manufacture, or production, including the following protections:

(i) Reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of the personally identifiable information collected, stored, and maintained in Administration records and information systems, including procedures to prevent unauthorized access, use, or dissemination of applicant information and images of source documents retained and standards and procedures for document retention and destruction;

(ii) A privacy policy regarding the personally identifiable information collected and maintained by the Administration;

(iii) Requiring that release or use of personal information collected and maintained by the Administration comply with the requirements of the federal Driver's Privacy Protection Act;

(iv) Document and physical security features for identification cards, moped operators' permits, and licenses to drive issued by the Administration;

(v) Access control, including:

1. Employee identification and credentialing, including access badges;

2. Employee background checks, including a name-based and fingerprint-based criminal history records check, for each covered employee and current employee who will be assigned to the position of a covered employee; and

3. Controlled access systems;

(vi) Periodic training requirements in:

1. Fraudulent document recognition training for all covered employees handling source documents or engaged in the issuance of identification cards, moped operators' permits, or licenses to drive; and

2. Security awareness training, including threat identification and handling of sensitive security information as necessary;

(vii) Emergency and incident response plan;

(viii) Internal audit controls; and

(ix) An affirmation that the Administration possesses the authority and means to produce, revise, expunge, and protect the confidentiality of identification cards, moped operators' permits, and licenses to drive issued in support of federal, State, or local criminal justice agencies or similar programs that require special licensing or identification to safeguard persons or support their official duties.

(d) The security plan required by this section contains sensitive security information and shall be handled and protected in accordance with 49 Code of Federal Regulations Part 1520.

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§ 16-124

(a) The Administration shall require each fee for issuance or renewal of an original or duplicate identification card, moped operator's permit, or license to drive under this article to be paid by the applicant at the time of application.

(b) An application fee under this section is nonrefundable, regardless whether the Administration issues or renews, refuses to issue or renew, cancels, or requires to be surrendered an identification card, a moped operator's permit, or a license to drive under this article.

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§ 16-201

(a) The Administration may cancel a driver's license issued under this title if it determines that the licensee:

(1) Was not entitled to be issued the license;

(2) Failed to give the required or correct information in his application; or

(3) Committed fraud in making the application or in obtaining the license.

(b) On cancellation, the licensee immediately shall surrender the canceled license to the Administration.

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§ 16-202

(a) The privilege given to a nonresident to drive a motor vehicle on highways in this State may be suspended or revoked by the Administration in the same way and for the same reasons that a driver's license issued under this title may be refused, suspended, or revoked.

(b) If the Administration receives a record of the conviction in this State of a nonresident driver of any offense under the motor vehicle laws of this State, the Administration may send a certified copy of the record to the motor vehicle administrator in the state in which the convicted person resides or is licensed to drive.

(c) If, after an appeal is taken or on failure to take an appeal, a nonresident's privilege to drive is suspended, the Administration shall send written information of the suspension to the motor vehicle administrator of the state in which the person resides and of any other state in which he is licensed to drive.

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§ 16-203

(a) In this section, "Child Support Administration" means the Child Support Administration of the Department of Human Services.

(b) On notification by the Child Support Administration in accordance with § 10–119 of the Family Law Article that an obligor is 120 days or more out of compliance with the most recent order of the court in making child support payments, the Administration:

(1) Shall suspend an obligor's license or privilege to drive in the State; and

(2) May issue a work–restricted license or work–restricted privilege to drive.

(c) (1) Prior to the suspension of a license or the privilege to drive in the State and the issuance of a work–restricted license or work–restricted privilege to drive under subsection (b) of this section, the Administration shall send written notice of the proposed action to the obligor, including notice of the obligor's right to contest the accuracy of the information.

(2) Any contest under this subsection shall be limited to whether the Administration has mistaken the identity of the obligor or the individual whose license or privilege to drive has been suspended.

(d) (1) An obligor may appeal a decision of the Administration to suspend the obligor's license or privilege to drive.

(2) At a hearing under this subsection, the issue shall be limited to whether the Administration has mistaken the identity of the obligor or the individual whose license or privilege to drive has been suspended.

(e) The Administration shall reinstate an obligor's license or privilege to drive in the State if:

(1) The Administration receives a court order to reinstate the license or privilege to drive; or

(2) The Child Support Administration notifies the Administration that:

(i) The individual whose license or privilege to drive was suspended is not in arrears in making child support payments;

(ii) The obligor has paid the support arrearage in full;

(iii) The obligor has demonstrated good faith by paying the ordered amount of support for 6 consecutive months;

(iv) The obligor is a participant in full compliance in an employment program approved by the Child Support Administration; or

(v) One of the grounds under § 10–119(c)(1)(i) of the Family Law Article exists.

(f) The Secretary of Transportation, in cooperation with the Secretary of Human Services and the Office of Administrative Hearings, shall adopt regulations to implement this section.

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§ 16-204

(a) (1) In this section the following words have the meanings indicated.

(2) "Law enforcement agency" has the meaning stated in § 13-406.1(a)(2) of this article.

(3) "Outstanding warrant" has the meaning stated in § 13-406.1(a)(3) of this article.

(4) "Primary law enforcement officer" has the meaning stated in § 13-406.1(a)(4) of this article.

(b) Subject to subsection (h) of this section, on notification by a law enforcement agency that an individual is named in an outstanding warrant, the Administration shall suspend the individual's license or privilege to drive in the State.

(c) (1) Before suspending a license or privilege to drive under subsection (b) of this section, the Administration shall send written notice of the proposed action to the individual named in the outstanding warrant, including notice of the individual's right to contest the accuracy of the information on which the suspension is based.

(2) Any contest under this subsection shall be limited to whether the Administration has mistaken the identity of the individual named in the outstanding warrant or the individual whose license or privilege to drive has been suspended.

(d) (1) An individual named in an outstanding warrant may appeal a decision of the Administration under this section to suspend the individual's license or privilege to drive.

(2) At a hearing under this subsection, the only issue shall be whether the Administration has mistaken the identity of the individual named in the outstanding warrant or the individual whose license or privilege to drive has been suspended.

(e) An individual shall be referred to the law enforcement agency that notified the Administration of the outstanding warrant to resolve any question of whether the warrant has been satisfied.

(f) (1) The Administration shall continue the suspension of a license or privilege to drive that was suspended under this section until:

(i) The Administration is ordered by a court to reinstate the license or privilege to drive; or

(ii) A law enforcement agency notifies the Administration that:

1. The individual named in the outstanding warrant has been arrested; or
2. The outstanding warrant has been otherwise satisfied.

(2) On receipt of an order or notice under paragraph (1) of this subsection, the Administration shall reinstate a license or privilege to drive unless the license or privilege has been refused, revoked, suspended, or canceled under any other provision of the Maryland Vehicle Law.

(g) (1) The Administration, in consultation with the primary law enforcement officers of the State, shall adopt regulations to implement this section.

(2) The regulations shall include:

(i) Criteria that a law enforcement agency must meet prior to notifying the Administration that an individual is named in an outstanding warrant;

(ii) A procedure for informing an individual named in an outstanding warrant:

1. That the individual's license or privilege to drive has been suspended; and
2. Of the manner in which the individual may contest or resolve the suspension;

(iii) A procedure which must be followed by the law enforcement agency to notify the Administration of changes in the status of an outstanding warrant; and

(iv) A procedure for the Administration to carry out the suspension of a license or privilege to drive as authorized under this section.

(h) If a law enforcement agency meets the criteria established under subsection (g) of this section, the Administration shall enter into an agreement with the appropriate primary law enforcement officer that provides for the notification to the Administration of individuals named in outstanding warrants.

(i) The procedures specified in this section are in addition to any other penalty provided by law for the failure to meet the demands specified in a warrant.

(j) This section may not be construed to require the Administration to arrest an individual named in an outstanding warrant.

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§ 16-205

(a) (1) The Administration may revoke the license of any person who:

(i) Is convicted under § 21-902(a) or (d) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol, while under the influence of alcohol per se, or while impaired by a controlled dangerous substance; or

(ii) Within a 3-year period, is convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely and who was previously convicted of any combination of two or more violations under:

1. § 21-902(a) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while under the influence of alcohol per se;

2. § 21–902(b) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol;
3. § 21–902(c) of this article of driving or attempting to drive a motor vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely; or
4. § 21–902(d) of this article of driving or attempting to drive a motor vehicle while impaired by a controlled dangerous substance.

(2) In the notice of proposed revocation, the Administration shall advise an individual who is convicted under § 21–902(a) of this article that the individual, if eligible, is required to participate in the Ignition Interlock System Program for the following periods:

- (i) 6 months the first time the individual is required to participate in the Ignition Interlock System Program;
- (ii) 1 year the second time the individual is required to participate in the Ignition Interlock System Program; and
- (iii) 3 years the third or any subsequent time the individual is required to participate in the Ignition Interlock System Program.

(b) The Administration:

(1) Shall revoke the license of any person who has been convicted under:

(i) Title 2, Subtitle 5 of the Criminal Law Article for homicide by a motor vehicle while under the influence of alcohol, impaired by alcohol, or impaired by any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

(ii) § 21–902(a), (b), (c), or (d) of this article for driving while under the influence of alcohol or alcohol per se, impaired by alcohol, or impaired by any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance that contributes to an accident that results in the death or life-threatening injury of another person; or

(iii) § 20–102 of this article for failure to remain at the scene of an accident that results in the death or serious bodily injury of another person; and

(2) May not issue a temporary license to drive for any person whose license has been revoked under item (1) of this subsection during an administrative appeal of the revocation.

(c) (1) Subject to subsection (d–1) of this section and § 16–404.1 of this title, the Administration may suspend for not more than 60 days the license of any person who is convicted under § 21–902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely.

(2) A suspension under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21–902 of this article described in this subsection.

(d) (1) Subject to subsection (d–1) and subsection (e) of this section and § 16–404.1 of this title, the Administration may suspend for not more than 1 year the license of any person who, within a 5-year period, is convicted of any violation of § 21–902 of this article after the person was previously convicted of any violation under § 21–902 of this article.

(2) If requested by the person, the Administration may issue a restricted license for the period of a suspension to a person who participates in the Ignition Interlock System Program under § 16–404.1 of this title.

(3) A suspension under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for the violation of § 21–902 of this article described in this subsection.

(d–1) (1) Notwithstanding subsections (c) and (d) of this section and subject to § 16–404.1 of this title, for a person who is under the age of 21 years on the date of a violation of § 21–902 of this article, and who is subsequently convicted of the violation under § 21–902 of this article, the Administration shall suspend the person's license to drive for:

- (i) 1 year for a first conviction of § 21–902 of this article; and
- (ii) 2 years for a second or subsequent conviction of § 21–902 of this article.

(2) A suspension imposed under this subsection shall:

- (i) Be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21–902 of this article described in this subsection; and
 - (ii) Receive credit for any suspension period imposed under § 16–113(f) of this title or § 16–205.1 of this subtitle that arises out of the circumstances of the conviction for a violation of § 21–902 of this article described in this subsection.
- (3) (i) Subject to the provisions of this paragraph, a person may request on the record that a hearing on a suspension under this subsection and any other hearing on another suspension or revocation under this section, § 16–206(c)(3) or § 16–213 of this subtitle, or § 16–404 of this title that arises out of the circumstances of the conviction for a violation of § 21–902 of this article described in this subsection be consolidated.
- (ii) A person who requests consolidation of hearings under this paragraph shall waive on the record each applicable notice of right to request a hearing required under Title 12, Subtitle 1 or 2 of this article or Title 10, Subtitle 2 of the State Government Article that applies to the other suspensions or revocations arising out of the same circumstances.
- (iii) A hearing under this paragraph may not be postponed at the request of the person who requests consolidation of hearings under subparagraph (i) of this paragraph due to a consolidation of the hearings.
- (iv) Subject to the provisions of this paragraph, the Administration shall consolidate the hearings described in this paragraph unless the administrative law judge finds in writing that good cause exists not to consolidate the hearings.
- (e) (1) In this subsection, “motor vehicle” does not include a commercial motor vehicle.
- (2) Subject to the provisions of this subsection and § 16–404.1 of this title, the Administration shall suspend for 1 year the license of a person who is convicted of:
- (i) A violation of § 21–902(a) of this article more than once within a 5–year period;
 - (ii) A violation of § 21–902(a) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(d) of this article; or
 - (iii) A violation of § 21–902(d) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(a) of this article.
- (3) On receiving a record of a conviction of a person for a violation described in paragraph (2) of this subsection, the Administration shall issue to the person a notice of suspension of the person’s license that:
- (i) States that the person’s license shall be suspended for 1 year subject to § 16–404.1 of this title;
 - (ii) States that a restricted license may be issued during the 1–year period of suspension if:
 1. The person maintains an ignition interlock system on a motor vehicle owned or operated by the person for 1 year or a longer period if required under § 16–404.1 of this title; and
 2. The license is restricted to prohibit the person from driving a motor vehicle that is not equipped with an ignition interlock system;
 - (iii) Advises the person of the requirements under paragraph (7) of this subsection for a person who does not participate in the Ignition Interlock System Program in accordance with this paragraph during the 1–year period of suspension;
 - (iv) Advises the person of the right to request a hearing on a suspension under this paragraph;
 - (v) Advises the person of the right, instead of requesting a hearing on a suspension under this paragraph, to be subject to a 1–year period of suspension, during which the person may be issued a restricted license under this paragraph if the following conditions are met:
 1. The person’s driver’s license is not currently suspended, revoked, canceled, or refused;
 2. The person surrenders a valid Maryland driver’s license or signs a statement certifying that the driver’s license is no longer in the person’s possession; and
 3. The person elects in writing, within the same time limit for requesting a hearing, to meet the ignition interlock system requirements under this paragraph for 1 year; and
 - (vi) Provides information about the Ignition Interlock System Program and how a person participates in the Program under § 16–404.1 of this title.

(4) After notice under paragraph (3) of this subsection, the Administration shall suspend a person's license under this subsection if:

(i) The person does not request a hearing;

(ii) After a hearing, the Administration finds that the person was convicted of:

1. A violation of § 21-902(a) of this article more than once within a 5-year period;

2. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

3. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article; or

(iii) The person fails to appear for a hearing requested by the person.

(5) The Administration may modify a suspension under paragraph (4) of this subsection to:

(i) Order the person to maintain for 1 year or a longer period if required under § 16-404.1 of this title an ignition interlock system on a motor vehicle owned or operated by the person; and

(ii) Impose a restriction on the person's license that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system.

(6) A person who participates in the Ignition Interlock System Program for at least 1 year under paragraph (5) of this subsection is exempt from the requirements of paragraphs (7) through (11) of this subsection.

(7) The Administration shall, within 90 days of the expiration of the 1-year period of suspension, issue to the person a notice, unless this notice requirement was waived at a hearing described in paragraph (4) of this subsection, that:

(i) States that the person shall maintain for not less than 6 months and not less than the period required under § 16-404.1 of this title, dating from the expiration of the 1-year period of suspension, an ignition interlock system on each motor vehicle owned by the person;

(ii) States that the Administration shall impose a restriction on the person's license that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system for a period of not less than 6 months and not less than the period required under § 16-404.1 of this title, dating from the expiration of the 1-year period of suspension; and

(iii) Advises the person of the right to request a hearing under this paragraph.

(8) After notice under paragraph (7) of this subsection, or a waiver of notice, the Administration shall order a person to maintain for not less than 6 months and not less than the period required under § 16-404.1 of this title, dating from the expiration of the 1-year period of suspension, an ignition interlock system on each motor vehicle owned by the person and impose a license restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system if:

(i) The person does not request a hearing;

(ii) The Administration finds at a hearing that the person owns one or more motor vehicles and that no financial hardship, as described in paragraphs (9) and (10) of this subsection, will be created by requiring the person to maintain an ignition interlock system on each motor vehicle owned by the person; or

(iii) The person fails to appear for a hearing requested by the person.

(9) If the Administration finds at a hearing that maintenance of an ignition interlock system on a motor vehicle owned by the person creates a financial hardship on the person, the family of the person, or a co-owner of the motor vehicle, the Administration:

(i) Shall impose a restriction on the license of the person for not less than 6 months and not less than the period required under § 16-404.1 of this title, dating from the expiration of the 1-year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system; and

(ii) May not require the person to maintain an ignition interlock system on any motor vehicle to which the financial hardship applies.

(10) An exemption under paragraph (9)(ii) of this subsection applies only under circumstances that:

(i) Are specific to the person's motor vehicle; and

(ii) Meet criteria contained in regulations that shall be adopted by the Administration.

(11) If a person requests a hearing and the Administration finds that the person does not own a motor vehicle at the expiration of the 1-year period of suspension, the Administration shall impose a restriction on the license of the person for not less than 6 months and not less than the period required under § 16-404.1 of this title, dating from the expiration of the 1-year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system.

(12) Each notice and hearing under this subsection shall meet the requirements of Title 12, Subtitle 2 of this article.

(13) This subsection does not limit any provision of this article that allows or requires the Administration to:

(i) Revoke or suspend a license of a person; or

(ii) Prohibit a person from driving a motor vehicle that is not equipped with an ignition interlock system.

(14) A suspension imposed under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21-902(a) or (d) of this article described in this subsection.

(15) Notwithstanding any other provision of this subsection, a person who is subject to suspension under paragraph (2) of this subsection may not operate a motor vehicle owned or provided by the person's employer that is not equipped with an ignition interlock device, as set forth in § 27-107(g) of this article.

(f) (1) Subject to paragraph (2) of this subsection, the Administration may modify any suspension under this section or any suspension under § 16-205.1 of this subtitle and issue a restricted license to a licensee who participates in the Ignition Interlock System Program established under § 16-404.1 of this title.

(2) The Administration may not modify a suspension and issue a restricted license during a mandatory period of suspension described in subsection (e) of this section.

(g) When a suspension imposed under subsection (c), (d), (d-1), or (e) of this section or § 16-206(b) of this subtitle expires, the Administration immediately shall return the license or reinstate the privilege of the driver, unless the license or privilege has been refused, revoked, suspended, or canceled under any other provisions of the Maryland Vehicle Law.

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§ 16-206

(a) (1) The Administration may suspend, revoke, or refuse to issue or renew the license of any resident or the privilege to drive of any nonresident on a showing by its records or other sufficient evidence that the applicant or licensee:

(i) Has been convicted of moving violations so often as to indicate an intent to disregard the traffic laws and the safety of other persons on the highways;

(ii) Is an unfit, unsafe, or habitually reckless or negligent driver of a motor vehicle;

(iii) Has permitted an unlawful or fraudulent use of a license, identification card, or a facsimile of a license or identification card;

(iv) Has used a license, identification card, or a facsimile of a license or identification card in an unlawful or fraudulent manner, unless the applicant or licensee is subject to the provisions of subsection (c) of this section;

(v) Has committed an offense in another state that, if committed in this State, would be grounds for suspension or revocation; or

(vi) Has knowingly made a false certification of required security in any application for a certificate of title or for the registration of a vehicle.

(2) The Administration may suspend a license to drive of an individual who fails to attend:

(i) A driver improvement program or an alcohol education program required under § 16-212 of this subtitle; or

(ii) A private alternative program or an alternative program that is provided by a political subdivision of this State under § 16-212 of this subtitle.

(3) The Administration may suspend or revoke a provisional license under § 16–213 of this subtitle.

(4) (i) Pursuant to a court order under § 4–503, § 9–504, or § 9–505 of the Criminal Law Article, the Administration:

1. Shall initiate an action to suspend the driver's license or driving privilege of an individual for a time specified by the court; and

2. May issue a restricted license that is limited to driving a motor vehicle:

A. For the purpose of attending an alcohol education or alcoholic prevention or treatment program;

B. That is required in the course of employment;

C. For the purposes of driving to or from a place of employment if the individual's employment would be adversely affected because the individual has no reasonable alternative means of transportation to or from the place of employment; or

D. For the purposes of driving to or from school or any other place of educational instruction if the individual's education would be adversely affected because the individual has no reasonable alternative means of transportation for educational purposes.

(ii) If an individual subject to a suspension under subparagraph (i) of this paragraph does not possess the privilege to drive on the date of the disposition, the suspension shall commence:

1. If the individual is at an age that is eligible to obtain the privilege to drive on the date of the disposition, on the date of the disposition; or

2. If the individual is younger than an age that is eligible to obtain the privilege to drive on the date of the disposition, on the date the individual is eligible to obtain driving privileges.

(5) (i) The Administration may suspend the license of a person who is convicted of a moving violation that contributed to an accident resulting in the death of another person.

(ii) A suspension under this paragraph may not exceed 6 months.

(iii) This paragraph does not limit the authority of the Administration to suspend, revoke, or refuse to issue or renew a license under any other provision of law.

(b) (1) Upon notification by the clerk of the court that a child has been adjudicated delinquent for a violation of § 21–902 of this article, or that a finding has been made that a child violated § 21–902 of this article, the Administration shall suspend the license to drive of the child in accordance with § 3–8A–23(a)(4)(i) of the Courts Article.

(2) On notification by the clerk of the court that a child has been adjudicated delinquent for a violation of § 13–401(b) of this article for driving an off-highway recreational vehicle on a highway, or of § 20–102, § 20–103, or § 21–904 of this article, or that a finding has been made that a child violated § 13–401(b) of this article for driving an off-highway recreational vehicle on a highway, or of § 20–102, § 20–103, or § 21–904 of this article, the Administration shall suspend the child's license to drive in accordance with § 3–8A–23(a)(5) of the Courts Article.

(3) If a child subject to a suspension under this subsection does not hold a license to operate a motor vehicle on the date of the disposition, the suspension shall commence:

(i) If the child is at least 16 years old on the date of the disposition, on the date of the disposition; or

(ii) If the child is younger than 16 years of age on the date of the disposition, on the date the child reaches the child's 16th birthday.

(4) A suspension imposed under this subsection shall:

(i) Be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the adjudication of delinquency or finding that the child is in violation of § 13–401(b) of this article for driving an off-highway recreational vehicle on a highway, or of § 20–102, § 20–103, § 21–902, or § 21–904 of this article as described in this subsection; and

(ii) Receive credit for any suspension period imposed under § 16–113(f) of this title or § 16–205.1 of this subtitle that arises out of the circumstances of the violation of § 21–902 of this article described in this subsection.

(5) (i) Subject to the provisions of this paragraph, a person may request on the record that a hearing on a suspension under this subsection and any other hearing on another suspension or revocation under subsection (c) of this section, § 16–213 of this subtitle, or § 16–404 of this title that arises out of the circumstances of the conviction for a violation of § 21–902 of this article described in this subsection be consolidated.

(ii) A person who requests consolidation of hearings under this paragraph shall waive on the record each applicable notice of right to request a hearing required under Title 12, Subtitle 1 or 2 of this article or Title 10, Subtitle 2 of the State Government Article that applies to the other suspensions or revocations arising out of the same circumstances.

(iii) A hearing under this paragraph may not be postponed at the request of the person who requests consolidation of hearings under subparagraph (i) of this paragraph due to a consolidation of the hearings.

(iv) Subject to the provisions of this paragraph, the Administration shall consolidate the hearings described in this paragraph unless the administrative law judge finds in writing that good cause exists not to consolidate the hearings.

(c) (1) Pursuant to a court order under § 3–8A–19(e) of the Courts Article, the Administration shall initiate an action to suspend the driving privilege of a child for the time specified by the court.

(2) If a child subject to a suspension under § 3–8A–19(e) of the Courts Article does not hold a license to operate a motor vehicle on the date of the court order, the suspension shall commence:

(i) If the child is at least 16 years of age on the date of the disposition, on the date of the disposition; or

(ii) If the child is younger than 16 years of age on the date of the disposition, on the date the child reaches the child's 16th birthday.

(3) (i) On receipt of a notice described under § 10–119(k) of the Criminal Law Article, the Administration shall suspend the license of an individual described under § 10–119(k) of the Criminal Law Article:

1. For a first offense, for 6 months; and

2. For a second or subsequent offense, until the individual is 21 years old or for a period of 1 year, whichever is longer.

(ii) On receipt of a notice described under § 13–401(b)(2) of this article, the Administration shall suspend the license of an individual described under § 13–401(b)(2) of this article:

1. For a first offense, for 6 months; and

2. For a second or subsequent offense, for 1 year.

(4) If an individual subject to a suspension under paragraph (3) of this subsection does not hold a license to operate a motor vehicle on the date that the individual is found guilty of the violation, the suspension shall begin on the date that the license is issued, or after the individual applies and becomes qualified to receive a license, or on the individual's twenty-first birthday, whichever occurs first.

(5) The Administration may modify a suspension under this subsection or subsection (b) of this section or issue a restricted license if:

(i) The license is required for the purpose of attending an alcohol education or alcoholic prevention or treatment program;

(ii) The child or individual is required to drive a motor vehicle in the course of employment;

(iii) It finds that the individual's or child's employment would be adversely affected because the individual or child has no reasonable alternative means of transportation to or from a place of employment; or

(iv) It finds that the individual's or child's education would be adversely affected because the individual or child has no reasonable alternative means of transportation for educational purposes.

(d) (1) After the Administration refuses to issue a license under this section, determines that a suspension should be imposed under subsection (a)(2) of this section, or determines that a suspension or revocation should be imposed under subsection (a)(3) of this section, the Administration immediately shall give written notice to the applicant or licensee, and the applicant or licensee may request a hearing as provided in Title 12, Subtitle 2 of this article.

(2) After the Administration suspends the driver's license or driving privilege of an individual under subsection (a)(4) of this section, the Administration shall send written notice to the individual, including notice of the individual's right to contest the accuracy of the information.

(3) Any contest under this subsection shall be limited to:

(i) Whether the Administration has mistaken the identity of the individual whose license or privilege to drive has been suspended; and

(ii) Whether the individual may be issued a restricted license that is limited to driving a motor vehicle:

1. For the purpose of attending an alcohol education or alcoholic prevention or treatment program;

2. That is required in the course of employment;

3. For the purposes of driving to or from a place of employment if the individual's employment would be adversely affected because the individual has no reasonable alternative means of transportation to or from the place of employment; or

4. For the purposes of driving to or from school or any other place of educational instruction if the individual's education would be adversely affected because the individual has no reasonable alternative means of transportation for educational purposes.

(4) Except as otherwise provided in this section, the Administration may suspend or revoke a license under this section only after a hearing under Title 12, Subtitle 2 of this article.

(5) If the Administration determines that there is a likelihood of substantial and immediate danger and harm to the licensee or others if the license is continued pending a hearing, the Administration:

(i) Immediately may suspend the license;

(ii) Within 7 days of a request for a hearing, shall grant the licensee a hearing as provided in Title 12, Subtitle 2 of this article; and

(iii) After the hearing, render an immediate decision as to whether or not it should continue the suspension or revoke the license.

(e) (1) If a licensee fails to appear for a hearing after receiving the written notice under subsection (d)(1) of this section, the Administration may suspend the license until the licensee appears for a hearing.

(2) A rescheduled hearing shall be held within 30 days of the date of the request.

(f) In accordance with Title 12, Subtitle 2 of this article, the Administration shall provide notice of a suspension under subsection (a)(5) of this section and the licensee may request a hearing.

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§ 16-207

(a) (1) The Administration may require a licensee to submit to reexamination, on at least 7 days' written notice, if:

(i) The licensee is involved in an accident resulting in the death of another; or

(ii) Except as provided in paragraph (2) of this subsection, the Administration has good cause to believe that the licensee is unfit, unsafe, or otherwise not qualified to be licensed.

(2) The Administration may not use the age of the licensee as grounds for reexamination.

(b) After reexamination, the Administration, as appropriate, may:

(1) Suspend or revoke the licensee's driver's license under § 16-206 of this subtitle; however, the Administration may not suspend or revoke a licensee's driver's license if the suspension or revocation is based on any records or evidence by a person alleging that the licensee is an unsafe or unfit driver, unless the person has been identified to the licensee and the licensee is given an opportunity to cross-examine that person at a hearing;

(2) Permit the licensee to retain the license; or

(3) Issue a new license subject to any restrictions permitted by this title.

(c) The Administration may suspend or revoke the driver's license of any licensee who refuses or neglects to submit to a reexamination under this section.

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§ 16-208

(a) (1) Except as provided in paragraph (2) of this subsection, §§ 16–205(d–1) and 16–206(a)(4), (b), and (c) of this subtitle, § 16–404(c)(2) and (3) of this title, and § 3–8A–23 of the Courts and Judicial Proceedings Article, the Administration may not suspend a license or privilege to drive for a period of more than 1 year.

(2) After notice and hearing, the Administration may suspend for an indefinite period the license or privilege of any individual who cannot drive safely because of his physical or mental condition.

(3) This subsection does not apply to or affect the suspension of any license:

(i) For failure to comply with the required security provisions of Title 17 of this article;

(ii) For failure to appear at a hearing as provided in Title 12, Subtitle 2 of this article;

(iii) For failure to obey a citation, as provided in Title 26 of this article;

(iv) For failure to pay a fine in accordance with the court's directive as provided in Title 27 of this article; or

(v) For failure to pay child support, as provided in § 16–203 of this subtitle.

(b) (1) Any individual whose license or privilege to drive has been revoked may apply for reinstatement of the individual's license or privilege as provided in this subsection.

(2) (i) If it is the individual's first revocation, the individual may file a reinstatement application at any time after the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after the effective date of the revocation.

(ii) Except as provided in paragraph (7) of this subsection, on receipt of the application, the Administration may reinstate the license or privilege 6 months after the revoked license is received by the Administration or, in the case of an individual who does not have a license issued under this title, 6 months after the effective date of revocation.

(3) (i) If it is the individual's second revocation, the individual may file a reinstatement application at any time after 1 year from the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after 1 year from the effective date of revocation.

(ii) Except as provided in paragraph (7) of this subsection, on receipt of the application, the Administration may reinstate the license or privilege.

(4) (i) If it is the individual's third revocation, the individual may file a reinstatement application at any time after 18 months from the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after 18 months from the effective date of revocation.

(ii) Except as provided in paragraph (7) of this subsection, on receipt of the application, the Administration may reinstate the license or privilege.

(5) (i) If it is the individual's fourth or subsequent revocation, the individual may file a reinstatement application at any time after 2 years from the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after 2 years from the effective date of revocation.

(ii) Except as provided in paragraph (7) of this subsection, on receipt of the application, the Administration may reinstate the license or privilege.

(6) (i) Except as provided in subparagraph (ii) of this paragraph, if the individual's license is revoked under § 16–205(b) of this subtitle, the individual may file a reinstatement application at any time after 5 years from the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after 5 years from the effective date of revocation.

(ii) The individual may file a reinstatement application at any time after 2 years from the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after 2 years from the effective date of revocation if the Administration finds that:

1. Not allowing the individual to file a reinstatement application will cause undue hardship; or

2. Extenuating circumstances exist justifying the filing of a reinstatement application.

(iii) Except as provided in paragraph (7) of this subsection, on receipt of the application, the Administration may reinstate the license or privilege.

(7) (i) The Administration may not reinstate a license or privilege to drive under this subsection if the license or privilege has been refused, revoked, suspended, or canceled under any other provision of the Maryland Vehicle Law.

(ii) 1. In this subparagraph, "alcohol-related or drug-related driving incident" means a:

A. Conviction or probation before judgment for a violation of § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another jurisdiction;

B. Refusal to submit to a test under § 16-205.1 of this subtitle or a substantially similar law of another jurisdiction; or

C. Test result that indicates an alcohol concentration of 0.10 or more at the time of testing under § 16-205.1 of this subtitle or a substantially similar law of another jurisdiction.

2. Alcohol-related or drug-related driving incidents committed at the same time or arising out of the same circumstances may not be considered separate alcohol-related or drug-related driving incidents for the purpose of this subparagraph.

3. Notwithstanding paragraphs (1) through (6) of this subsection, the Administration may reinstate a license or privilege to drive only if, after an investigation of an individual's habits and driving ability, the Administration is satisfied it will be safe to reinstate the license or privilege of an individual who has been:

A. Involved in any combination of three or more separate alcohol-related or drug-related driving incidents;

B. Involved in a vehicular accident resulting in the death of another person; or

C. Convicted of a violation for failing to stop after a vehicular accident resulting in bodily injury or death.

(8) Except as otherwise provided in this title, before issuing a new license, the Administration shall require the applicant to submit to the examinations that it considers appropriate.

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§ 16-209

(a) On filing an application for a new license or for reinstatement of the privilege to drive, any individual whose license or privilege to drive has been revoked shall pay to the Administration a fee established by the Administration.

(b) If the applicant's license was revoked as a result of a conviction under § 21-902 of this article or a violation of an alcohol restriction, the applicant shall pay a fee established by the Administration in addition to the amount charged under subsection (a) of this section.

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§ 16-210

(a) On canceling, suspending, or revoking a driver's license, the Administration shall require that the license be surrendered to the Administration.

(b) At the end of a suspension period, the Administration shall issue a driver's license to the licensee.

(c) When the Administration suspends or revokes a Maryland driver's license or issues a restricted license, the suspension, revocation, or restriction is effective at the time the decision is rendered, unless otherwise ordered by the Administration.

(d) Credit for the term of the suspension, revocation, or period of restriction shall begin only after the Administration has received:

(1) The driver's license issued to the licensee immediately prior to the decision to suspend, revoke, or restrict the license; or

(2) A certification that:

(i) A Maryland driver's license is not in the possession of the licensee; and

(ii) If the Maryland driver's license comes into the licensee's possession, the licensee shall immediately surrender the license to the Administration.

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§ 16-211

- (a) An individual whose license or privilege to drive has been refused under this title may not drive a motor vehicle in this State after the refusal under any license or permit issued by any other jurisdiction or otherwise, until a new license or privilege is obtained under this title.
- (b) An individual whose license or privilege to drive has been suspended under this title may not drive a motor vehicle in this State during the suspension under any license or permit issued by any other jurisdiction or otherwise, until a new license or privilege is obtained under this title.
- (c) An individual whose license or privilege to drive has been revoked under this title may not drive a motor vehicle in this State after the revocation under any license or permit issued by any other jurisdiction or otherwise, until a new license or privilege is obtained under this title.
- (d) An individual whose license or privilege to drive has been refused under this title may not drive a motor vehicle in this State after the refusal under any registration certificate issued by any other jurisdiction or otherwise, until a new license or privilege is obtained under this title.
- (e) An individual whose license or privilege to drive has been suspended under this title may not drive a motor vehicle in this State during the suspension under any registration certificate issued by any other jurisdiction or otherwise, until a new license or privilege is obtained under this title.
- (f) An individual whose license or privilege to drive has been revoked under this title may not drive a motor vehicle in this State after the revocation under any registration certificate issued by any other jurisdiction or otherwise, until a new license or privilege is obtained under this title.

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§ 16-212

- (a) The Administration may conduct:
 - (1) A driver improvement program, including a driver improvement program designed specifically for young drivers; and
 - (2) An alcohol education program.
- (b) (1) The purpose of the programs authorized under this section is to provide driver rehabilitation.
- (2) The Administration shall determine the content of the programs.
- (c) If an individual is convicted of one or more moving violations:
 - (1) Notwithstanding item (2) of this subsection, after a hearing as provided in Title 12, Subtitle 2 of this article, as a condition of reinstatement of a driver's license, the Administration may require an individual to attend a driver improvement program or alcohol education program; or
 - (2) A court may require an individual to attend a driver improvement program or alcohol education program.
- (d) In carrying out an order of the court, a probation officer or health department officer may assign an individual to attend a driver improvement program or alcohol education program.
- (e) (1) An individual who attends a program under this section shall pay, in advance, a fee as provided in this subsection.
- (2) The Administration shall set a reasonable fee based on the costs of operating the programs authorized by this section.
- (3) The funds collected by the Administration under this subsection may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.
- (f) (1) The Administration may waive attendance at an alcohol education program conducted by the Administration if an individual attends a private alcohol education program or an alcohol education program provided by a political subdivision of the State that is approved by the Behavioral Health Administration and the Administration.
- (2) The Administration may waive attendance at a driver improvement program conducted by the Administration if an individual attends a private driver improvement program or a driver improvement program provided by a political subdivision of the State that is approved by the Administration.
- (3) The Administration shall establish criteria for approving private providers of alcohol education or driver improvement programs provided by a political subdivision of the State.

(4) Upon application for approval to provide the programs allowed under this section, a private provider shall pay an application fee established by the Administration.

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§ 16-213

(a) (1) In this section the following words have the meanings indicated.

(2) "Education and employment only restriction" means a restriction that allows a licensed driver to drive only:

- (i) To or from a school class or an official school activity; or
- (ii) To or from, or in the course of, the licensee's employment.

(3) "Offense" means a moving violation committed by an individual who:

- (i) Held a provisional license under § 16–111 of this title on the date the violation was committed;
- (ii) Was convicted of, or granted a probation before judgment under § 6–220 of the Criminal Procedure Article for, the violation; and
- (iii) Was not eligible for a license under § 16–111.1 of this title at the time of the violation.

(b) Except as provided in § 16–205(d–1) or § 16–206(b) of this subtitle, the sanctions under this section are in addition to any other penalty or sanctions that might apply as a result of a moving violation.

(c) The Administration:

(1) For a first offense, shall require the offender to attend a driver improvement program under § 16–212 of this subtitle;

(2) For a second offense:

(i) For an adult, may suspend the offender's license for up to 30 days; and

(ii) For an individual under the age of 18 years, may:

- 1. Suspend the offender's license for up to 30 days; and
- 2. Impose, on completion of the suspension, an education and employment only restriction on the offender's license effective for 90 days;

(3) For a third offense:

(i) For an adult, may suspend the offender's license for up to 180 days; and

(ii) For an individual under the age of 18 years, may:

- 1. Suspend the offender's license for up to 180 days;
- 2. Require the offender to attend a driver improvement program designed for young drivers under § 16–212 of this subtitle; and
- 3. Impose, on completion of the suspension, an education and employment only restriction on the offender's license effective for 180 days; and

(4) For a fourth or subsequent offense:

(i) For an adult, may suspend or revoke the offender's license for up to 180 days; and

(ii) For an individual under the age of 18 years, may:

- 1. Revoke the offender's license for not less than 180 days; and
- 2. Require the offender, in addition to applying for reinstatement as required under § 16–208(b) of this subtitle, to pass the examinations required under § 16–110 of this title.

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§ 16-301

(a) A person may not knowingly or fraudulently obtain or attempt to obtain a license to drive or a moped operator's permit by misrepresentation.

- (b) A person may not in any application for a license to drive or a moped operator's permit:
- (1) Use a false or fictitious name;
 - (2) Knowingly make a false statement;
 - (3) Knowingly conceal a material fact;
 - (4) Use a false, fictitious, or fraudulently altered document; or
 - (5) Otherwise commit a fraud.
- (c) A person may not display or cause or permit to be displayed any canceled license.
- (d) A person may not display or cause or permit to be displayed any revoked license.
- (e) A person may not display or cause or permit to be displayed any suspended license.
- (f) A person may not display or cause or permit to be displayed any fictitious license.
- (g) A person may not display or cause or permit to be displayed any fraudulently altered license.
- (h) A person may not possess any canceled license.
- (i) A person may not possess any revoked license.
- (j) A person may not possess any suspended license.
- (k) A person may not possess any fictitious license.
- (l) A person may not possess any fraudulently altered license.
- (m) A person may not lend his license to any other person or knowingly permit the use of his license by another.
- (n) A person may not display or represent as his own any license not issued to him.
- (o) A person may not fail or refuse to surrender to the Administration on its lawful demand any license that has been suspended, revoked, or canceled.
- (p) A person may not permit any unlawful use of a license issued to him.
- (q) A person may not engage in any fraudulent or dishonest conduct in the examination or testing process for the issuance or renewal of a driver's license or moped operator's permit, including for the driver skills examination, the driver knowledge test, or any required vision or medical examinations.
- (r) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.
- (2) A person convicted of a violation of subsection (a) or (b) of this section is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.
- (3) A person convicted of a violation of subsection (c), (d), (e), (h), (i), or (j) of this section is subject to a fine not exceeding \$500.

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§ 16-302

- (a) A person may not duplicate or reproduce the following:
- (1) Any identification card issued under this title by the Administration; or
 - (2) A driver's license issued under this title.
- (b) A person may not produce a facsimile of an identification card issued by the Administration or a driver's license unless the facsimile is:
- (1) In black and white; or
 - (2) Less than one-half or more than twice the size of the identification card issued by the Administration or driver's license.
- (c) The Administration may apply to a circuit court of this State for an injunction, as provided by the Maryland Rules, to restrain a person from violating or continuing to violate any provision of this section.

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§ 16-303

(a) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license or privilege to drive is refused in this State or any other state.

(b) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license or privilege to drive is canceled in this State.

(c) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license or privilege to drive is suspended in this State.

(d) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license or privilege to drive is revoked in this State.

(e) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license issued by any other state is canceled.

(f) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license issued by any other state is suspended.

(g) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license issued by any other state is revoked.

(h) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license or privilege to drive is suspended under § 16–203, § 16–206(a)(2) for failure to attend a driver improvement program, § 17–106, § 26–204, § 26–206, or § 27–103 of this article.

(i) (1) This subsection applies only to a person whose license or privilege to drive is suspended under the traffic laws or regulations of another state for:

- (i) Failure to comply with a notice to appear in a court of that state contained in a traffic citation issued to the person; or
- (ii) Failure to pay a fine for a violation of any traffic laws or regulations of that state.

(2) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license or privilege to drive is suspended under the traffic laws or regulations of any other state as described in paragraph (1) of this subsection.

(j) (1) Except as provided in paragraph (2) of this subsection, any individual who violates a provision of this section shall be assessed the points as provided for in § 16–402(a)(35) of this title.

(2) Any individual who violates a provision of subsection (h) or (i) of this section shall be assessed the points as provided for in § 16–402(a)(14) of this title.

(k) (1) Except as provided in paragraph (2) of this subsection, a person convicted of a violation of this section is subject to:

- (i) For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and
- (ii) For a second or subsequent offense committed within 3 years of the prior conviction, imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

(2) (i) A person charged with a violation of subsection (h) or (i) of this section:

- 1. Must appear in court; and
- 2. May not prepay the fine.

(ii) A person convicted of a violation of subsection (h) or (i) of this section is subject to a fine not exceeding \$500.

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§ 16-304

(a) A person may not cause his child or ward under the age of 15 to drive a motor vehicle on any highway:

- (1) If the minor is not authorized by this title to drive; or
- (2) Otherwise in violation of any of the provisions of this title.

(b) A person may not knowingly permit the person's child or ward under the age of 15 to drive a motor vehicle on any highway:

- (1) If the minor is not authorized by this title to drive; or
- (2) Otherwise in violation of any of the provisions of this title.

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§ 16-305

(a) A person may not knowingly permit a motor vehicle owned by him to be driven on any highway by any person:

- (1) If the person is not authorized by this title to drive; or
- (2) Otherwise in violation of any of the provisions of this title.

(b) A person may not knowingly permit a motor vehicle under the person's control to be driven on any highway by any person:

- (1) If the person is not authorized by this title to drive; or
- (2) Otherwise in violation of any of the provisions of this title.

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§ 16-401

In addition to any other provisions of the Maryland Vehicle Law, the Administration shall maintain a point system for the refusal, suspension, or revocation of drivers' licenses issued under this title.

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§ 16-402

(a) After the conviction of an individual for a violation of Title 2, Subtitle 5, § 2-209, § 3-211, or § 10-110 of the Criminal Law Article, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

- (1) Any moving violation not listed below and not contributing to an accident.....1 point
- (2) Following another vehicle too closely 2 points
- (3) Speeding in excess of the posted speed limit by 10 miles per hour or more.....2 points
- (4) Driving with an improper class of license 2 points
- (5) Failing to stop for a school vehicle with activated alternately flashing red lights.....3 points
- (6) Any violation of § 21-1111 of this article 2 points
- (7) Passing an emergency or police vehicle under the provisions of § 21-405(d) of this article 2 points
- (8) A violation of § 21-511(a) of this article 2 points
- (9) Failure to stop a vehicle for a steady red traffic signal in violation of § 21-202 of this article or a nonfunctioning traffic control signal in violation of § 21-209 of this article 2 points
- (10) Operating a limousine in violation of § 21-1127(a) of this article.....2 points
- (11) Use of a motor vehicle in violation of the Illegal Dumping and Litter Control Law under § 10-110(f)(2)(i) of the Criminal Law Article 2 points
- (12) Use of a motor vehicle in violation of the Illegal Dumping and Litter Control Law under § 10-110(f)(2)(ii) of the Criminal Law Article 2 points
- (13) Negligent driving 2 points

- (14) Any moving violation contributing to an accident.....3 points
- (15) Any violation of § 16–303(h) or (i) of this title 3 points
- (16) Any violation, except violations committed on the John F. Kennedy Memorial Highway, of § 21–1411 of this article 3 points
- (17) A violation of § 16–301(c), (d), (e), (h), (i), or (j) of this title
.....3 points
- (18) Driving while not licensed 5 points
- (19) Failure to report an accident 5 points
- (20) Driving on a learner’s permit unaccompanied 5 points
- (21) Any violation of § 17–107 of this article 5 points
- (22) Any violation of § 16–304 or § 16–305 of this title 5 points
- (23) Any violation of § 22–404.5 of this article 5 points
- (24) Speeding in excess of a posted speed limit of 65 miles per hour by 20 miles per hour or more 5 points
- (25) Aggressive driving in violation of § 21–901.2 of this
article.....5 points
- (26) Use of a motor vehicle in violation of the Illegal Dumping and Litter Control Law under § 10–110(f)(2)(iii) of the
Criminal Law Article.....5 points
- (27) Reckless driving 6 points
- (28) Speeding in excess of the posted speed limit by 30 miles per hour or
more.....6 points
- (29) Driving while impaired by alcohol or while impaired by a drug, combination of drugs, or a combination of one or more
drugs and alcohol, or driving within 12 hours after arrest under § 21–902.1 of this article..... 8 points
- (30) Turning off lights of a vehicle to avoid
identification.....8 points
- (31) Failing to stop after accident resulting in damage to attended vehicle or
property.....8 points
- (32) Failing to stop after accident resulting in damage to unattended vehicle or
property.....8 points
- (33) Any violation of § 16–815 or § 16–816 of this title.....8 points
- (34) Except as provided in item (45) of this subsection, participating in a race or speed contest on a
highway.....8 points
- (35) Except as provided in item (46) of this subsection, engaging in exhibition driving on a
highway.....8 points
- (36) Failing to stop after an accident resulting in bodily injury or
death..... 12 points
- (37) Any violation of § 16–303 of this title, excluding § 16–303(h) or
(i)..... 12 points
- (38) Any violation of § 16–301(a), (b), (f), (g), or (k) through (q), § 16–302, § 16–804, or § 16–808(a)(1) through (9) or (b)
of this title..... 12 points
- (39) Homicide, life threatening injury under § 3–211 of the Criminal Law Article, or assault committed by means of a
vehicle 12 points
- (40) Driving while under the influence of alcohol, while under the influence of alcohol per se, or while impaired by an
illegally used controlled dangerous substance..... 12
points

- (41) Any felony involving use of a vehicle 12 points
- (42) Fleeing or attempting to elude a police officer 12 points
- (43) The making of a false affidavit or statement under oath, or falsely certifying to the truth of any fact or information to the Administration under the Maryland Vehicle Law or under any law relating to the ownership or operation of motor vehicles.....12 points
- (44) Any violation involving an unlawful taking or unauthorized use of a motor vehicle under § 7–105 or § 7–203 of the Criminal Law Article, or § 14–102 of this article.....12 points
- (45) A violation of § 21–1124.3 of this article 12 points
- (46) Participating in a race or speed contest on a highway resulting in serious bodily injury, as defined in § 20–102(c) of this article, to another person.....12 points
- (47) Engaging in exhibition driving on a highway resulting in serious bodily injury, as defined in § 20–102(c) of this article, to another person.....12 points
- (48) A violation of § 21–902(h) of this article 12 points
- (49) A violation of § 21–908(i) of this article 12 points
- (b) If a conviction occurs on multiple charges based on offenses alleged to have been committed at the same time or arising out of circumstances simultaneous in time and place, the Administration:
- (1) Shall assess points against the individual convicted only on the charge that has the highest point assessment; and
 - (2) May not assess points on the remainder of the multiple charges.
- (c) (1) On receiving a record of conviction of any moving violation by an individual whose license is currently revoked, the Administration may extend the date before which the individual is eligible for reinstatement and, if the date is extended, shall issue to the individual a notice that:
- (i) States the duration of the extension of the license revocation, dating from the date of the violation, during which the individual's license may not be reinstated; and
 - (ii) Advises the individual of the right to request a hearing.
- (2) A notice issued under this subsection, and a hearing requested by the individual, shall meet the requirements of Title 12, Subtitle 2 of this article.
- (3) The Administration may extend the period of a license revocation under this subsection for not more than the period of time specified in paragraph (4) of this subsection:
- (i) If the individual does not request a hearing as provided by Title 12, Subtitle 2 of this article;
 - (ii) After a hearing, if the individual is determined to have been convicted of a violation described in this subsection while the individual's license to drive was revoked; or
 - (iii) If the individual fails to appear for a hearing requested by the individual under this subsection.
- (4) The Administration may extend the period of license revocation for not more than:
- (i) 1 year if it is the individual's first violation;
 - (ii) 18 months if it is the individual's second violation; or
 - (iii) 2 years if it is the individual's third or subsequent violation.
- (d) Notwithstanding any other provision of this title, the Administration may not revoke a license that is currently revoked.

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§ 16-403

On the arrest of any individual in military service for a violation, if the case is turned over to military authorities, the Administration shall assess points immediately after it has been notified that the military authorities have taken disciplinary action as a result of the arrest.

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§ 16-404

(a) The Administration shall take the following actions for points accumulated within any 2-year period:

- (1) Send a warning letter to each individual who accumulates 3 points;
- (2) Require attendance at a driver improvement program conducted under § 16-212 of this title by each individual who accumulates 5 points, except that a Class A, B, or C licensee who submits evidence acceptable to the Administration that he is a professional driver may not be called in until he accumulates 8 points; and

(3) Except as provided in § 16-405 of this subtitle:

- (i) Suspend the license of each individual who accumulates 8 points; and
- (ii) Revoke the license of each individual who accumulates 12 points.

(b) (1) Except as provided in § 16-405 of this subtitle:

- (i) If an individual accumulates 8 points, the Administration shall issue a notice of suspension; and
- (ii) If an individual accumulates 12 points, the Administration shall issue a notice of revocation.

(2) Each notice shall:

- (i) Be personally served or sent by certified mail, bearing a postmark from the United States Postal Service;
- (ii) State the duration of the suspension or revocation; and
- (iii) Advise the individual of his right, within 10 days after the notice is sent (Saturdays, Sundays, and legal holidays excepted), to file a written request for a hearing before the Administrator.

(3) Unless a hearing is requested, each notice of suspension or revocation is effective at the end of the 10-day period after the notice is sent.

(c) (1) Except as provided in paragraphs (2) and (3) of this subsection:

- (i) An initial suspension may not be for less than 2 days nor more than 30 days; and
- (ii) Any subsequent suspension may not be for less than 15 days nor more than 90 days.

(2) Subject to the provisions of paragraph (3) of this subsection, the following suspension periods may apply to a suspension for an accumulation of points under § 16-402(a)(28) of this subtitle for a violation of § 21-902(b) or (c) of this article or a suspension imposed under § 16-404.1(f)(1)(iii) of this subtitle:

- (i) For a first conviction, not more than 6 months;
- (ii) For a second conviction at least 5 years after the date of the first conviction, not more than 9 months;
- (iii) For a second conviction less than 5 years after the date of the first conviction or for a third conviction, not more than 12 months; and
- (iv) For a fourth or subsequent conviction, not more than 24 months.

(3) The Administration may issue a restrictive license for the period of the suspension to an individual who participates in the Administration's Ignition Interlock System Program under § 16-404.1 of this subtitle.

(4) This subsection does not limit the authority of the Administration to issue a restrictive license or modify a suspension imposed under this subsection.

(d) (1) If the holder of a provisional driver's license who is under the age of 18 years accumulates 5 or more points in a 12-month period, the Administration shall suspend the individual's driver's license:

- (i) For a first offense, for 6 months; and
- (ii) For a second or subsequent offense, for 1 year.

(2) An individual subject to a license suspension under this subsection may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article.

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§ 16-405

Except as provided in §§ 16–205(e) and 16–205.1 of this title, if the suspension or revocation of a license would affect adversely the employment or opportunity for employment of a licensee, the hearing officer may:

- (1) Decline to order the suspension or revocation; or
- (2) Modify the suspension or revocation.

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§ 16-406

If the driver of a motor vehicle is an employee of the vehicle's owner, a violation may not be recorded, except for the Administration's own use, against the driver for a violation of the vehicle laws on improper or faulty equipment or improper size, weight, or load.

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§ 16-407

A point assessed under this subtitle shall be retained for a period of 2 years from the date of violation.

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§ 16-501

(a) In this subtitle the following words have the meanings indicated.

(b) "Driver education course" means a standardized course of instruction under a driver education program, adopted or approved by the Administration in consultation with the State Department of Education, intended to teach individuals to safely drive a noncommercial motor vehicle.

(c) "Driver education instructor" means an individual who has completed required certification courses and is certified by the Administration to teach a driver education course, whether or not the individual is required to be licensed under Title 15, Subtitle 8 of this article.

(d) "Driver education program" means the courses and learning activities designated by the Administration in consultation with the State Department of Education that an individual may be required to complete before obtaining a noncommercial driver's license under this title.

(e) "Driver education school" means a school approved by the Administration to conduct driver education courses in accordance with this subtitle.

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§ 16-502

(a) There is a driver education program, established as part of the highway safety program of this State.

(b) The purpose of the driver education program is to provide a complete program of driver education to eligible individuals.

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§ 16-503

(a) Subject to the regulations adopted under § 16-505(b) of this subtitle on the required offering of the program:

(1) The complete program shall be offered to all eligible individuals before they may obtain a provisional license under § 16-111 of this title; and

(2) Any individual to whom the program initially is offered remains eligible to enroll in the program until the individual becomes eligible to qualify for a provisional license.

(b) Once enrolled in the program, an individual is considered eligible until the individual completes the course.

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§ 16-504

To qualify as a certified driver education instructor, an individual shall:

- (1) Meet the qualifications established by the Administration in consultation with the State Department of Education;
- (2) Successfully complete the Administration approved certification courses; and
- (3) Demonstrate a proficiency in teaching the adopted or approved driver education course.

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§ 16-505

(a) The Administration shall, in consultation with the State Department of Education, adopt and enforce regulations not inconsistent with this subtitle to implement a standardized driver education program conducted by driver education schools under its jurisdiction.

(b) Regulations adopted under this section shall be administered by the Administration and shall include:

- (1) Curriculum, equipment, and facility standards for classroom, laboratory, and on-road instruction phases;
- (2) Minimum student performance standards for an approved driver education program based upon the standardized curriculum approved by the Administration, consisting of at least 30 hours of classroom instruction and at least 6 hours of highway driving instruction;
- (3) Standards for the certification of schools and instructors;
- (4) A system to evaluate the effectiveness of the driver education program;
- (5) Standards governing the required offering of the driver education program, based on the capacity, enrollment, staff, and facilities of the schools; and
- (6) Standards for the eligibility of individuals to enroll in the program.

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§ 16-506

(a) The Administration may suspend, revoke, or refuse to grant or renew certification under the driver education program of any drivers' school or of any classroom or laboratory instructor of a drivers' school, if it finds that the school or instructor has:

(1) Failed to comply with any of the provisions of or any rule or regulation adopted under:

- (i) This subtitle;
- (ii) Title 15, Subtitle 7 of this article, as to drivers' schools; or
- (iii) Title 15, Subtitle 8 of this article, as to driving instructors; or

(2) Been convicted of a crime of moral turpitude.

(b) (1) If the Administration refuses to grant or renew a certification under this subtitle, the applicant may request a hearing under Title 12, Subtitle 2 of this article.

(2) Except as provided in subsection (c) of this section, the Administration may suspend or revoke a certification under this subtitle only after a hearing under Title 12, Subtitle 2 of this article.

(c) If the Administration determines that there is a danger of immediate, substantial, and continuing harm to the public if the certification is continued pending a hearing, the Administration shall:

- (1) Immediately suspend the certification;
- (2) Within 7 days of a request for a hearing, grant a hearing as provided in Title 12, Subtitle 2 of this article; and
- (3) After a hearing, render an immediate decision as to whether the Administration shall continue the suspension or revoke or reinstate the certification.

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§ 16-507

This subtitle may be cited as the Maryland Driver Education Program Act.

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§ 16-601

(a) In this subtitle the following words have the meanings indicated.

(b) "Mobile training center" means a mobile unit equipped and managed by the Administration that may be available for the offering of motorcycle safety courses and for conducting public awareness activities at various locations in the State.

(c) "Motorcycle safety courses" and "courses" mean courses of instruction, designated and approved by the Administration and offered by a training center, in the safe use and operation of motorcycles operated under a Class M driver's license, including instruction in the safe on-road operation of motorcycles, the rules of the road, and the laws of this State relating to motor vehicles.

(d) "Motorcycle safety training center" and "training center" mean places designated and approved by the Administration where approved motorcycle safety courses are offered.

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§ 16-602

(a) There is a Motorcycle Safety Program as a part of the Highway Safety Program of this State.

(b) The purpose of the Motorcycle Safety Program is to improve the safety of motorcyclists through programs of cyclist training to improve rider skills and to generally provide for a public awareness effort that will benefit all highway users.

(c) The Program shall be funded as provided in the State budget.

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§ 16-603

(a) The Department and the Administration shall administer the Motorcycle Safety Program.

(b) The Administration, a State or community college, a State university, an agency of a political subdivision, or any other person approved and designated by the Administration may organize and manage a motorcycle safety training center and may offer motorcycle safety courses at those centers that it operates.

(c) The Administration may operate a mobile training center to provide courses at various locations in the State.

(d) (1) Subject to the regulations adopted under this subtitle, any resident of this State who possesses a valid Class E or Class M driver's license, a Class E or Class M learner's instructional permit, or is eligible for a Class M learner's instructional permit, may enroll in a course.

(2) A nonresident may apply for and be accepted for enrollment in courses authorized under this subtitle; however, the reimbursement provided under § 16-605(b) of this subtitle may not be made for a nonresident trainee.

(3) An eligible individual may take a course more than one time, but the reimbursement provided in § 16-605(b) of this subtitle may only be paid one time for any individual.

(4) For a course that is to be reimbursed under this subtitle, a training center may charge a trainee a reasonable course registration fee.

(5) For a course offered at a training center operated by the Administration, the Administration may collect a reasonable course registration fee established by the Administration.

(e) The courses may be offered throughout the calendar year.

(f) The successful completion of the Administration approved basic motorcycle safety course shall be considered the equivalent of passing the skills and knowledge test required under §§ 16-105 and 16-110 of this title for obtaining a Class M driver's license.

(g) (1) The Department shall provide a program coordinator to organize and administer all tasks related to the achievement of the purpose of the Motorcycle Safety Program as provided under this subtitle.

(2) The program coordinator shall be experienced in the motorcycle safety field and shall possess those qualifications as may be specified by the Secretary.

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§ 16-604

(a) The Administration shall adopt and enforce regulations consistent with this subtitle to implement the motorcycle safety courses in training centers throughout the State.

(b) Regulations adopted under this section shall include, but not be limited to:

- (1) Curriculum, equipment, and facility standards for both classroom and laboratory phases;
- (2) Minimum student performance standards for successful completion of the courses;
- (3) Standards for the certification of training centers, classroom instructors, and laboratory instructors;
- (4) Guidelines for payment of the State reimbursement to training centers;
- (5) Standards for determining the eligibility of individuals to enroll in the courses; and
- (6) Guidelines for the provision of funds, equipment, and materials by the Administration to the training centers.

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§ 16-605

(a) (1) The Administration may award contracts out of the appropriation to the Department for the Motorcycle Safety Program to qualifying motorcycle safety training centers for the conduct of approved motorcycle safety courses. These contracts may provide funding, equipment, and materials to establish and maintain the training centers.

(2) The Administration may award contracts in accordance with Division II of the State Finance and Procurement Article out of the appropriation to the Department for the Motorcycle Safety Program for the procurement of services and products to be used to achieve the purpose of the Motorcycle Safety Program.

(b) (1) From the funds appropriated for the Motorcycle Safety Program, the Department shall fund the costs incurred in the implementation and operation of activities under this subtitle, including administrative costs. The Administration may reimburse a motorcycle safety training center at a rate established by the Administration for each eligible person completing the course. The reimbursement rate may be in addition to the assistance provided under subsection (a) of this section.

(2) The funds provided under this section shall be in addition to any other State aid.

(3) The Administration may not contract for the provision of any services under this program the aggregate costs of which exceed the funds appropriated for the Motorcycle Safety Program.

(4) The Administration shall recover the full costs of operating the Program from any miscellaneous fees as defined in § 12-120(a) of this article.

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§ 16-606

This subtitle may be cited as the Motorcycle Safety Program Act.

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§ 16-701

(a) In this subtitle the following words have the meanings indicated.

(b) "Article" means an article of the Driver License Compact.

(c) "Compact" means the Driver License Compact.

(d) "Executive head", with reference to this State, means the Governor.

(e) "Licensing authority", with reference to this State, means the Administration.

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§ 16-702

The Driver License Compact is enacted into law and entered into with other jurisdictions that join in the Compact in the form substantially as the Compact appears in § 16-703 of this subtitle.

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§ 16-703

Article I

Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

Article II

Definitions

As used in this Compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

Article III

Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

Article IV

Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this Compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to any other convictions, reported pursuant to Article III, the licensing authority in the home state shall record the conviction on the individual's driving record, but may not assess points for the conviction.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

Article V

Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of 1 year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

Article VI

Applicability of Other Laws

Except as expressly required by provisions of this Compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

Article VII

Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this Compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this Compact.

(b) The Administrator of each party state shall furnish to the Administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this Compact.

Article VIII

Entry into Force and Withdrawal

(a) This Compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 6 months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the Compact of any report of conviction occurring prior to the withdrawal.

Article IX

Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

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§ 16-704

(a) The Motor Vehicle Administrator is the Compact Administrator in this State.

(b) (1) The Motor Vehicle Administrator may designate an alternate from among the officers and employees of the Administration to serve in the Motor Vehicle Administrator's place as the Compact Administrator.

(2) Subject to the provisions of the Compact, the Motor Vehicle Administrator shall determine the authority and responsibilities of the alternate.

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§ 16-705

The Administration shall furnish to the appropriate authorities of other party states information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the Compact.

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§ 16-706

The Compact Administrator described in Article VII of the Compact may not be entitled to additional compensation for service as the Administrator, but shall be entitled to reimbursement for expenses incurred in connection with the Administrator's duties and responsibilities as Administrator, in the same manner as for expenses incurred in connection with other duties or responsibilities of the Administrator's office or employment.

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§ 16-707

(a) For the purposes of Article IV(a) and (c) of the Compact, the Administration shall:

(1) Give the same effect to a conviction described in Article IV(a)(1) of the Compact as the Administration would for a conviction under Title 2, Subtitle 5 or § 2-209 of the Criminal Law Article;

(2) Give the same effect to a conviction described in Article IV(a)(2) of the Compact as the Administration would for a conviction under § 21-902(a), § 21-902(b), § 21-902(c), or § 21-902(d) of this article;

(3) Give the same effect of a conviction described in Article IV(a)(3) of the Compact as the Administration would for a conviction for a felony involving use of a vehicle in this State; and

(4) Give the same effect to a conviction described in Article IV(a)(4) of the Compact as the Administration would for a conviction under § 20-102 or § 20-104 of this article.

(b) For the purposes of Article IV(b) of the Compact, the Administration shall give the same effect to a conviction in another state reported under Article III of the Compact, other than a conviction described under Article IV(a) of the Compact, as the Administration would for an identical or substantially similar conviction under the Maryland Vehicle Law.

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§ 16-708

(a) Subject to the provisions of subsection (b) of this section, an act or omission of an official or employee of this State done or omitted under, or in enforcement of, the provisions of the Compact shall be subject to judicial review under the provisions of Title 10, Subtitle 2 (Administrative Procedure Act) of the State Government Article.

(b) Judicial review of the validity of a conviction in another state reported under Article III of the Compact shall be limited to establishing the identity of the individual who was convicted in another state.

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§ 16-801

This subtitle may be cited as the Maryland Commercial Driver's License Act.

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§ 16-802

(a) The purpose of this subtitle is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570) and reduce or prevent heavy and commercial motor vehicle accidents, fatalities, and injuries by:

- (1) Disqualifying drivers for certain criminal offenses and serious traffic violations; and
- (2) Strengthening licensing and testing standards.

(b) This subtitle is a remedial law and shall be liberally construed to promote the public health, safety, and welfare.

(c) To the extent that this subtitle conflicts with other subtitles of this title, this subtitle prevails.

(d) Where this subtitle is silent, the provisions of the Maryland Vehicle Law apply.

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§ 16-803

(a) In this subtitle the following words have the meanings indicated.

(b) "Commerce" means:

(1) Trade, traffic, and transportation within the jurisdiction of the United States between a place in a state and a place outside of the state, including a place outside the United States; and

(2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation within the jurisdiction of the United States between a place in a state and a place outside of the state, including a place outside the United States.

(c) (1) "Commercial motor vehicle (CMV)" means a motor vehicle or combination of motor vehicles used to transport passengers or property, if the motor vehicle:

(i) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(ii) Has a gross vehicle weight rating of 26,001 or more pounds;

(iii) Is designed to transport 16 or more passengers, including the driver; or

(iv) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under hazardous materials regulations (49 C.F.R. Part 172, Subpart F).

(2) "Commercial motor vehicle (CMV)" does not include a vehicle that is:

(i) 1. Controlled and operated by a farmer;

2. Used to transport agricultural products, farm machinery, or farm supplies to or from a farm;

3. Not used in the operations of a common or contract motor carrier; and

4. Used within 150 miles of the person's farm;

(ii) An emergency vehicle:

1. Equipped with audible and visual signals; and

2. Operated by a member of or a person in the employ of a volunteer or paid fire or rescue organization;

(iii) A vehicle owned or operated by the United States Department of Defense if it is controlled and operated by:

1. Any active duty military personnel;
 2. Any member of the military reserves or National Guard on active duty, including personnel on full-time National Guard duty and personnel on part-time training; or
 3. Any National Guard military technician; or
- (iv) A motor vehicle designed and constructed primarily to provide temporary living quarters for recreational, camping, or travel use.
- (d) "Conviction" means a final unvacated adjudication of guilt, or a determination that an individual has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, a probation before judgment finding, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.
- (e) "Employer" means any individual, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns drivers to operate such a vehicle. An individual who employs himself as a commercial motor vehicle driver is considered to be both an employer and a driver for the purposes of this subtitle.
- (f) "Endorsement" means an authorization to an individual's commercial driver's license required to permit the individual to operate certain types of commercial motor vehicles.
- (g) "Gross combination weight rating (GCWR)" means:
- (1) The value specified by the manufacturer as the loaded weight of a combination or articulated vehicle; or
 - (2) In the absence of a value specified by the manufacturer, GCWR shall be determined by adding the gross vehicle weight rating (GVWR) of the power unit and the total weight of the towed unit and its load.
- (h) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle.
- (i) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be placarded under Subpart F of 49 C.F.R. Part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part 73.
- (j) (1) "Serious traffic violation" means:
- (i) Excessive speeding, as defined by the United States Secretary of Transportation by regulation;
 - (ii) Reckless driving;
 - (iii) A violation of any state or local law relating to operating a motor vehicle, other than a parking violation, arising in connection with an accident or collision resulting in death to any individual;
 - (iv) Driving a commercial motor vehicle without obtaining a commercial instructional permit or a commercial driver's license;
 - (v) Driving a commercial motor vehicle without a commercial instructional permit or a commercial driver's license in the driver's possession;
 - (vi) Driving a commercial motor vehicle without the proper class of commercial instructional permit or commercial driver's license;
 - (vii) Driving a commercial motor vehicle without the proper endorsements for the commercial instructional permit or commercial driver's license; or
 - (viii) Any other violation of a state or local law which the United States Secretary of Transportation determines by regulation to be serious.
- (2) "Serious traffic violation" does not include vehicle weight and vehicle defect violations.
- (k) (1) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or chassis.
- (2) Tank vehicles include cargo tanks and portable tanks.
 - (3) Tank vehicle does not include portable tanks having a rated capacity under 1,000 gallons.

(l) "United States" means the 50 states and the District of Columbia.

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§ 16-804

An individual who drives a commercial motor vehicle may not have more than 1 driver's license.

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§ 16-805

(a) (1) Any driver of a commercial motor vehicle holding a driver's license issued by this State, who is convicted of violating any federal law, State law, or local ordinance relating to operating a motor vehicle in any other state, other than parking violations, shall notify the Administration in the manner specified by the Administration within 30 days of the date of conviction.

(2) Any driver of a commercial motor vehicle holding a commercial driver's license issued by this State, who is convicted of violating any federal law, State law, or local ordinance relating to operating a motor vehicle in this or any other state, other than parking violations, shall notify the driver's employer in writing of the conviction within 30 days of the date of conviction.

(b) Any driver of a commercial motor vehicle whose driver's license is suspended, revoked, or canceled by any state, or who is disqualified from driving a commercial motor vehicle for any period, shall notify the driver's employer of the suspension, revocation, cancellation, or disqualification before the end of the business day following the day that the driver received notice of that fact.

(c) Any individual who applies for employment as a driver of a commercial motor vehicle shall provide the employer, at the time of the application, with the following information for the 10 years preceding the date of application:

(1) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;

(2) The dates the applicant was employed by each employer; and

(3) The reason for leaving that employment.

(d) An applicant for employment as a driver of a commercial motor vehicle shall certify that all information furnished on the application is true and complete.

(e) Unless otherwise prohibited by law, an employer may require an applicant to provide information in addition to that required by subsection (c) of this section.

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§ 16-806

(a) Each employer shall require the information specified in § 16-805(c) of this subtitle to be provided by the applicant.

(b) An employer may not knowingly allow, require, permit, or authorize a driver to drive a commercial motor vehicle in the United States:

(1) During any period in which the driver has a driver's license suspended, revoked, or canceled by a state or has lost the privilege to operate a commercial motor vehicle in a state;

(2) During any period in which the driver has been disqualified from driving a commercial motor vehicle;

(3) During any period in which the driver has more than 1 driver's license;

(4) During any period in which the driver, the motor vehicle he or she is driving, or the motor carrier operation, is subject to an out-of-service order; or

(5) In violation of any of the provisions of §§ 21-701 through 21-704 of this article pertaining to railroad crossings or any other federal, state, or local law or regulation substantially similar to a provision of §§ 21-701 through 21-704 of this article, pertaining to railroad grade crossings.

(c) (1) This subsection applies only to an employer that:

(i) Is regulated by the Federal Motor Carrier Safety Administration;

(ii) Operates a physical place of business in the State; and

(iii) Employs more than one driver in the State.

(2) On a bona fide offer of employment, an employer shall provide a prospective employee driver with its U.S. Department Of Transportation number and the website address for the Federal Motor Carrier Safety Administration's Safety and Fitness Records (SAFER) System.

(d) An employer that is convicted of violating subsection (b)(4) or (5) of this section is subject to the civil penalties specified in regulation by the United States Secretary of Transportation.

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§ 16-807

(a) (1) Except when driving under a commercial driver's instructional permit and accompanied by the holder of a driver's license valid for the class of vehicle being driven, an individual may not drive a commercial motor vehicle unless the individual:

(i) Has been issued a commercial driver's license that:

1. Is valid for the class of vehicle being operated; and

2. Has the proper endorsements for the specific vehicle or vehicle combination being operated or for the passengers or type of cargo being transported; and

(ii) Is in immediate possession of a driver's license valid for the class of vehicle being driven.

(2) It shall be a valid defense to a charge of violating paragraph (1)(ii) of this subsection for the driver to provide a certified record either from the Administration or from the licensing authority of the driver's home state showing that the driver held a valid commercial driver's license on the date of the violation.

(b) (1) Except as provided in § 16–807.1 of this subtitle, an individual may not be issued a commercial driver's license until the individual has passed the knowledge and skill tests for driving a commercial motor vehicle which complies with the minimum federal standards established by the federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99–570), and has satisfied all other requirements of that act as well as any other requirements of this title.

(2) The tests shall be prescribed and conducted at the direction of the Administration.

(3) The Administration shall adopt regulations to waive the skill test required under paragraph (1) of this subsection in a manner consistent with 49 C.F.R. § 383.77.

(c) A commercial driver's license may be issued only to:

(1) An individual who drives or will drive a commercial motor vehicle and who is a resident of this State; and

(2) Those nonresidents who may qualify under § 16–817 of this subtitle.

(d) A commercial driver's license may not be issued to an individual:

(1) While the individual is disqualified from driving a commercial motor vehicle;

(2) While the individual's driver's license is suspended, revoked, or canceled in this State or any other state; or

(3) While the individual holds a commercial driver's license or driver's license issued by any other jurisdiction, unless the individual surrenders that license for return to the issuing jurisdiction for cancellation.

(e) (1) A commercial driver's instructional permit may be issued for the class of commercial driver's license applied for only to an individual who has passed the appropriate knowledge and vision screening tests.

(2) The holder of a commercial driver's instructional permit may drive a commercial motor vehicle on a highway only when the individual is accompanied by and under the immediate supervision of the holder of a driver's license valid for the type of vehicle driven, if the accompanying driver:

(i) Is at least 21 years old; and

(ii) Has been licensed for at least 3 years in this State or in another state to drive vehicles of the class then being driven.

(f) Except as provided in § 16–101 of this title, a person convicted of a violation of subsection (a) of this section is subject to:

- (1) For a first offense, imprisonment not exceeding 2 months or a fine not exceeding \$500 or both;
- (2) For a second offense, imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both; and
- (3) For a third or subsequent offense, imprisonment not exceeding 1 year or a fine not exceeding \$2,000 or both.

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§ 16-808

(a) A person may not drive a commercial motor vehicle on any highway or any property specified in § 21–101.1 of this article:

- (1) Unless authorized to do so under this title;
- (2) While the person's driver's license or privilege to drive is refused in this State or any other state;
- (3) While the person's driver's license or privilege to drive is canceled in this State;
- (4) While the person's driver's license or privilege to drive is canceled by any other state;
- (5) While the person's driver's license or privilege to drive is suspended in this State;
- (6) While the person's driver's license or privilege to drive is suspended by any other state;
- (7) While the person's driver's license or privilege to drive is revoked in this State;
- (8) While the person's driver's license or privilege to drive is revoked by any other state; or
- (9) While the person is:
 - (i) Disqualified from driving a commercial motor vehicle in this State or any other state; or
 - (ii) Disqualified from driving a commercial motor vehicle by the United States Department of Transportation.

(b) While a person is subject to a driver or vehicle out-of-service order, as defined in § 16–812(i)(1)(ii) of this subtitle, the person may not drive a commercial motor vehicle on any highway or any property specified in § 21–101.1 of this article:

- (1) While transporting nonhazardous materials;
- (2) While transporting hazardous materials required to be placarded; or
- (3) While operating a vehicle designed to transport 16 or more passengers, including the driver.

(c) If a person has been issued a valid commercial driver's license, the person may not drive a commercial motor vehicle on any highway or any property specified in § 21–101.1 of this article without the valid commercial driver's license in the person's possession.

(d) (1) A person convicted of a violation of subsection (a) of this section is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(2) A person convicted of a violation of subsection (c) of this section is subject to:

- (i) For a first offense, imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both;
- (ii) For a second offense, imprisonment not exceeding 1 year or a fine not exceeding \$2,000 or both; and
- (iii) For a third or subsequent offense, imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.

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§ 16-809

A person may drive a commercial motor vehicle if:

- (1) The person holds a valid commercial driver's license issued by any:
 - (i) State in accordance with the minimum federal standards for the issuance of a commercial driver's license; or
 - (ii) Foreign jurisdiction that the United States Department of Transportation has determined issues commercial drivers' licenses in accordance with the minimum federal standards;
- (2) The person's driver's license is not refused, suspended, revoked, or canceled;
- (3) The person is not disqualified from driving a commercial motor vehicle in any state;

- (4) The person is not disqualified from driving a commercial vehicle by the United States Department of Transportation;
- (5) The person is not subject to an out-of-service order as defined in § 16-812(i)(1)(ii) of this subtitle;
- (6) The person has the commercial driver's license in the person's possession; and
- (7) The person's commercial driver's license is valid for the type of vehicle being driven, as determined by regulation established by the United States Department of Transportation.

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§ 16-810

- (a) Each application for a commercial driver's license or commercial driver's instructional permit shall be made on the form the Administration requires.
- (b) In addition to the information specified by § 16-106 of this title, each application shall contain:
 - (1) The applicant's Social Security number;
 - (2) A consent to release a complete driving record to any employer or prospective employer;
 - (3) Certifications and information required by federal regulation; and
 - (4) Any other pertinent information that the Administration requires.
- (c) Under penalty of perjury, the applicant shall sign the application and certify that the statements made are true and correct to the best of his knowledge, information, and belief.
- (d) When a licensee changes the licensee's name, mailing address, or residence, an application for a corrected license shall be submitted to the Administration within 30 days.
- (e) Within 30 days after establishing a residence in this State, the holder of a commercial driver's license shall apply for a commercial driver's license in this State.

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§ 16-811

- (a) An applicant is entitled to receive the commercial driver's license applied for if the applicant:
 - (1) Passes the examination required by this subtitle;
 - (2) Is eligible to drive pursuant to the Commercial Driver's License Information System and the National Driver Register;
 - (3) Surrenders any previously issued commercial driver's instructional permit or license; and
 - (4) Pays the fees prescribed by this subtitle.
- (b)
 - (1) Each commercial driver's license issued by the Administration shall be identified clearly as to its specific class. A Class M license may be issued in combination with any other class of license.
 - (2) The Administration shall assign an identifying number to each license it issues.
- (c) Each commercial driver's license issued by the Administration shall:
 - (1) Be marked "commercial driver's license" or "CDL"; and
 - (2) Include the following information:
 - (i) The licensee's:
 - 1. Full name and current mailing address;
 - 2. Physical description including sex, height, and weight;
 - 3. Color photograph or photo-image;
 - (ii) The date of issuance;
 - (iii) The date of expiration; and
 - (iv) Any other information required by the Code of Federal Regulations or the Administration.

(d) Before issuing a commercial driver's license, the Administration shall obtain driving record information from the National Driver Register and any state in which the individual has been licensed.

(e) Within 10 days after issuing a commercial driver's license, the Administration shall notify the Commercial Driver's License Information System of that fact, providing all information required to ensure the identification of the licensee.

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§ 16-812

(a) The Administration shall disqualify any individual from driving a commercial motor vehicle for a period of 1 year if:

(1) The individual is convicted of committing any of the following offenses while driving a commercial motor vehicle:

(i) A violation of § 21-902 of this article;

(ii) A violation of a federal law or any other state's law which is substantially similar in nature to the provisions in § 21-902 of this article;

(iii) Leaving the scene of an accident which requires disqualification as provided by the United States Secretary of Transportation;

(iv) A crime, other than a crime described in subsection (e) of this section, that is punishable by imprisonment for a term exceeding 1 year;

(v) A violation of § 25-112 of this article; or

(vi) A violation of § 2-209, § 2-503, § 2-504, § 2-505, or § 2-506 of the Criminal Law Article;

(2) The individual holds a commercial instructional permit or commercial driver's license and is convicted of committing any of the following offenses while driving a noncommercial motor vehicle:

(i) A violation of § 21-902(a), (c), or (d) of this article;

(ii) A violation of a federal law or any other state's law which is substantially similar in nature to the provisions in § 21-902(a), (c), or (d) of this article;

(iii) Leaving the scene of an accident which requires disqualification as provided by the United States Secretary of Transportation; or

(iv) A crime, other than a crime described in subsection (e) of this section, that is punishable by imprisonment for a term exceeding 1 year;

(3) The individual, while driving a commercial motor vehicle or while holding a commercial instructional permit or commercial driver's license, refuses to undergo testing as provided in § 16-205.1 of this title or as is required by any other state's law or by federal law in the enforcement of 49 C.F.R. § 383.51 Table 1, or 49 C.F.R. § 392.5(a)(2);

(4) The individual drives or attempts to drive a commercial motor vehicle while the alcohol concentration of the person's blood or breath is 0.04 or greater;

(5) The individual, while holding a commercial instructional permit or commercial driver's license, drives or attempts to drive any motor vehicle while the alcohol concentration of the person's blood or breath is 0.08 or greater; or

(6) The individual drives a commercial motor vehicle when, as a result of prior violations committed while driving a commercial motor vehicle, the driver's commercial instructional permit or commercial driver's license is revoked, suspended, or canceled or the driver is disqualified from driving a commercial motor vehicle.

(b) If any of the offenses in subsection (a) of this section occurred while transporting a hazardous material required to be placarded, the Administration shall disqualify the individual for a period of 3 years.

(c) The Administration shall disqualify any person from driving a commercial motor vehicle for life for 2 or more violations of any of the offenses specified in subsection (a) or (b) of this section, or any combination of those offenses, arising from 2 or more separate incidents.

(d) The Administration shall adopt regulations establishing guidelines, including conditions, under which a disqualification for life may be reduced to a period of time which may be permitted by federal regulations.

(e) The Administration shall disqualify any person from driving a commercial motor vehicle for life who is convicted of using a motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled dangerous substance, or possession with intent to manufacture, distribute, or dispense a controlled dangerous substance.

(f) The Administration shall disqualify any person from driving a commercial motor vehicle for a period of 60 days if convicted under the laws of this State or any other state of 2 serious traffic violations arising from separate incidents occurring within a 3-year period committed:

(1) While operating a commercial motor vehicle; or

(2) While holding a commercial instructional permit or commercial driver's license and operating a noncommercial vehicle, and the conviction would result in suspension, revocation, or cancellation of the driver's license.

(g) The Administration shall disqualify any person from driving a commercial motor vehicle for a period of 120 days if convicted under the laws of this State or any other state of 3 serious traffic violations arising from separate incidents occurring within a 3-year period committed:

(1) While operating a commercial motor vehicle; or

(2) While holding a commercial instructional permit or commercial driver's license and operating a noncommercial motor vehicle, and the conviction would result in suspension, revocation, or cancellation of the driver's license.

(h) The Administration may disqualify a person from driving a commercial motor vehicle for a controlled dangerous substance offense in the manner provided under Article 41, Title 1, Subtitle 5 of the Code.

(i) (1) In this subsection the following terms have the meanings indicated:

(i) "Commercial motor vehicle" means:

1. A "commercial motor vehicle" as defined in § 16-803 of this subtitle; and

2. Except as provided in § 16-803(c)(2) of this subtitle, any self-propelled or towed vehicle used on a public highway to transport passengers or property, if the vehicle has a gross vehicle weight rating of 10,001 or more pounds.

(ii) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, State, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is put out of service pursuant to Title 49, §§ 386.72, 392.5, 392.9A, 395.13, and 396.9 of the Code of Federal Regulations, compatible laws, or the North American Uniform Out-of-Service Criteria.

(2) A driver who is convicted of violating an out-of-service order while driving a commercial motor vehicle is:

(i) Disqualified for the period of time specified in regulation by the United States Secretary of Transportation; and

(ii) Subject to the civil penalties specified in regulation by the United States Secretary of Transportation.

(j) A driver who is convicted of a violation of any of the provisions of §§ 21-701 through 21-704 of this article pertaining to railroad grade crossings or any other federal, state, or local law or regulation pertaining to railroad grade crossings that is substantially similar to §§ 21-701 through 21-704 of this article, while operating a commercial motor vehicle, is disqualified for the period of time specified in regulation by the United States Secretary of Transportation.

(k) (1) The Administration shall cancel a commercial instructional permit or commercial driver's license if the applicant provides information that is incomplete or incorrect.

(2) If the Administration determines, in its check of an applicant's license status and record prior to issuing a commercial instructional permit or commercial driver's license, or at any time after the commercial instructional permit or commercial driver's license has been issued, that the applicant has falsified any information or certification submitted in connection with an application for a commercial instructional permit or commercial driver's license, the Administration shall suspend, cancel, or revoke the commercial instructional permit or commercial driver's license or pending application, or disqualify the person from operating a commercial motor vehicle, for a period of not less than 60 days.

(3) The Administration shall cancel the commercial driver's license of any individual who fails to submit to the Administration a current certificate of physical examination, as required under 49 C.F.R. § 391.43 and § 391.45.

(l) After suspending, revoking, or canceling a commercial instructional permit or commercial driver's license, or after disqualifying a person who holds a commercial instructional permit or commercial driver's license from operating a

commercial motor vehicle, the Administration shall update its records to reflect that action within 10 days.

(m) After suspending, revoking, or canceling a nonresident commercial driver's privilege, or after disqualifying a nonresident driver from operating a commercial motor vehicle, the Administration shall notify the licensing authority of the state which issued the commercial instructional permit or commercial driver's license within 10 days.

(n) An individual who is disqualified from driving a commercial motor vehicle under this section shall surrender the individual's driver's license to the Administration.

(o) (1) The Administration may issue a noncommercial driver's license of an appropriate class to an individual who is disqualified or whose commercial driver's license is canceled under this section if:

(i) The individual surrenders the commercial instructional permit or commercial driver's license; and

(ii) The individual's driving privilege is not otherwise refused, suspended, revoked, or canceled in this State or any other state.

(2) (i) The Administration may immediately reinstate an individual's noncommercial driving privilege and, subject to subparagraph (ii) of this paragraph, issue a noncommercial driver's license of an appropriate class to an individual whose commercial driver's license is canceled under subsection (k)(3) of this section if:

1. The cancellation results solely from the failure to submit a certificate of physical examination;

2. The individual's driving privilege is not expired; and

3. The individual's driving privilege is not otherwise refused, suspended, revoked, or canceled in this State or any other state.

(ii) The Administration may not issue a noncommercial driver's license under this paragraph unless the individual surrenders the commercial driver's license.

(p) (1) (i) On termination of a disqualification period of less than 1 year, an individual may apply for restoration of the individual's commercial instructional permit or commercial driver's license.

(ii) The Administration shall reissue a commercial instructional permit or commercial driver's license under this paragraph when the applicant pays any required fees.

(2) On termination of a disqualification period of at least 1 year, an individual may apply for a new commercial instructional permit or commercial driver's license.

(3) The Administration shall issue a commercial instructional permit or commercial driver's license to the applicant when the applicant:

(i) Passes the skills and knowledge tests required by this subtitle;

(ii) Is eligible to drive pursuant to the Commercial Driver's License Information System, and National Driver's Register;

(iii) Surrenders any previously issued driver's instructional permit or license; and

(iv) Pays the fees required by § 16-818(a)(1) of this subtitle.

(q) If an individual is disqualified based on multiple offenses committed at the same time, or arising out of circumstances simultaneous in time and place, or arising out of the same incident, the Administration:

(1) Shall disqualify the individual from driving a commercial motor vehicle for the offense which results in the lengthiest period of disqualification; and

(2) May not impose any additional periods of disqualification for the remainder of the offenses.

(r) Notwithstanding any other provision of law, an offense described in this section or § 16-205.1 of this title committed by an individual in a noncommercial motor vehicle may not be considered an offense for the purposes of disqualification if the offense occurred before:

(1) September 30, 2005; or

(2) The initial issuance to the individual of a commercial instructional permit by any state.

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§ 16-813

(a) (1) An individual may not drive, operate, or be in physical control of a commercial motor vehicle while the individual has any alcohol concentration in the individual's blood or breath.

(2) Notwithstanding the provisions of paragraph (1) of this subsection and for the purpose of disqualifying an individual's commercial instructional permit or commercial driver's license for a violation of § 16–812(a) of this subtitle, an individual may not drive, operate, or be in physical control of a commercial motor vehicle while the individual has an alcohol concentration of 0.04 or greater in the individual's blood or breath.

(b) A person who drives, operates, or is in physical control of a commercial motor vehicle while having alcohol in the person's system or who, subject to § 16–205.1 of this title, refuses to take a chemical test to determine the alcohol concentration, shall be placed out of service for the 24-hour period immediately following the time the police officer or employer detects alcohol in the driver's blood or breath.

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§ 16-814

Within 10 days of the conviction, the Administration shall notify the driver licensing authority in the licensing state of the conviction of:

(1) Any nonresident holder of a commercial instructional permit or commercial driver's license for the violation of any State law or local ordinance relating to operating a motor vehicle, other than parking violations;

(2) Any nonresident holder of a noncommercial driver's license for the violation of any State law or local ordinance relating to operating a motor vehicle, other than parking violations, committed in a commercial motor vehicle; or

(3) Any nonresident who does not hold any type of license to drive, or whose license to drive is suspended, revoked, or canceled, for the violation of any State law or local ordinance relating to operating a commercial motor vehicle, other than parking violations.

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§ 16-815

(a) (1) A Class A commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:

(i) Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds if the GVWR of the vehicles being towed is in excess of 10,000 pounds; and

(ii) Any vehicle or combination of vehicles that a Class B commercial driver's license authorizes its holder to drive.

(2) An individual who is issued a Class A commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class A commercial driver's license or an appropriately endorsed Class A commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(b) (1) A Class B commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:

(i) Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 or more pounds;

(ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; and

(iii) Any vehicle that a Class C commercial driver's license authorizes its holder to drive.

(2) An individual who is issued a Class B commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class B commercial driver's license or an appropriately endorsed Class B commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(c) (1) A Class C commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:

(i) Any single vehicle less than 26,001 pounds gross vehicle weight rating (GVWR);

(ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; and

- (iii) Any vehicle which a noncommercial Class C driver's license authorizes its holder to drive, except for motorcycles.
- (2) An individual who is issued a Class C commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class C commercial driver's license or an appropriately endorsed Class C commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.
- (d) (1) A commercial driver's instructional permit authorizes the holder to operate commercial motor vehicles of Class A, B, and C subject to the conditions of Subtitle 1 of this title.
- (2) An instructional permit is not a license within the meaning of the single license restriction placed upon drivers of commercial motor vehicles.
- (e) (1) In addition to the requirements contained in subsections (a), (b), and (c) of this section, an operator must obtain State-issued endorsements of an operator's commercial driver's license to operate commercial motor vehicles which are:
- (i) Double/triple trailers;
 - (ii) Vehicles designed to transport 16 or more passengers including the driver (passenger vehicles);
 - (iii) School buses; or
 - (iv) Tank vehicles.
- (2) A school bus endorsement authorized under this subsection is also an endorsement for vehicles designed to transport 16 or more passengers including the driver (passenger vehicles).
- (f) (1) In addition to the requirements contained in subsections (a), (b), and (c) of this section, an operator must obtain a State-issued endorsement of an operator's commercial driver's license to operate a commercial motor vehicle that is required to be placarded for hazardous materials.
- (2) Before an operator can obtain a State-issued endorsement under this subsection, the operator shall apply to the Criminal Justice Information System Central Repository for a national and State criminal history records check.
- (3) The Administration may not issue a hazardous materials endorsement of a commercial driver's license without the approval of the Transportation Security Administration of the federal Department of Homeland Security.
- (4) The Department of Public Safety and Correctional Services and the Director of the Criminal Justice Information System Central Repository, in consultation with the Administration, may adopt regulations to carry out this section.
- (g) (1) In this subsection, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.
- (2) An operator requesting a State-issued endorsement under subsection (f) of this section shall apply to the Central Repository for a national and a State criminal history records check.
- (3) As part of the application for a criminal history records check, the operator shall submit to the Central Repository:
- (i) Two complete sets of the operator's legible fingerprints taken in a format approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;
 - (ii) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and
 - (iii) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.
- (4) (i) The Central Repository shall provide a receipt to the operator for the fees paid under paragraph (3)(ii) and (iii) of this subsection.
- (ii) The operator's employer may pay the fees or reimburse the operator for the fees required under paragraph (3)(ii) and (iii) of this subsection.
- (5) (i) In accordance with §§ 10-201 through 10-234 of the Criminal Procedure Article, the Central Repository shall forward to the operator and the Transportation Security Administration of the federal Department of Homeland Security, a printed statement of the operator's criminal history record information.

(ii) If criminal history record information is reported to the Central Repository after the date of the criminal history records check, the Central Repository shall provide to the Transportation Security Administration of the federal Department of Homeland Security and the operator a revised printed statement of the operator's criminal history record information.

(6) In accordance with regulations adopted by the Department of Public Safety and Correctional Services, the Administration shall verify periodically a list of operators of commercial motor vehicles that are required to be placarded for hazardous materials.

(7) Information obtained from the Central Repository under this section shall be:

(i) Confidential and may not be disseminated; and

(ii) Used only for the purpose authorized by this section.

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

(h) Except as provided in § 16–101 of this title, a person convicted of a violation of subsection (e) of this section is subject to:

(1) For a first offense, imprisonment not exceeding 2 months or a fine not exceeding \$500 or both;

(2) For a second offense, imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both; and

(3) For a third or subsequent offense, imprisonment not exceeding 1 year or a fine not exceeding \$2,000 or both.

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§ 16-816

(a) An individual may not drive a school vehicle on any highway in this State unless the individual:

(1) Passes an appropriate medical examination; and

(2) For driving a school bus, has been issued a commercial driver's license endorsed school bus.

(b) Except as provided in subsections (c) and (d) of this section, a driver of a school vehicle may not allow an individual who is not a student or school employee to board or ride on the school vehicle.

(c) An individual may board and ride on a school vehicle as a school vehicle attendant if the individual:

(1) (i) Is an employee of the local school system or transportation company that operates the school vehicle;

(ii) Is otherwise authorized by the local school system to act as a school vehicle attendant for a child on the school vehicle; or

(iii) Is a nurse, an aide, or any other individual assigned or authorized to work with a student in accordance with the student's individualized education program, 504 Plan under the federal Rehabilitation Act of 1973, or other student-specific written plan; and

(2) (i) Is in possession of photo identification that identifies the local school system or transportation company that employs the individual as a school vehicle attendant; or

(ii) Is in possession of photo identification or another document issued by the local school system that authorizes the individual to act as a school vehicle attendant for a child on the school vehicle.

(d) An individual may board and ride on a school vehicle with the written permission of the local school system.

(e) With the advice of the State Department of Education, the Administration may adopt regulations concerning the qualifications of school vehicle drivers.

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§ 16-817

(a) Except as provided in subsections (b) and (c) of this section, the Administration may not issue a commercial driver's license or a commercial driver's instructional permit to any individual:

(1) Who is not a resident of Maryland; and

(2) Who is not at least 21 years of age.

(b) The Administration may issue a Class A, B, or C commercial driver's license or a commercial driver's instructional permit to an individual under the age of 21, if the individual is at least 18 years of age. The license:

- (1) May not include a hazardous materials endorsement;
- (2) May not be valid for commercial interstate operation except as permitted by 49 C.F.R. Parts 390 to 399; and
- (3) Shall be valid for commercial intrastate and all noncommercial operation.

(c) Consistent with the Code of Federal Regulations, the Administration may issue a commercial driver's license to an applicant domiciled in a foreign country.

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§ 16-818

(a) An applicant for a commercial driver's license shall pay the Administration the following fees established by the Administration:

(1) Upon application for a new commercial driver's license or a commercial driver's license of a class other than that which the applicant holds:

(i) The base license fee if a commercial driver's instructional permit is required or an amount established by the Administration if an instructional permit is not required;

(ii) A commercial driver's license fee; and

(iii) The applicable fees listed in subsection (b) of this section;

(2) For the renewal of any class of commercial driver's license:

(i) A renewal fee;

(ii) A commercial driver's license fee; and

(iii) The applicable fees listed in subsection (b) of this section;

(3) For the conversion of a Maryland Class A, B, C, or D driver's license to a commercial driver's license:

(i) A renewal fee;

(ii) A commercial driver's license fee; and

(iii) The applicable fees listed in subsection (b) of this section; and

(4) For issuance of a duplicate or corrected commercial driver's license, a duplicate or corrected driver's license fee.

(b) In addition to the fees required by subsection (a) of this section, the applicant shall pay the Administration a fee established by the Administration for a required skills test or for a skills retest.

(c) Fees collected under this section:

(1) Shall be deposited in the Transportation Trust Fund; and

(2) Are not subject to the provisions of Title 8, Subtitle 4 of this article on the disposition of highway user revenues.

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§ 16-819

(a) The Administration shall retain a record of:

(1) Each commercial driver's license application that it receives; and

(2) Each commercial driver's license that it issues.

(b) The Administration shall retain as part of the driving record:

(1) Each conviction for any offense related to the use or operation of a motor vehicle which is prohibited by State law, municipal ordinance, or administrative rule or regulation, or reported by another state's driver licensing authority; and

(2) Each administrative action taken by the Administration or reported by another state's driver licensing authority.

(c) The Administration shall retain the driving records of individuals who have been issued commercial driver's licenses for at least the period of time required by the Commercial Driver's License Information System (CDLIS) established by the Secretary, United States Department of Transportation.

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§ 16-820

The Administration may adopt and enforce regulations not inconsistent with the Maryland Vehicle Law, the federal Commercial Motor Vehicle Safety Act, and the Code of Federal Regulations in order to carry out the provisions of this subtitle.

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§ 16-901

This subtitle applies only to an individual who displays a driver's license issued by the U.S. Department of State to a police officer or who otherwise claims immunities or privileges under Title 22, Chapter 6 of the United States Code with respect to the individual's violation of Title 2, Subtitle 5, § 2-209, or § 3-211 of the Criminal Law Article, or a moving violation under the vehicle laws or regulations of this State or any local authority.

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§ 16-902

If a driver who is subject to this subtitle is stopped by a police officer who has probable cause to believe that the driver has committed a violation described in this subtitle, the police officer shall:

- (1) As soon as practicable contact the U.S. Department of State office in order to verify the driver's status and immunity, if any;
- (2) Record all relevant information from any driver's license or identification card, including a driver's license or identification card issued by the U.S. Department of State; and
- (3) Within 5 workdays after the date of the stop, forward the following to the Administration:
 - (i) A vehicle accident report, if the driver was involved in a vehicle accident;
 - (ii) If a citation or other charging document was issued to the driver, a copy of the citation or other charging document; and
 - (iii) If a citation or other charging document was not issued to the driver, a written report of the incident.

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§ 16-903

The Administration shall:

- (1) File each vehicle accident report, citation or other charging document, and incident report that the Administration receives under this subtitle; and
- (2) Keep convenient records or make suitable notations showing each:
 - (i) Conviction;
 - (ii) Probation before judgment disposition of any violation of § 21-902 of this article; and
 - (iii) Vehicle accident.

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§ 16-904

The Administration shall send a copy of each document and record described under § 16-903 of this subtitle to the Bureau of Diplomatic Security, Office of Foreign Missions, of the U.S. Department of State.

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§ 16-905

The provisions of this subtitle do not prohibit or limit the application of any law to a criminal or motor vehicle violation by an individual who has or claims immunities or privileges under Title 22, Chapter 6 of the United States Code.

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§ 16-1001

(a) In this subtitle the following words have the meanings indicated.

- (b) "Credential holder" means the individual to whom an electronic credential is issued.
- (c) "Data field" means a discrete piece of information printed or otherwise appearing on a license or an identification card.
- (d) "Electronic credential" means an electronic representation of a license, an identification card, or a data field.
- (e) "Full profile" means all the information provided on a license or an identification card.
- (f) "Limited profile" means a portion of the information provided on a license or an identification card.

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§ 16-1002

(a) The Administration may issue an electronic credential to an individual in addition to, and not instead of, a license or an identification card if the Administration has issued to the individual:

- (1) A license; or
 - (2) An identification card under § 12-301 of this article.
- (b) The Administration may enter into agreements with an agency of the State, another state, or the United States, or through a national association of motor vehicle agencies, to facilitate the issuance, use, and verification of electronic credentials issued by the Administration or another state.
- (c) The Administration may create an electronic credential that:
- (1) Is capable of producing both a full profile and a limited profile; and
 - (2) Satisfies the purpose for which the profile is being presented.
- (d) The Administration shall design the electronic credential in a manner that allows the credential holder to maintain physical possession of the device on which the electronic credential is accessed during verification.

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§ 16-1003

- (a) The Administration may operate a verification system for electronic credentials.
- (b) (1) Access to the verification system and any data field by a person presented with an electronic credential requires the credential holder's consent.
- (2) If consent is granted under paragraph (1) of this subsection, the Administration may release through the verification system:
- (i) For a full profile, all data fields that appear on the physical credential that corresponds with the electronic credential that is being verified; and
 - (ii) For a limited profile, only the data fields represented in the limited profile for the physical credential that corresponds with the electronic credential that is being verified.
- (c) A third party may administer on behalf of the Administration any system developed to facilitate the issuance, verification, and use of electronic credentials.

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§ 16-1004

The Administration may charge a fee for:

- (1) The issuance of an electronic credential; and
- (2) The use of an electronic verification system.

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§ 16-1005

The Administration may adopt regulations to carry out this subtitle.

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Title 17 — Motor Vehicle Rental

§ 17-101

(a) In this subtitle the following words have the meanings indicated.

(b) "Fleet policy" means an insurance policy issued for a fleet of vehicles that provides coverage that is not based on a schedule of individual vehicles at the time the policy is issued.

(c) "Lapse" and "termination" mean a lapse or termination of required security, as defined in regulations adopted by the Administration.

(d) "Required security" means security in the form and providing for the minimum benefits required:

- (1) For a vehicle registered in the State, under this subtitle or any other provisions of the Maryland Vehicle Law; or
- (2) For a vehicle registered in another jurisdiction, under the laws of that jurisdiction.

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§ 17-102

This subtitle does not apply to the following vehicles and their drivers:

- (1) Except for a vehicle registered under § 13-935(d) of this article, farm equipment or special mobile equipment incidentally operated on a highway or on other property open to the public; or
- (2) A vehicle operated on a highway only to cross the highway from one property to another.

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§ 17-103

(a) (1) Except as provided in paragraph (2) or (3) of this subsection, the form of security required under this subtitle is a vehicle liability insurance policy written by an insurer authorized to write these policies in this State.

(2) The Administration may accept another form of security in place of a vehicle liability insurance policy if it finds that the other form of security adequately provides the benefits required by subsection (b) of this section.

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

2. "Affiliate" means any company that controls, is controlled by, or is under common control with another company.

3. "Provide taxicab services", "transportation network company", and "transportation network operator" have the meanings stated in § 10–101 of the Public Utilities Article.

(ii) The Administration may accept another form of security from a transportation network company in place of an insurance policy required by § 10–405 of the Public Utilities Article if:

1. The other form of security adequately provides the benefits required by § 10–405 of the Public Utilities Article; and
2. The transportation network company is an affiliate of a company that provides taxicab services and has no fewer than 26 nor more than 300 transportation network operators.

(4) The Administration shall, by regulation, assess each self-insurer an annual sum which may not exceed \$750, and which shall be used for actuarial studies and audits to determine financial solvency.

(b) The security required under this subtitle shall provide for at least:

- (1) The payment of claims for bodily injury or death arising from an accident of up to \$30,000 for any one person and up to \$60,000 for any two or more persons, in addition to interest and costs;

- (2) The payment of claims for property of others damaged or destroyed in an accident of up to \$15,000, in addition to interest and costs;
- (3) Unless waived under § 19–506 of the Insurance Article or rejected under § 19–506.1 of the Insurance Article, the benefits described under § 19–505 of the Insurance Article as to basic required primary coverage;
- (4) The benefits required under § 19–509 or § 19–509.1 of the Insurance Article as to required additional coverage; and
- (5) For vehicles subject to the provisions of § 25–111.1 of this article, the security requirements adopted under 49 C.F.R., Part 387.

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§ 17-104

- (a) The Administration may not issue or transfer the registration of a motor vehicle unless the owner or prospective owner of the vehicle furnishes evidence satisfactory to the Administration that the required security is in effect.
- (b) The owner of a motor vehicle that is required to be registered in this State shall maintain the required security for the vehicle during the registration period.
- (c) Each insurer or other provider of required security shall:
 - (1) Participate in the Administration's online verification program for vehicle insurance policies for law enforcement and administrative purposes;
 - (2) For each fleet policy, electronically notify the Administration every 30 days of any additions, deletions, or modifications to the fleet policy, including those policy numbers affected; and
 - (3) Electronically provide the Administration with all active insurance policies:
 - (i) In a format required by the Administration; and
 - (ii) At an interval determined by the Administration.
- (d) The Administration, in consultation with the Maryland Insurance Administration and representatives of the automobile insurance industry, shall adopt regulations that establish procedures to be used by an insurer to provide timely notification to an insured of the penalties that may be imposed in accordance with § 17–106 of this subtitle if the insured fails to renew or replace a policy of motor vehicle liability insurance without surrendering the evidences of registration.
- (e) (1) In this subsection, “replacement vehicle” means a vehicle that is loaned by an auto repair facility or a dealer, or that an individual rents temporarily, to use while a vehicle owned by the individual is not in use because of loss, as “loss” is defined in that individual's applicable private passenger automobile insurance policy or because of breakdown, repair, service, or damage.
- (2) This subsection does not apply to a rental vehicle that is not a replacement vehicle if the coverage maintained by the renter or driver is provided by the Maryland Automobile Insurance Fund.
- (3) Subject to paragraph (5) of this subsection, subsection (f) of this section, and § 18–106 of this article, an owner of a rental vehicle or replacement vehicle may satisfy the requirement of subsection (a) of this section by maintaining the required security described in § 17–103 of this subtitle that is secondary to any other valid and collectible coverage and that extends coverage in amounts required under § 17–103(b) of this subtitle to the owner's vehicle while it is used as a rental vehicle or replacement vehicle.
- (4) If an owner of a replacement vehicle provides coverage as provided under paragraph (3) of this subsection, the agreement for the replacement vehicle to be signed by the renter or the individual to whom the vehicle is loaned shall contain a provision on the face of the agreement, in at least 10 point bold type, that informs the individual that the coverage on the vehicle being serviced or repaired is primary coverage for the replacement vehicle and the coverage maintained by the owner on the replacement vehicle is secondary.
- (5) If coverage maintained by the renter or individual to whom the vehicle is loaned has lapsed or does not provide the required coverage:
 - (i) Security maintained by the owner of the rental vehicle or replacement vehicle shall:
 - 1. Be primary; and

2. Provide the coverage required beginning with the first dollar of a claim; and

(ii) The owner of the rental vehicle or replacement vehicle shall have the duty to defend the claim.

(f) If an owner of a rental vehicle provides coverage in accordance with subsection (e)(3) of this section, the rental agreement to be signed by the renter shall contain a provision on the face of the agreement, in at least 10 point bold type, that informs the individual that, except for coverage provided by the Maryland Automobile Insurance Fund with respect to a rental vehicle that is not a replacement vehicle, the coverage maintained by the renter of the rental vehicle is primary coverage on the owner's confirmation with the insurance carrier that provides coverage to the renter that the insurance maintained by the renter provides valid and collectible coverage in the amounts required under § 17–103(b) of this subtitle to the owner's vehicle while it is used as a rental vehicle.

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§ 17-105

(a) If a person has been finally rejected for insurance by the Maryland Automobile Insurance Fund under § 20–516 of the Insurance Article, the person shall, within 10 days after the rejection, furnish evidence satisfactory to the Administration that he has obtained and is covered by the required security.

(b) If the person fails to furnish this evidence within the 10-day period, the Administration:

(1) Shall suspend the registration of each motor vehicle owned by the person; and

(2) Shall suspend the license to drive of that person.

(c) The Administration may not reinstate a registration suspended under this subsection until the person furnishes the evidence that he has obtained and is covered by the required security.

(d) A license to drive that is suspended under this section shall be reinstated if the licensee:

(1) Furnishes evidence that he has obtained and is covered by the required security; or

(2) Has delivered to the Administration the registration plates of each motor vehicle owned by him.

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§ 17-106

(a) If the required security for any vehicle lapses at any time, the registration of that vehicle:

(1) Is suspended automatically as of the date of the lapse effective not later than 60 days after notification to the Administration that the lapse has occurred; and

(2) Remains suspended until:

(i) The required security is replaced and the vehicle owner submits evidence of replaced security on a form as prescribed by the Administration and certified by an insurer or insurance producer; and

(ii) Any uninsured motorist penalty fee assessed is paid to the Administration.

(b) (1) Except as provided in paragraph (2) of this subsection, each insurer or other provider of required security immediately shall notify the Administration electronically of those terminations or other lapses that are final.

(2) Each insurer or other provider of required security for a vehicle registered as a Class B (for hire) vehicle under Title 13 of this article shall notify the Administration within 45 days after a termination or other lapse that is final and occurs anytime after the required security is issued or provided.

(c) On receipt of a notice under subsection (b) of this section, the Administration shall:

(1) Make a reasonable effort to notify the owner of the vehicle that his registration has been suspended; and

(2) Provide electronically the information contained in the notice of the suspension to the Uninsured Division of the Maryland Automobile Insurance Fund.

(d) (1) Within 48 hours after an owner is notified by the Administration of the suspension of registration, the owner shall surrender all evidences of that registration to the Administration.

(2) If the owner fails to surrender the evidences of registration within the 48-hour period, the Administration:

- (i) Shall attempt to recover from the owner the evidences of registration; and
 - (ii) May suspend his license to drive until he returns to the Motor Vehicle Administration the evidences of registration.
- (3) The Administration may enter into contracts with private parties to procure the services of independent agents to assist in the recovery of the evidences of registration as authorized in paragraph (2) of this subsection.
- (e) (1) (i) 1. Except as provided in subparagraphs (iv) and (v) of this paragraph, in addition to any other penalty provided for in the Maryland Vehicle Law, if the required security for a vehicle terminates or otherwise lapses during its registration year, the Administration may assess the owner of the vehicle with a penalty of \$200 for each vehicle without the required security for a period of 1 to 30 days.
2. If a fine is assessed, beginning on the 31st day the fine shall increase by a rate of \$7 for each day.
- (ii) Each period during which the required security for a vehicle terminates or otherwise lapses shall constitute a separate violation.
 - (iii) The penalty imposed under this subsection may not exceed \$3,500 for each violation in a 12-month period.
 - (iv) The Administration may not assess a penalty under this subsection if:
 - 1. The registration plates of the vehicle are returned to the Administration within 10 days after the termination or lapse of the required security, as shown by the records of the Administration; and
 - 2. A. The certificate of title for the vehicle has been transferred to a new owner;
 - B. The registered owner has moved out-of-state and the registration plates are returned by mail;
 - C. A salvage certificate has been issued for the vehicle; or
 - D. A licensed dealer has taken possession of the vehicle with an obligation to return the registration plates.
 - (v) Before the Administration may assess a penalty under this subsection, the Administration shall first verify that the registration plates for the vehicle were not returned to the Administration within 10 days after the termination or lapse of the required security.
- (2) (i) Except as provided under paragraph (3) of this subsection, a penalty assessed under this subsection shall be paid as follows:
- 1. 70% to be allocated as provided in subparagraph (ii) of this paragraph; and
 - 2. 30% to the Administration, which may be used by the Administration, subject to subsection (f) of this section, to provide funding for contracts with independent agents to assist in the recovery of evidences of registration as authorized in subsection (d)(3) of this section.
- (ii) For each fiscal year beginning on or after July 1, 2014, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the Safe Schools Fund, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, the Driver Education in Public High Schools Fund, the State-Aided Institutions Field Trip Fund, and the General Fund as follows:
- 1. \$600,000 to the Safe Schools Fund;
 - 2. \$2,000,000 to the Vehicle Theft Prevention Fund;
 - 3. The amounts specified under subparagraph (iii) of this paragraph to the Maryland Automobile Insurance Fund;
 - 4. \$2,000,000 to the Driver Education in Public High Schools Fund;
 - 5. \$600,000 to the State-Aided Institutions Field Trip Fund; and
 - 6. The balance to the General Fund.
- (iii) 1. Except for fiscal year 2024 and except as provided under subsubparagraph 3 of this subparagraph, the amount distributed to the Maryland Automobile Insurance Fund under subparagraph (ii)3 of this paragraph shall equal the amount distributed to the Maryland Automobile Insurance Fund in the prior fiscal year under the provisions of this paragraph adjusted by the change for the calendar year preceding the fiscal year in the Consumer Price Index – All Urban Consumers – Medical Care as published by the United States Bureau of Labor Statistics.

2. For fiscal year 2024, the amount distributed to the Maryland Automobile Insurance Fund under subparagraph (ii)3 of this paragraph shall equal the amount distributed to the Maryland Automobile Insurance Fund in the prior fiscal year under the provisions of this paragraph adjusted by the change for the calendar year preceding the fiscal year in the Consumer Price Index – All Urban Consumers – Medical Care as published by the United States Bureau of Labor Statistics plus an additional \$2,000,000.

3. For fiscal year 2025, the amount distributed to the Maryland Automobile Insurance Fund under subparagraph (ii)3 of this paragraph shall equal the amount distributed to the Maryland Automobile Insurance Fund calculated in accordance with subsubparagraph 1 of this subparagraph:

A. Plus an additional \$3,000,000 dedicated to the exclusive use of the Uninsured Division, which shall become part of the base amount used to calculate the amount distributed under subsubparagraph 1 of this subparagraph in subsequent fiscal years; but

B. Excluding the \$2,000,000 distributed to the Fund in fiscal year 2024.

(3) Beginning July 1, 2018, any uninsured motorist penalties the Administration receives under the Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured established under § 20–612 of the Insurance Article shall be paid to the Uninsured Division of the Maryland Automobile Insurance Fund.

(4) If the Administration assesses a vehicle owner, co-owner, or lessee with a penalty under this subsection, the Administration may not take any of the following actions until the penalty is paid:

(i) Reinstate a registration suspended under this subsection;

(ii) Except for a temporary registration as provided under § 13–602(a)(2) of this article, issue a new registration for any vehicle that is owned, co-owned, or leased by that person and is titled after the violation date; or

(iii) Renew a registration for a vehicle that is owned, co-owned, or leased by that person.

(5) (i) In this paragraph, “family member” means any individual whose relationship to the vehicle owner is one of those listed under § 13–810(c)(1) of this article as being exempt from paying the excise tax imposed on the transfer of a vehicle.

(ii) The monetary penalties provided in this subsection may not be avoided by transferring title to the vehicle.

(iii) Except as provided in paragraph (1)(iv) and (v) of this subsection, regardless of whether money or other valuable consideration is involved in the transfer, if title to a vehicle is transferred by an individual who has violated this subtitle to a family member, any suspension of the vehicle’s registration that occurred before the transfer shall continue as if no transfer had occurred and a new registration may not be issued until the penalty fee is paid.

(6) An amount equal to the monetary penalties paid to the Administration under paragraph (2) of this subsection may be used by the Administration only for the enforcement of this subtitle.

(f) From the amount distributed to the Administration under subsection (e)(2)(i)2 of this section, expenditures to fund contracts entered into under subsection (d)(3) of this section:

(1) May not exceed \$1,000,000 in any fiscal year; and

(2) May be made only:

(i) Pursuant to an appropriation approved by the General Assembly in the annual State budget; or

(ii) Through the budget amendment procedure provided for in § 7–209 of the State Finance and Procurement Article, provided that:

1. The budget amendment and supporting information have been submitted to the budget committees for review and comment; and

2. At least 45 days have elapsed from the time the budget amendment and supporting information were submitted to the budget committees.

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§ 17-107

(a) A person who knows or has reason to know that a motor vehicle is not covered by the required security may not:

(1) Drive the vehicle; or

(2) If the person is an owner of the vehicle, knowingly permit another person to drive it.

(b) (1) In any prosecution under subsection (a) of this section for a vehicle that is registered in the State, the introduction of the official records of the Motor Vehicle Administration showing the absence of a record that the vehicle is covered by the security required under § 17–104 of this subtitle shall be prima facie evidence that a person knows or has reason to know that a motor vehicle is not covered by the required security.

(2) The introduction of evidence of the records of the Administration may not limit the introduction of other evidence bearing upon whether the vehicle was covered by the required security.

(c) An owner or lessee of any motor vehicle registered under Title 13 of this article may not raise the defense of sovereign or governmental immunity as described under § 5–524 of the Courts and Judicial Proceedings Article.

(d) A person convicted of a violation of this section is subject to:

(1) For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

(2) For a second or subsequent offense, imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 17-109

(a) A person who receives a warning letter under Title 16, Subtitle 4 of this article as a result of point accumulation shall submit evidence that any vehicle registered in the person's name, individually or jointly, has been continuously covered, since the notice date of the point accumulation warning letter, by the security required under this subtitle.

(b) The evidence of security shall be submitted to the Administration within 30 days of the request on a form prescribed by the Administration and certified by an insurer or insurance producer.

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§ 17-110

(a) Whenever evidence of security is required under this subtitle, a person may not willfully and knowingly create, certify, file, or provide false evidence of required security.

(b) A person convicted of a violation of this section is subject to:

(1) For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

(2) For a second or subsequent offense, imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 17-111

(a) (1) In this section the following words have the meanings indicated.

(2) “Central Collection Unit fee” means the fee the Central Collection Unit in the Department of Budget and Management is authorized under § 3–304 of the State Finance and Procurement Article to assess on debts or claims collected.

(3) “Program” means the Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured.

(4) “Program period” means the period during which vehicle owners may have a portion of delinquent uninsured vehicle penalties waived under the Program.

(5) “Uninsured vehicle penalty” means the fine the Administration may assess a vehicle owner under § 17–106 of this subtitle for a lapse of the required security on a vehicle during a registration year.

(b) (1) There is a Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured in the Administration.

(2) The purpose of the Program is to reduce the number of uninsured vehicles in the State by incentivizing and enabling uninsured vehicle owners with delinquent uninsured vehicle penalties to be insured.

(c) (1) Under the Program, the Administration shall:

(i) Waive a portion of delinquent uninsured vehicle penalties on vehicle owners; and

(ii) As a condition of waiving a portion of delinquent uninsured vehicle penalties on vehicle owners, require vehicle owners to purchase and maintain the required security on their vehicles.

- (2) The Program period shall:
- (i) Be up to 90 calendar days; and
 - (ii) Begin no earlier than January 1, 2017, and end no later than December 31, 2017.
- (d) A vehicle owner is eligible to participate in the Program if the vehicle owner:
- (1) Is a resident of the State;
 - (2) Does not have the required security on a vehicle;
 - (3) Has delinquent uninsured vehicle penalties that became delinquent before January 1, 2014; and
 - (4) Has not been issued a judgment by the Central Collection Unit.
- (e) (1) The Administration shall notify vehicle owners who may be eligible to participate in the Program at their last known address.
- (2) The notification to a vehicle owner shall include:
- (i) The Administration's Web site address and the Maryland Insurance Administration's Web site address, where the owner may find contact information for insurers that write motor vehicle liability insurance in the State and other information about motor vehicle insurance; and
 - (ii) The total delinquent uninsured vehicle penalties that the owner owes and the amount of the penalties that may be waived under the Program.
- (f) (1) In accordance with paragraphs (2) and (3) of this subsection, the Administration shall waive 80% of a vehicle owner's delinquent uninsured vehicle penalties that became delinquent before January 1, 2014.
- (2) (i) As a condition of waiving a portion of a vehicle owner's delinquent uninsured vehicle penalties under paragraph (1) of this subsection, the Administration shall require the vehicle owner to pay the balance of the delinquent uninsured vehicle penalties owed after subtracting the waived amount under paragraph (1) of this subsection.
- (ii) If a claim against a vehicle owner has been sent to the Central Collection Unit, in addition to the balance owed under subparagraph (i) of this paragraph, the vehicle owner shall pay a Central Collection Unit fee calculated as a percentage of the amount of the balance owed under subparagraph (i) of this paragraph.
- (iii) 1. Except as provided in subsubparagraph 2 of this subparagraph, the Administration shall require a vehicle owner to pay the balance owed under subparagraph (i) of this paragraph and any Central Collection Unit fee owed under subparagraph (ii) of this paragraph before the end of the Program period.
2. The Administration may allow an owner to pay the balance owed under subparagraph (i) of this paragraph and any Central Collection Unit fee owed under subparagraph (ii) of this paragraph using a monthly installment payment plan that extends payments beyond the end of the Program period if the terms of the monthly installment payment plan require:
- A. The first payment to be due on entry into the Program; and
 - B. The remaining balance owed to be paid within 6 months after entry into the Program.
- (3) (i) As a condition of waiving a portion of delinquent uninsured vehicle penalties on a vehicle owner under paragraph (1) of this subsection, the Administration shall require the vehicle owner to purchase and maintain the required security on the vehicle for the period of time specified in subparagraph (ii) of this paragraph.
- (ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, the Administration shall require the required security on the vehicle to be maintained for a period of at least 6 months.
2. The Administration may require that the required security on the vehicle be maintained for a period of at least 1 year if the waiver amount under paragraph (1) of this subsection exceeds \$3,000.
- (g) The Administration may adopt regulations to carry out the provisions of this section.
- (h) (1) Beginning July 1, 2018, there is a Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured, administered by the Uninsured Division of the Maryland Automobile Insurance Fund under § 20–612 of the Insurance Article.
- (2) The Administration:

- (i) Shall waive delinquent uninsured vehicle penalties as provided in § 20–612 of the Insurance Article; and
- (ii) If conditions specified under § 20–612 of the Insurance Article are not met, may reinstate the waived delinquent uninsured motorist penalties.

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§ 17-201

In this subtitle, “judgment” means any final judgment resulting from:

- (1) A cause of action for damages arising out of the ownership, maintenance, or use on any highway or other property open to the public of any vehicle of a type required to be registered in this State; or
- (2) A cause of action on an agreement of settlement for damages arising out of the ownership, maintenance, or use on any highway or other property open to the public of any vehicle of a type required to be registered in this State.

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§ 17-202

If a person fails to satisfy a judgment within 30 days, the judgment creditor or his representative may send to the Administration a certified copy of the judgment and, on a form provided by the Administration, a certificate of facts relating to the judgment. The certificate of facts is prima facie evidence of the facts stated in it.

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§ 17-203

If the judgment debtor named in a certified copy of a judgment or in a certificate of facts is a nonresident, the Administration shall send a certified copy of the judgment or certificate of facts to the Motor Vehicle Administrator of the state where the judgment debtor is a resident and of any other state where the vehicle of the judgment debtor is registered.

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§ 17-208

(a) For purposes of this subtitle, a judgment is considered satisfied if:

- (1) It is paid to the judgment creditor or into the court that rendered the judgment, either in full or up to the minimum required security amounts required under the Maryland Vehicle Law; or
 - (2) An order of satisfaction is filed with the court that rendered the judgment.
- (b) A payment made in settlement of any claim because of bodily injury, death, or property damage arising from the accident shall be credited in reduction of the payment required by subsection (a) (1) of this section.

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§ 17-209

- (a) (1) On due notice to the judgment creditor, a judgment debtor may apply to the court that rendered the judgment for the privilege of paying the judgment in installments.
- (2) In its discretion, the court may order payment of the judgment in installments and may set and modify from time to time the amounts and times of the installment payments.
- (3) A judgment debtor may continue to make payments under an installment plan as long as the installment payments are not in default.
- (b) (1) Except as provided for in subsection (c) of this section, after default and on due notice to the judgment creditor, if past-due installments have been paid, the judgment debtor again may apply to the court that allowed the installment payments for the resumption of the privilege of installment payments.
- (2) In its discretion, the court may order resumption of the installment payments as provided in subsection (a) of this section.

(c) A judgment debtor under Title 20, Subtitle 6 of the Insurance Article who has been in default at least 3 times under subsection (a)(3) of this section may not resume the privilege of installment payments unless:

(1) The Fund receives payment in an amount satisfactory to the Fund; and

(2) The Fund consents to the resumption of installment payments.

(d) The actions of a court under this section are without prejudice to any other legal remedy of the judgment creditor.

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§ 17-301

(a) If a person made a security deposit of money under the financial responsibility law as it existed before January 1, 1973, the person or his personal representative may apply to the Maryland Automobile Insurance Fund for and is entitled to a refund of the deposit, without interest, if:

(1) An action for damages arising out of the accident for which the deposit was made is not pending against the person on whose behalf the deposit was made;

(2) An unpaid judgment does not exist in favor of any person as a result of an action arising from the accident for which the deposit was made;

(3) A claim is not pending against the Unsatisfied Claim and Judgment Fund Board or its successor for damages arising out of the accident for which the deposit was made; and

(4) The executive director of the Maryland Automobile Insurance Fund, on the advice of the Attorney General, is satisfied by a reasonable preponderance of the evidence that the person is legally entitled to the deposit.

(b) If there is a claim pending against the Unsatisfied Claim and Judgment Fund Board or its successor, that claim is a lien against the amount deposited in favor of the Unsatisfied Claim and Judgment Fund Board or its successor.

(c) Neither subsection (a) of this section nor any other provision of law may be construed to prevent the use of the deposit:

(1) To satisfy any final judgment rendered against the depositor that has been docketed within 3 years from the date of the accident and not assigned to the Unsatisfied Claim and Judgment Fund or its successor; or

(2) In the payment of any claim on the instruction of the depositor.

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Title 18 — Regulated Waste Transport

§ 18-101

(a) In this title, “rent” means to rent or lease for a period not exceeding 180 days.

(b) This title does not apply to peer-to-peer car sharing of a shared motor vehicle made available on a peer-to-peer car sharing program, as defined under § 19–520 of the Insurance Article, and that is subject to Title 18.5 of this article.

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§ 18-102

(a) (1) The Administration may not register any motor vehicle, trailer, or semitrailer to be rented until the owner of the vehicle certifies to the satisfaction of the Administration that the owner has security for the vehicle in the same form and providing for the same minimum benefits as the security required by Title 17 of this article for motor vehicles.

(2) (i) In this paragraph, “replacement vehicle” means a vehicle that is loaned by an auto repair facility or a dealer, or that an individual rents temporarily, to use while a vehicle owned by the individual is not in use because of loss, as “loss” is defined in that individual’s applicable private passenger automobile insurance policy, or because of breakdown, repair, service, or damage.

(ii) This paragraph does not apply to a rental vehicle that is not a replacement vehicle if the coverage maintained by the renter or driver is provided by the Maryland Automobile Insurance Fund.

(iii) Subject to paragraph (3) of this subsection, § 18–106 of this subtitle, and § 17–104(e)(5) of this article, an owner of a rental vehicle or replacement vehicle may satisfy the requirement of paragraph (1) of this subsection by maintaining the required security described in § 17–103 of this article that is secondary to any other valid and collectible coverage and that extends coverage to the owner's vehicle in amounts required under § 17–103(b) of this article while it is used as a rental vehicle or replacement vehicle.

(iv) If an owner of a replacement vehicle provides coverage as provided under subparagraph (iii) of this paragraph, the agreement for the replacement vehicle to be signed by the renter or the individual to whom the vehicle is loaned shall contain a provision on the face of the agreement, in at least 10 point bold type, that informs the individual that the coverage on the vehicle being serviced or repaired is primary coverage for the replacement vehicle and the coverage maintained by the owner on the replacement vehicle is secondary.

(3) If an owner of a rental vehicle provides coverage in accordance with paragraph (2) of this subsection, the rental agreement to be signed by the renter shall contain a provision on the face of the agreement, in at least 10 point bold type, that informs the individual that, except for coverage provided by the Maryland Automobile Insurance Fund with respect to a rental vehicle that is not a replacement vehicle, the coverage maintained by the renter of the rental vehicle is primary coverage on the owner's confirmation with the insurance carrier that provides coverage to the renter that the insurance maintained by the renter provides valid and collectible coverage in the amounts required under § 17–103(b) of this article to the owner's vehicle while it is used as a rental vehicle.

(b) Notwithstanding any provision of the rental agreement to the contrary, the security required under this section shall cover the owner of the vehicle and each person driving or using the vehicle with the permission of the owner or lessee.

(c) If the Administration finds that the vehicle owner has failed or is unable to maintain the required security, the Administration shall suspend the registration of the vehicle.

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§ 18-103

(a) A person may not rent a motor vehicle, trailer, or semitrailer to any other person unless the individual who will operate the rented vehicle:

(1) (i) Holds a driver's license issued under Title 16 of this article, which license authorizes the individual to drive or tow, as the case may be, vehicles of the class rented; or

(ii) Possesses an electronic credential issued under Title 16, Subtitle 10 of this article showing a representation of a valid driver's license;

(2) Is a nonresident who:

(i) 1. Has with the individual a license to drive issued to the individual by the state or country of the individual's residence, which license authorizes the individual in that state or country to drive or tow, as the case may be, vehicles of the class rented; or

2. Possesses an electronic credential issued by the individual's state of residence showing a representation of a valid driver's license, if the individual's state of residence has entered into a facilitation agreement with the Administration under § 16–1002(b) of this article; and

(ii) Is at least the same age as that required of a resident to drive or tow, as the case may be, the vehicle rented; or

(3) Otherwise is specifically authorized by Title 16 of this article to drive or tow, as the case may be, vehicles of the class rented.

(b) (1) A person may not rent a motor vehicle, trailer, or semitrailer to any other person unless the lessor or his agent:

(i) Has inspected the license to drive or electronic credential of the individual who will operate the rented vehicle;

(ii) Has compared and verified:

1. The signature on the license or electronic credential with the signature of the individual, as written in the presence of the lessor or agent; and

2. The physical description on the license or electronic credential with the physical appearance of the individual; and

(iii) Has verified that the license is not expired.

(2) An inspection of a license or an electronic credential under this section may be through electronic or digital means.

(c) (1) Each person who rents a motor vehicle, trailer, or semitrailer to another person shall keep a record of:

(i) The registration number of the rented vehicle and, if only a semitrailer or trailer is rented, the registration number of the motor vehicle to be used to tow the trailer or semitrailer;

(ii) The name and address of the lessee;

(iii) The number of the license to drive of the individual who will drive or tow, as the case may be, the rented vehicle; and

(iv) The date and place of issuance of the license to drive.

(2) Records may be kept under this subsection in an electronic or digital format.

(d) Any police officer or authorized representative of the Administration may inspect the records kept under subsection (c) of this section.

(e) (1) If a lessor rents a motor vehicle, trailer, or semitrailer to another person in a manner that allows the other person to obtain possession of the rented vehicle without making direct contact with the lessor, the lessor shall be deemed to have met the requirements of subsections (a) and (b) of this section if the lessor requires the person who will operate the rented vehicle to enter into a membership or master program agreement.

(2) A lessor shall delete any personal data of an individual who participates in a membership or master program agreement within 60 days after the individual terminates the individual's participation in the membership or master program agreement.

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§ 18-104

(a) A person may not, with intent to defraud, rent to any other person any motor vehicle for which any charge is based on the distance traveled, if the person knows that the vehicle's odometer does not record correctly its actual accumulated mileage.

(b) A person may not otherwise rent to any other person any motor vehicle for which any charge is based on the distance traveled and deceive that other person as to the distance that the vehicle traveled during the rental period.

(c) A person convicted of a violation of this section is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 18-105

(a) A person may not rent a motor vehicle to any other person if he knows that the other person is under the influence of alcohol, impaired by alcohol, impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol, or impaired by a controlled dangerous substance.

(b) A person may not rent a motor vehicle to any other person if the person knows that an individual who will drive the rented vehicle is under the influence of alcohol, impaired by alcohol, impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol, or impaired by a controlled dangerous substance.

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§ 18-106

(a) (1) In this section the following words have the meanings indicated.

(2) "Authorized driver" means a person, other than the renter, who uses or operates a rental vehicle with the permission of the motor vehicle rental company.

(3) "Motor vehicle rental company" has the meaning stated in § 17–104.3 of this article.

(4) "Rental agreement" has the meaning stated in § 17–104.3 of this article.

(b) (1) Except as provided in paragraph (2) of this subsection, this section applies only to:

(i) Rental vehicle transactions originating in the State; and

(ii) Third-party claims against a renter or an authorized driver of a rental vehicle arising out of the security requirement under § 18-102(a)(2) of this subtitle or § 17-104(e) of this article.

(2) This section does not apply to a replacement vehicle under § 18-102(a)(2) of this subtitle or § 17-104(e) of this article.

(c) A motor vehicle rental company shall be responsible for providing the required security under § 17-103 of this article on a primary basis for a third-party liability claim if the motor vehicle rental company:

(1) Fails to deliver notice of the claim;

(2) Fails to cooperate with the insurer;

(3) Prejudiced the handling of the third-party claim before the insurer assumed the handling of the claim;

(4) Has provided liability, property damage, uninsured motorist, or other coverage to the insured that is applicable to the third-party claim as a benefit under either:

(i) The rental agreement; or

(ii) An insurance policy sold to the renter in connection with, and incidental to, the rental of the motor vehicle; or

(5) Fails to provide the notices required under § 18-102(a)(3) of this subtitle or § 17-104(f) of this article.

(d) A motor vehicle rental company shall be responsible for providing the required security under § 17-103 of this article on a primary basis for a third-party liability claim if the driver of the rental vehicle is an individual who is not the renter or an authorized driver.

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§ 18-107

(a) A person who rents a motor vehicle to a consumer shall:

(1) Compute the daily rental rate based on a 24-hour period, starting at the time the rental begins;

(2) Make a notation on the rental agreement of the time the rental begins; and

(3) Inform the consumer that:

(i) The daily rental fee is based on a 24-hour period; and

(ii) The time the rental begins is noted on the rental agreement.

(b) This section does not apply if:

(1) A person rents a motor vehicle to a consumer; and

(2) The rental vehicle is:

(i) A temporary substitute for a vehicle that is out of service because of breakdown, repair, servicing, loss, or destruction; and

(ii) Covered as a temporary substitute vehicle under the consumer's comprehensive and collision coverage.

(c) (1) Regardless of whether a consumer complies with a requirement by a rental company to notify the rental company in advance of intent to return the vehicle, the rental company may not charge for the use of a rental vehicle after the vehicle has been returned.

(2) If a rental agreement requires the consumer to notify the rental company in advance of intent to return the vehicle, the rental company shall make the following written disclosure to the consumer in at least 10 point type:

"Regardless of whether you comply with a requirement by the rental company to notify the rental company in advance of your intent to return the vehicle, the rental company may not charge for the use of the rental vehicle after you have returned the vehicle."

(d) In addition to any remedies otherwise available at law, a violation of this section shall be an unfair or deceptive trade practice under Title 13, Subtitle 3 of the Commercial Law Article.

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§ 18-108

- (a) (1) In this section, "rental vehicle company" means a person that rents a motor vehicle to a consumer.
- (2) "Rental vehicle company" does not include a peer-to-peer car sharing program, as defined under § 19–520 of the Insurance Article, and that is subject to Title 18.5 of this article.
- (b) A rental vehicle company may charge a consumer a separately stated fee to recover the following costs incurred by the rental vehicle company:
- (1) Any portion of the rental vehicle company's titling and registration costs incurred under Title 13 of this article for its fleet of rental vehicles;
- (2) Any concession fees paid to a government owned or operated:
- (i) Airport; or
- (ii) Other entity;
- (3) Any consolidated facility fees imposed by a government owned or operated entity to pay for the use of the facility by the rental vehicle company or otherwise related to the use of the facility; or
- (4) Any other fee or charge imposed by a governmental entity.
- (c) (1) A rental vehicle company may determine the amount of a separately stated fee it will charge to recover costs described under subsection (b)(1) of this section, provided that the rental vehicle company does not intend to recover an amount in excess of the costs it actually incurs.
- (2) If the total amount of the fees collected by a rental vehicle company under this section during a 12-month period exceeds the rental vehicle company's actual costs incurred during the same 12-month period, the rental vehicle company shall:
- (i) Retain the excess amount; and
- (ii) Adjust the estimated average charge for the following 12-month period by a corresponding amount.
- (d) If a rental vehicle company advertises the rental rate for a vehicle available for rent in the State, the fees authorized under this section shall be clearly disclosed in the advertisement.
- (e) (1) The separately stated fee authorized for recovery of costs described under subsection (b)(1) of this section shall be described in the rental agreement as:
- "The estimated average per day per vehicle portion of the rental company's total annual titling and registration costs".
- (2) A rental vehicle company shall post the statement required under paragraph (1) of this subsection on the rental vehicle company's website, if any, for consumers participating in an extended rental program under a master rental agreement.

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§ 18-109

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Rental vehicle company" has the meaning stated in § 18–108 of this title.
- (3) "Replacement vehicle" has the meaning stated in § 18–102 of this title.
- (b) If a vehicle owned by an individual who is at least 18 years old is not in use because of a repair of the vehicle covered by a warranty, a recall of the vehicle, or a repair of the vehicle as a result of the recall:
- (1) A rental vehicle company may not, solely on the basis of the age of the individual:
- (i) Refuse to rent a vehicle to the individual; or
- (ii) Charge the individual a higher rental fee than normally charged; and
- (2) An auto repair facility or a vehicle dealer may not, solely on the basis of the age of the individual:
- (i) Refuse to loan a replacement vehicle to the individual; or
- (ii) Charge the individual a higher fee for a replacement vehicle than normally charged.

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Title 19 — Aviation

§ 19-101

(a) If any police officer of this State or any political subdivision of this State, while otherwise acting within the scope of his authority in enforcing any law, directs the driver of any motor vehicle, other than a police vehicle, to assist him in enforcing that law or in apprehending any person suspected of violating or known to have violated that law, this State or the political subdivision, as the case may be, is liable for the damages or injuries proximately caused by the negligence of the police officer.

(b) This State or a political subdivision of this State may use the defense of contributory negligence and assert the doctrine of last clear chance in an action brought or defense raised under this section.

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§ 19-102

(a) A police officer may not direct any driver, owner, or passenger of a motor vehicle, other than a police vehicle, to participate in a roadblock.

(b) If any police officer of this State or any political subdivision of this State, while otherwise acting within the scope of his authority in enforcing any law, directs the driver, owner, or passenger of a motor vehicle other than a police vehicle to participate in a roadblock to assist him in enforcing that law or in apprehending any person suspected of violating or known to have violated that law, this State or the political subdivision, as the case may be, is liable for the damages or injuries proximately caused by participation in the roadblock.

(c) This State or a political subdivision of this State may use the defense of contributory negligence and assert the doctrine of last clear chance in an action brought or defense raised under subsection (b) of this section.

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§ 19-103

(a) (1) In this section the following words have the meanings indicated.

(2) "Emergency service" means:

(i) Responding to an emergency call;

(ii) Pursuing a violator or a suspected violator of the law; or

(iii) Responding to, but not while returning from, a fire alarm.

(3) "Emergency vehicle" has the same meaning as in § 11–118 of this article.

(b) An operator of an emergency vehicle, who is authorized to operate the emergency vehicle by its owner or lessee while operating the emergency vehicle in the performance of emergency service as defined in subsection (a) of this section shall have the immunity from liability described under § 5–639(b) of the Courts and Judicial Proceedings Article.

(c) (1) An owner or lessee of an emergency vehicle, including a political subdivision, is liable to the extent provided in § 5–639(c) of the Courts and Judicial Proceedings Article for any damages caused by a negligent act or omission of an authorized operator while operating the emergency vehicle in the performance of emergency service as defined in subsection (a) of this section.

(2) An owner or lessee of an emergency vehicle, including a political subdivision, shall have the immunity from liability described under § 5–639(c) of the Courts and Judicial Proceedings Article.

(d) A self-insured jurisdiction shall have the immunity from liability under this section as described under § 5–639(d) of the Courts and Judicial Proceedings Article.

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Title 20 — Port Administration

§ 20-101

(a) This title applies throughout this State, whether on or off a highway.

(b) All of the provisions of §§ 20-101 through 20-105 of this title apply to the owner of any vehicle who is present when the accident occurs, whether or not the owner is the driver.

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§ 20-102

(a) (1) The driver of each vehicle involved in an accident that results in bodily injury to another person immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(2) The driver of each vehicle involved in an accident that results in bodily injury to another person immediately shall return to and remain at the scene of the accident until the driver has complied with § 20–104 of this title.

(b) (1) The driver of each vehicle involved in an accident that results in the death of another person immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(2) The driver of each vehicle involved in an accident that results in the death of another person immediately shall return to and remain at the scene of the accident until the driver has complied with § 20–104 of this title.

(c) (1) In this subsection, “serious bodily injury” means an injury that:

(i) Creates a substantial risk of death;

(ii) Causes serious permanent or serious protracted disfigurement;

(iii) Causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty; or

(iv) Causes serious permanent or serious protracted impairment of the function of any body part or organ.

(2) (i) Except as provided in paragraph (3) of this subsection, a person convicted of a violation of subsection (a) of this section is subject to imprisonment not exceeding 1 year or a fine not exceeding \$3,000 or both.

(ii) Except as provided in paragraph (3) of this subsection, a person convicted of a violation of subsection (b) of this section is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(3) (i) A person who violates this section and who knew or reasonably should have known that the accident might result in serious bodily injury to another person and serious bodily injury actually occurred to another person, is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(ii) A person who violates this section and who knew or reasonably should have known that the accident might result in the death of another person and death actually occurred to another person, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

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§ 20-103

(a) The driver of each vehicle involved in an accident that results only in damage to an attended vehicle or other attended property immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(b) The driver of each vehicle involved in an accident that results only in damage to an attended vehicle or other attended property shall return to and remain at the scene of the accident until he has complied with § 20–104 of this title.

(c) A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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§ 20-104

(a) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall render reasonable assistance to any person injured in the accident and, if the person requests medical treatment or it is apparent that medical treatment is necessary, arrange for the transportation of the person to a physician, surgeon, or hospital for medical treatment.

(b) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall give his name, his address, and the registration number of the vehicle he is driving and, on request, exhibit his license to drive, if it is available, to:

(1) Any person injured in the accident; and

(2) The driver, occupant of, or person attending any vehicle or other property damaged in the accident.

(c) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall give the same information described in subsection (b) of this section and, on request, exhibit his license to drive, if it is available, to any police officer who is at the scene of or otherwise is investigating the accident.

(d) If a police officer is not present and none of the specified persons is in condition to receive the information to which the person otherwise would be entitled under this section, the driver, after fulfilling to the extent possible every other requirement of § 20–102 of this title and subsection (a) of this section, immediately shall report the accident to the nearest office of an authorized police authority and give the information specified in subsection (b) of this section.

(e) A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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§ 20-105

(a) The driver of each vehicle involved in an accident that results in damage to an unattended vehicle or other unattended property immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(b) Subject to the provisions of subsection (c) of this section, the driver of each vehicle involved in an accident that results in damage to an unattended vehicle or other unattended property shall attempt to locate the driver, owner, or person in charge of the damaged vehicle or other property and notify him of:

(1) His name and address;

(2) The registration number of the vehicle he is driving; and

(3) The name and address of the owner of that vehicle.

(c) If the driver, owner, or person in charge of the damaged vehicle or other property cannot be located, the driver of each vehicle involved in an accident that results in damage to an unattended vehicle or other unattended property shall leave in a conspicuous, secure place in or on the damaged vehicle or other property a written notice providing the information required under subsection (b) of this section.

(d) A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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§ 20-106

(a) In addition to the other requirements of this title, if a motor vehicle strikes and injures a domestic animal, the driver of the motor vehicle immediately shall notify the appropriate State or local police of the accident.

(b) On receipt of notice under this section, the police shall notify the local organization or governmental agency designated by the appropriate local government to give such injured animals medical care.

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§ 20-107

(a) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person shall, within 15 days after the accident, report the matter in writing to the Administration.

(b) The driver of each vehicle involved in an accident that results in bodily injury or death of any person shall, within 15 days after the accident, file with the report evidence of liability insurance or other security that satisfies the requirements of Title 17 of this article.

(c) In addition to any other information required by the Administration, the evidence required under subsection (b) of this section shall contain:

- (1) The name and address of the insurance carrier or other provider of security for the person making the report;
 - (2) The policy or other identifying number of the liability insurance or other security; and
 - (3) The name and address of the local insurance producer for the insurance carrier or other provider of security.
- (d) If the driver is physically incapable of making the report or is unavailable or refuses to do so, the Administration in its discretion may require instead a report of the accident from the owner of the vehicle involved in the accident. In that case, the owner shall report the matter and file the evidence of insurance as required of the driver.
- (e) The Administration may require the driver or owner of the vehicle to file supplemental written reports if, in its opinion, the original report is insufficient.
- (f) A written accident report is not required under this section:
- (1) If the accident has been investigated by a police officer and a report by the police officer has been filed with the Department of State Police; or
 - (2) From any person while that person is physically incapable of making the report.

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§ 20-108

- (a) A person may not give any information that he knows or has reason to believe is false in any oral or written report required by this title.
- (b) A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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§ 20-109

If a person fails to file a written accident report as required by §§ 20-107 and 20-113 of this title or to give correctly the information required by the Administration in connection with the report, the Administration may suspend or revoke:

- (1) The license to drive of the person; and
- (2) The registration of each vehicle owned by the person.

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§ 20-113

- (a) (1) The Administration shall prepare and, on request, supply to police departments, sheriffs, and other appropriate agencies or individuals, forms for the written accident reports required by § 20–107 of this title.
- (2) The forms shall:
- (i) Require sufficiently detailed information to disclose the cause of the reported accident, the conditions then existing, and the persons and vehicles involved; and
 - (ii) Distinguish autocycles from motorcycles.
- (b) Each written accident report required by § 20–107 of this title shall be made on the form that the Administration requires and shall contain all the available information required by the report.

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Title 21 — Transit

§ 21-101

- (a) In this title and Title 25 of this article the following words have the meanings indicated.

(b) "Alley" means a street that:

- (1) Is intended to provide access to the rear or side of a lot or building in an urban district; and
- (2) Is not intended for through vehicular traffic.

(c) "Bicycle path" means any travelway designed and designated by signing or signing and marking for bicycle use, located within its own right-of-way or in a shared right-of-way, and physically separated from motor vehicle traffic by berm, shoulder, curb, or other similar device.

(d) (1) "Bicycle way" means:

- (i) Any trail, path, part of a highway, surfaced or smooth shoulder, or sidewalk; or
- (ii) Any other travelway specifically signed, marked, or otherwise designated for bicycle travel.

(2) "Bicycle way" includes:

- (i) Bicycle path; and
- (ii) Bike lane.

(e) "Bike lane" means any portion of a roadway or shoulder designated for single directional bicycle flow.

(f) "Business district" means an area that adjoins and includes a highway where at least 50 percent of the frontage along the highway, for a distance of at least 300 feet, is occupied by buildings used for business.

(g) "Controlled access highway" means a highway or roadway to or from which persons, including the owners or occupants of abutting lands, have no right of access except at the points and in the manner determined by the public authority with jurisdiction over the highway or roadway.

(h) "Crossover" means a transverse roadway or opening that connects the separate roadways of a divided highway at a point other than an intersection of the divided highway with another highway.

(i) "Crosswalk" means that part of a roadway that is:

- (1) Within the prolongation or connection of the lateral lines of sidewalks at any place where 2 or more roadways of any type meet or join, measured from the curbs or, in the absence of curbs, from the edges of the roadway;
- (2) Within the prolongation or connection of the lateral lines of a bicycle way where a bicycle way and a roadway of any type meet or join, measured from the curbs or, in the absence of curbs, from the edges of the roadway; or
- (3) Distinctly indicated for pedestrian crossing by lines or other markings.

(i-1) (1) "Dedicated bus lane" means a lane designated for use by mass transit vehicles owned, operated, or contracted for by the Maryland Transit Administration, the Washington Metropolitan Area Transit Authority, or a local department of transportation.

(2) "Dedicated bus lane" includes transit bus stops located proximate to lanes designated for use by mass transit vehicles.

(j) "Electric personal assistive mobility device" or "EPAMD" means a pedestrian device that:

- (1) Has two nontandem wheels;
- (2) Is self-balancing;
- (3) Is powered by an electric propulsion system;
- (4) Has a maximum speed capability of 15 miles per hour; and
- (5) Is designed to transport one person.

(k) "Expressway" means a major highway of 2 or more traffic lanes in each direction that is designed to eliminate principal traffic hazards and has the following characteristics:

- (1) A median divider separating opposing traffic lanes to eliminate head-on collisions and sideswiping;
- (2) Grade separation structures to eliminate the conflict of cross streams of traffic at each intersection;
- (3) Points of entrance and exit limited to predetermined locations;
- (4) Vertical curves long enough to provide long sight distances; and

(5) Shoulders wide enough to permit vehicles to stop or park out of traffic lanes.

(l) (1) "Intersection" means:

(i) The area within the prolongation or connection of the lateral curb lines or, in the absence of curbs, the lateral boundary lines of the roadways of two highways that join at or approximately at right angles; or

(ii) The area within which vehicles traveling on different highways joining at any other angle may come in conflict.

(2) If a divided highway includes two roadways that are 30 feet or more apart, every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection. If the intersecting highway also includes two roadways that are 30 feet or more apart, every crossing of two roadways of these highways is a separate intersection.

(l-1) "Interstate highway" means a State highway that is part of the national interstate system in the State, as designated by the Administration and approved by the United States Secretary of Transportation under Title 23 of the United States Code.

(m) "Play vehicle" means a vehicle that:

(1) Has two or more wheels;

(2) Is propelled only by human power;

(3) Is not a bicycle, as defined in Title 11 of this article; and

(4) Is not a wheelchair.

(n) "Private road or driveway" means any way or place that:

(1) Is privately owned; and

(2) Is used for vehicular travel by its owner and by those having express or implied permission from the owner, but not by other persons.

(o) "Public bicycle area" means any highway, bicycle path, or other facility or area maintained by this State, a political subdivision of this State, or any of their agencies for the use of bicycles.

(p) "Railroad" means a carrier of people or property on cars that are operated on stationary rails.

(q) "Railroad sign" or "railroad signal" means any sign, signal, or device placed by authority of a public body or official or by a railroad to warn of the presence of railroad tracks or the approach of a railroad train.

(r) "Railroad train" means any locomotive or any other car, rolling stock, equipment, or other device that, alone or coupled to others, is operated on stationary rails.

(s) "Residential district" means an area that:

(1) Is not a business district; and

(2) Adjoins and includes a highway where the property along the highway, for a distance of at least 300 feet, is improved mainly with residences or residences and buildings used for business.

(t) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner on a highway in preference to another vehicle or pedestrian.

(u) "Safety zone" means an area in a roadway that:

(1) Is officially set apart for the exclusive use of pedestrians; and

(2) Is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(v) "Shoulder" means that portion of a highway contiguous with the roadway for the accommodation of stopped vehicles, for emergency use, for use by bicycles and motor scooters, and for the lateral support of the base and surface courses of the roadway.

(w) "Sidewalk" means that part of a highway:

(1) That is intended for use by pedestrians; and

(2) That is between:

- (i) The lateral curb lines or, in the absence of curbs, the lateral boundary lines of a roadway; and
- (ii) The adjacent property lines.
- (x) "Through highway" means a highway or part of a highway:
 - (1) On which vehicular traffic is given the right-of-way; and
 - (2) At the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on that highway or part of a highway, in obedience to either a stop sign or yield sign placed as provided in the Maryland Vehicle Law.
- (y) "Urban district" means an area that:
 - (1) Adjoins and includes any street; and
 - (2) Is built up with structures that are:
 - (i) Devoted to business, industry, or dwelling houses; and
 - (ii) Situated at intervals of less than 100 feet, for a distance of at least a quarter of a mile.
- (z) "Wheelchair" means a mobility aid belonging to any class of three- or four-wheeled devices that:
 - (1) Is usable indoors;
 - (2) Does not exceed 30 inches in width and 48 inches in length, when measured 2 inches above the ground; and
 - (3) Is designed for and used by a mobility impaired individual, whether operated manually or powered.

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§ 21-102

A person may not do any act prohibited or fail to do any act required by this title.

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§ 21-103

- (a) (1) A person may not willfully disobey any lawful order or direction of any police officer.
- (2) This subsection may not be construed to authorize a police officer at a motor vehicle checkpoint, as defined in § 25-114 of this article, to target only motorcycles for inspection or evaluation, except as appropriate at a police checkpoint established as part of a police search or investigation.
- (b) (1) A police officer may summon witnesses to testify under oath on any charge brought under the Maryland Vehicle Law.
- (2) A person may not willfully disobey a summons.

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§ 21-104

- (a) Every person riding an animal or driving an animal-drawn vehicle on a roadway has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, except for those provisions of this title that by their very nature cannot apply.
- (b) (1) Except in Charles, Worcester, and St. Mary's counties, or as provided in paragraph (2) of this subsection, a person may not ride an animal or drive an animal-drawn vehicle on:
 - (i) Any divided highway where the posted maximum speed limit is more than 35 miles per hour; or
 - (ii) Any controlled access highway.
- (2) In Anne Arundel County, a person may ride an animal on any part of a highway described in paragraph (1) of this subsection, other than on its roadway or shoulder.
- (c) (1) In this subsection, "horse" includes donkeys, mules, and ponies.
- (2) (i) Subject to subparagraph (ii) of this paragraph, this subsection applies only to horse riding on:

1. A highway;
 2. A public horse-riding path or trail; or
 3. The grounds of a facility:
 - A. Whose primary purpose is equestrian activities; and
 - B. That solicits or offers to the public recreational, educational, therapeutic, or competitive equestrian activities.
- (ii) This subsection does not apply to a minor who is:
1. Crossing a public highway that separates privately owned land;
 2. Engaged in an agricultural practice or pursuit;
 3. A member of an Amish or a Mennonite community; or
 4. Receiving therapy services from a licensed medical provider and for whom the use of an alternative helmet is necessary, appropriate, and in compliance with the Professional Association of Therapeutic Horsemanship International's Guidelines for Alternative Helmet Use.
- (3) An adult who is present and directly supervising a minor may not allow the minor to ride a horse unless the minor is wearing a properly secured helmet that meets or exceeds the standards of the American Society of Testing and Materials for protective headgear used in equestrian riding.
- (4) A violation of this subsection involving an adult supervising multiple minors at the same time shall be treated as a single violation.

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§ 21-105

Unless specifically made applicable, the provisions of this title, except for those in Subtitle 9 of this title, do not apply to persons, motor vehicles, and equipment while engaged in construction or maintenance work on a highway. However, the provisions of this title do apply to these persons, vehicles, and equipment when traveling to or from this work.

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§ 21-106

(a) Subject to the conditions stated in this section:

(1) The driver of an emergency vehicle registered in any state may exercise the privileges set forth in this section while:

- (i) Responding to an emergency call;
- (ii) Pursuing a violator or suspected violator of the law;
- (iii) Responding to, but not while returning from, a fire alarm;
- (iv) Transporting on an emergency basis a human organ for transplantation; or
- (v) Transporting medical personnel on an emergency basis for the purpose of performing human organ recovery or transplantation;

(2) The driver of an emergency vehicle registered in the State or a local jurisdiction in the State may exercise the privileges set forth in this section while performing motorcade or escort duty if the motorcade or escort duty involves:

- (i) Homeland security;
- (ii) A funeral;
- (iii) A dignitary; or
- (iv) Facilitating the safe movement of vehicles or pedestrians that are or will be near the motorcade or escort; and

(3) (i) The Administration may designate an organ delivery vehicle as an emergency vehicle only if it is registered to a federally designated organ procurement organization or a professional organ transportation organization.

(ii) A person may not exercise the privileges authorized under this section while operating an organ delivery vehicle unless the person is certified to operate emergency vehicles through completion of an emergency vehicle operator course

approved by the Maryland Fire and Rescue Institute.

(b) Under the circumstances stated in subsection (a) of this section, the driver of an emergency vehicle may:

- (1) Park or stand without regard to the other provisions of this title;
 - (2) Pass a red or stop signal, a stop sign, or a yield sign, but only after slowing down as necessary for safety;
 - (3) Exceed any maximum speed limit, but only so long as the driver does not endanger life or property;
 - (4) Disregard any traffic control device or regulation governing direction of movement or turning in a specified direction;
- and

(5) Travel through any local jurisdiction in the State as necessary to perform and return from motorcade or escort duty.

(c) (1) Subject to paragraph (2) of this subsection, the privileges set forth in this section apply only while the emergency vehicle is using audible and visual signals that meet the requirements of § 22–218 of this article, except that an emergency vehicle operated as a police vehicle need not be equipped with or display the visual signals.

(2) The privileges set forth in subsection (b)(1) of this section apply only while the emergency vehicle is using visual signals that meet the requirements of § 22–218 of this article.

(3) (i) The driver of an emergency vehicle may not use flashing lights or a bell, siren, or exhaust whistle while returning from an emergency call, fire alarm, or motorcade or escort, except that fire apparatus carrying standing firefighters may use flashing lights that are visible only to the rear.

(ii) The driver of an emergency vehicle, while parking or backing the emergency vehicle, may use flashing lights within 100 feet of the entrance ramp to a:

1. Fire station; or
2. Rescue station.

(4) Before exercising the privileges set forth in subsection (b)(5) of this section, the jurisdiction that employs the driver of a motorcade or escort shall provide notice of the motorcade or escort to any jurisdiction that the driver will enter while performing or returning from the motorcade or escort duty.

(d) This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

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§ 21-107

(a) A school crossing guard who meets the qualifications in subsection (b) of this section may stop or otherwise direct vehicles and pedestrians on a highway or on school grounds to assist:

- (1) Pedestrians in the safe crossing of highways at a school crossing;
- (2) School vehicles in entering and leaving school grounds; and
- (3) Except in Baltimore City, vehicles that are not school vehicles in entering and leaving school grounds.

(b) A school crossing guard is qualified to direct traffic as described in subsection (a) of this section if the school crossing guard:

- (1) Is 18 years of age or older;
- (2) Is under the control of a local law enforcement agency or a county school board;
- (3) Has completed training to perform any traffic direction duties to which the guard is assigned as prescribed by the law enforcement agency or county school board that has control over the school crossing guard; and
- (4) Is wearing an appropriate uniform as specified by the law enforcement agency or county school board that has control over the school crossing guard.

(c) A person may not willfully disobey a lawful direction of a school crossing guard exercising the authority granted in this section.

(d) Nothing in this section prohibits a school crossing guard who does not meet the qualifications specified in subsection (b) of this section from assisting a pedestrian to cross a highway, providing the school crossing guard does not attempt to do so by directing traffic.

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§ 21-201

(a) (1) Subject to the exceptions granted in this title to the driver of an emergency vehicle, the driver of any vehicle, unless otherwise directed by a police officer, shall obey the instructions of any traffic control device applicable to the vehicle and placed in accordance with the Maryland Vehicle Law.

(2) The driver of a vehicle approaching an intersection controlled by a traffic control device may not drive across private property or leave the roadway for the purpose of avoiding the instructions of a traffic control device.

(b) (1) If a provision of the Maryland Vehicle Law or of an ordinance or regulation of a local authority requires a traffic control device, the provision is unenforceable against an alleged violator if, at the time and place of the alleged violation, the traffic control device is not in proper position and legible enough to be seen by an ordinarily observant individual.

(2) Unless a provision of the Maryland Vehicle Law or of an ordinance or regulation of a local authority states that a traffic control device is required, the provision is effective and enforceable even if no traffic control device is in place.

(c) Unless the contrary is established by competent evidence, if a traffic control device is placed in a position approximately meeting the requirements of the Maryland Vehicle Law, the device is presumed to have been placed by the official act or direction of lawful authority.

(d) Unless the contrary is established by competent evidence, if a traffic control device is placed in accordance with the Maryland Vehicle Law and purports to meet the lawful requirements governing these devices, the device is presumed to meet the requirements of the Maryland Vehicle Law.

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§ 21-202

(a) (1) Except for special pedestrian signals that carry a legend, where traffic is controlled by traffic control signals that show different colored lights or colored lighted arrows, whether successively one at a time or in combination, only the colors green, red, and yellow may be used.

(2) These lights apply to drivers and pedestrians as provided in this section.

(b) Vehicular traffic facing a circular green signal may proceed straight through or, unless a sign at the place prohibits the turn, turn right or left.

(c) Vehicular traffic described under subsection (b) of this section, including any vehicle turning right or left, shall yield the right-of-way to any other vehicle and any pedestrian lawfully within the intersection or an adjacent crosswalk when the signal is shown.

(d) Vehicular traffic facing a green arrow signal, whether shown alone or with another indication, cautiously may enter the intersection, but only to make the movement indicated by the arrow or to make another movement permitted by other indications shown at the same time.

(e) Vehicular traffic described under subsection (d) of this section shall yield the right-of-way to any pedestrian or bicycle lawfully within an adjacent crosswalk and to any other traffic lawfully using the intersection.

(f) Unless otherwise directed by a pedestrian control signal as provided in § 21-203 of this subtitle, a pedestrian facing any green signal, unless the green signal is only a turn arrow, may cross the roadway, within any marked or unmarked crosswalk, in the direction of the green signal.

(g) (1) Vehicular traffic facing a steady yellow signal is warned that the related green movement is ending or that a red signal, which will prohibit vehicular traffic from entering the intersection, will be shown immediately after the yellow signal.

(2) Unless otherwise directed by a pedestrian control signal as provided in § 21-203 of this subtitle, a pedestrian facing a steady yellow signal is warned that there is not enough time to cross the roadway before a red signal is shown, and a pedestrian may not then start to cross the roadway.

(h) (1) Vehicular traffic facing a steady circular red signal alone:

(i) Shall stop at the near side of the intersection:

1. At a clearly marked stop line;
2. If there is no clearly marked stop line, before entering any crosswalk; or
3. If there is no crosswalk, before entering the intersection; and

(ii) Except as provided in subsections (i), (j), and (k) of this section, shall remain stopped until a signal to proceed is shown.

(2) Vehicular traffic facing a steady red arrow signal:

(i) May not enter the intersection to make the movement indicated by the arrow;

(ii) Unless entering the intersection to make a movement permitted by another signal, shall stop at the near side of the intersection:

1. At a clearly marked stop line;
2. If there is no clearly marked stop line, before entering any crosswalk; or
3. If there is no crosswalk, before entering the intersection; and

(iii) Except as provided in subsections (i), (j), and (k) of this section, shall remain stopped until a signal permitting the movement is shown.

(i) Unless a sign prohibiting a turn is in place, vehicular traffic facing a steady red signal, after stopping as required by subsection (h) of this section, cautiously may enter the intersection and make:

(1) A right turn; or

(2) A left turn from a one-way street onto a one-way street.

(j) If a sign permitting any other turn is in place, vehicular traffic facing a steady red signal, after stopping as required by subsection (h) of this section, cautiously may enter the intersection and make the turn indicated by the sign.

(k) In each instance, vehicular traffic described in subsections (i) and (j) of this section shall yield the right-of-way to any pedestrian or bicycle lawfully within an adjacent crosswalk and to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.

(l) Unless otherwise directed by a pedestrian control signal as provided in § 21-203 of this subtitle, pedestrians facing a steady red signal alone may not enter the roadway.

(m) Except for those provisions of this section that by their very nature cannot apply, this section applies to a traffic control signal placed at a location other than an intersection. Each stop required by the signal shall be made at a sign or marking on the pavement indicating where the stop shall be made or, if there is no sign or marking, at the signal.

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§ 21-203

(a) Where special pedestrian control signals showing the words “walk”, “dont walk”, or “wait” or the symbols of “walking person” or “upraised hand” are in place, the signals have the indications provided in this section.

(b) A pedestrian facing a “walk” or “walking person” signal may cross the roadway in the direction of the signal and shall be given the right-of-way by the driver of any vehicle. At an intersection where an exclusive all-pedestrian interval is provided, a pedestrian may cross the roadway in any direction within the intersection.

(c) A pedestrian may not start to cross the roadway in the direction of a “dont walk” or “upraised hand” signal.

(d) A pedestrian may not start to cross the roadway in the direction of a “wait signal”.

(e) If a pedestrian has partly completed crossing on a “walk” or “walking person” signal, the pedestrian shall proceed without delay to a sidewalk or safety island while the “dont walk”, “wait”, or “upraised hand” signal is showing.

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§ 21-204

- (a) If a flashing red or yellow light is used in a traffic signal or with a traffic sign, it requires obedience by vehicular traffic as provided in this section.
- (b) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall stop at the near side of the intersection at a clearly marked stop line.
- (c) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall stop at the near side of the intersection, if there is no clearly marked stop line, before entering any crosswalk.
- (d) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall stop at the near side of the intersection, if there is no crosswalk, before entering the intersection.
- (e) The right to proceed after making the stop is subject to the rules applicable after making a stop at a stop sign.
- (f) If a yellow lens is lit with rapid intermittent flashes, the driver of a vehicle may proceed through the intersection or past the signal only with caution.
- (g) This section does not apply at any railroad grade crossing.

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§ 21-205

- (a) A person may not place, maintain, or display on or in view of any highway any unauthorized sign, signal, marking, or device that purports to be, is an imitation of, or resembles a traffic control device or a railroad sign or signal.
- (b) A person may not place, maintain, or display on or in view of any highway any unauthorized sign, signal, marking, or device that attempts to direct the movement of traffic.
- (c) A person may not place, maintain, or display on or in view of any highway any unauthorized sign, signal, marking, or device that hides or interferes with the effectiveness of a traffic control device or a railroad sign or signal.
- (d) A person may not place, maintain, or display on or in view of any highway any unauthorized sign, signal, marking, or device that, except as otherwise permitted by law, contains:
 - (1) Any of the following words: “stop”, “curve”, “warning”, “slow”, “danger”, “listen”, “look”, or “school”; or
 - (2) Any other word used in directing the movement of traffic.
- (e) A person may not place or maintain on any highway nor may any public authority permit on any highway any traffic sign or signal that has any commercial advertising on it.
- (f) This section does not prohibit the placement on private property adjacent to a highway of a sign giving useful directional information, if the sign is of a type that cannot be mistaken for an official sign and is placed with the approval of the State Highway Administration.
- (g) Each sign, signal, marking, or device prohibited by this section is a public nuisance, and the authority that has jurisdiction over the highway may remove it without notice.

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§ 21-206

- (a) A person without lawful authority may not willfully alter, or interfere with the operation of, any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.
- (b) A person without lawful authority may not willfully deface any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.
- (c) A person without lawful authority may not willfully injure any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.
- (d) A person without lawful authority may not willfully knock down any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.
- (e) A person without lawful authority may not willfully change the direction of any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(f) A person without lawful authority may not willfully twist any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(g) A person without lawful authority may not willfully remove any part of any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(h) A person without lawful authority may not possess, with an intent to use, any device capable of transmitting an infrared, electronic, or other signal to a traffic control device or a railroad sign or signal for the purpose of altering or otherwise interfering with the operation of the traffic control device or a railroad sign or signal.■

(i) A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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§ 21-207

(a) Notwithstanding any other provision of this title, a funeral procession facing a red signal may continue through or make a turn at an intersection if the first vehicle in the procession already entered the intersection before the signal changed from green to red.

(b) While a funeral procession is proceeding through a red signal as permitted by this section, a vehicle that is not in the procession may not enter the intersection, even if it is facing a green signal, unless it can do so without crossing the path of the procession. When the red signal changes to green while the funeral procession is still within the intersection, a vehicle facing a green signal may proceed, but the funeral procession has the right-of-way.

(c) The driver of a vehicle in a funeral procession does not have any privilege granted in this section unless:

(1) The headlights of the vehicle are turned on; and

(2) Subject to § 22-221(g) of this article, the warning lamps of the vehicle are flashing.

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§ 21-208

(a) All overpasses less than 14.5 feet in height above the roadway surface shall have a sign denoting the height above the roadway.

(b) The design and placement of the sign shall be consistent with the specifications established in the manual on uniform traffic control devices for streets and highways adopted by the State Highway Administration under § 25-104 of this article.

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§ 21-209

Vehicular traffic approaching a nonfunctioning traffic control signal at an intersection shall:

(1) Stop:

(i) At a clearly marked stop line;

(ii) If there is no clearly marked stop line, before entering any crosswalk; or

(iii) If there is no clearly marked stop line or crosswalk, before entering the intersection;

(2) Yield to any vehicle or pedestrian in the intersection; and

(3) Remain stopped until it is safe to enter and continue through the intersection.

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§ 21-301

(a) On every roadway that is wide enough, a vehicle shall be driven on the right half of the roadway, except:

(1) While overtaking and passing another vehicle going in the same direction, under the rules governing this movement;

(2) Where there is an obstruction that makes it necessary to drive to the left of the center of the highway, but the driver of any vehicle doing so shall yield the right-of-way to any other vehicle that is traveling in the proper direction on the

unobstructed part of the highway and is so near as to be an immediate danger;

(3) On a roadway that is divided into three or more clearly marked lanes for vehicular traffic, subject to the rules applicable to these roadways;

(4) On a roadway designated and signposted for one-way traffic; or

(5) On a roadway that is marked or signposted in a manner indicating that a contrary rule exists.

(b) (1) On every roadway, except while overtaking and passing another vehicle going in the same direction or when preparing for a lawful left turn, any vehicle going 10 miles per hour or more below the applicable maximum speed limit or, if any existing conditions reasonably require a speed below that of the applicable maximum, at less than the normal speed of traffic under these conditions, shall be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway.

(2) (i) 1. A driver of a vehicle traveling slower than the general speed of traffic, if practicable as determined by the driver, shall drive in the right-hand lane or lanes.

2. A. This paragraph establishes the policy of the State and guidance with respect to the rules of the road.

B. A person may not be issued a citation for a violation of this paragraph.

(ii) The Administration shall include the requirement under subparagraph (i) of this paragraph in the State's driver education curriculum.

(iii) The State Highway Administration shall inform drivers of the requirement under subparagraph (i) of this paragraph:

1. At the request of a local jurisdiction or on its own initiative, by placing and maintaining, in its sole discretion, signs at regular intervals on appropriate State highways; and

2. Through the dynamic message sign system located throughout the State, to the extent authorized by federal law and regulations.

(c) (1) On any roadway that is divided into four or more clearly marked lanes for vehicular traffic and that provides for two-way movement of traffic, a vehicle may not be driven on the left of the centerline of the roadway, except:

(i) Where authorized by a traffic control device designating a lane to the left of the center of the roadway for use by traffic not otherwise permitted to use this lane; or

(ii) As permitted under subsection (a)(2) of this section.

(2) This subsection does not prohibit the crossing of the centerline of a roadway while making a left turn into or from an alley or a private road or driveway.

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§ 21-302

(a) Drivers of vehicles that are going in opposite directions shall pass each other to the right.

(b) If the roadway is not wide enough for more than one line of traffic in each direction, each driver shall give to the other as nearly as possible at least one half of the roadway.

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§ 21-303

(a) Except as otherwise provided in this subtitle, this section governs the overtaking and passing of vehicles going in the same direction.

(b) The driver of a vehicle overtaking another vehicle that is going in the same direction shall pass to the left of the overtaken vehicle at a safe distance.

(c) The driver of a vehicle overtaking another vehicle that is going in the same direction, until safely clear of the overtaken vehicle, may not drive any part of his vehicle directly in front of the overtaken vehicle.

(d) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle, on audible signal, shall give way to the right in favor of the overtaking vehicle.

(e) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle, until completely passed by the overtaking vehicle, may not increase the speed of his vehicle.

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§ 21-304

(a) Subject to the requirements of subsection (b) of this section, the driver of a vehicle may overtake and pass to the right of another vehicle only:

- (1) If the overtaken vehicle is making or about to make a left turn;
- (2) On a highway with unobstructed pavement not occupied by parked vehicles and wide enough for two or more lines of vehicles moving lawfully in the same direction as the overtaking vehicle; or
- (3) On any one-way roadway, if the roadway is free from obstruction and wide enough for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle to the right only if it is safe to do so.

(c) (1) Except as provided in paragraph (2) of this subsection and for an operator of a bicycle or motor scooter, a person may not make the movement described under subsections (a) and (b) of this section by driving off the roadway.

(2) The driver of a vehicle may make the movement described under subsections (a) and (b) of this section by driving outside the marked lane onto the shoulder to overtake and pass a vehicle that is making or about to make a left turn if the driver can do so without leaving the paved surface.

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§ 21-305

(a) (1) The driver of a vehicle may not drive to the left of the center of the roadway in overtaking and passing another vehicle going in the same direction unless:

- (i) Authorized by this subtitle; and
- (ii) The left side of the roadway is clearly visible and is free of approaching traffic for a sufficient distance ahead to permit the overtaking and passing to be completed without interfering with the operation of any other vehicle approaching from the opposite direction or any other vehicle overtaken.

(2) The overtaking vehicle shall return to an authorized lane of travel as soon as practicable and, if the passing movement uses a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

(b) (1) This subsection does not apply on a one-way roadway.

(2) The driver of a vehicle may not drive on the left side of any roadway if:

- (i) The vehicle is approaching the crest of a grade or is on a curve in the highway where the driver's view is obstructed for such a distance as to be dangerous should another vehicle approach from the opposite direction;
- (ii) The vehicle is crossing or approaching within 100 feet of any intersection or railroad grade crossing; or
- (iii) The driver's view is obstructed while approaching within 100 feet of any bridge, viaduct, or tunnel.

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§ 21-307

(a) (1) The State Highway Administration may determine those parts of any highway in its jurisdiction where overtaking and passing or driving on the left of the roadway would be especially dangerous and, by appropriate signs or markings on the roadway, may indicate the beginning and end of these zones.

(2) Except as provided in subsection (d) of this section, where the signs or markings are in place and clearly visible to an ordinarily observant individual, every driver of a vehicle shall obey their directions.

(b) Except as provided in subsection (d) of this section, where signs or markings defining a no-passing zone are placed as provided in subsection (a) of this section, a driver may not drive on the left side of the roadway within the no-passing zone.

(c) Except as provided in subsection (d) of this section, where signs or markings defining a no-passing zone are placed as provided in subsection (a) of this section, a driver may not drive on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

(d) The driver of a vehicle may drive:

(1) Across the left side of the roadway in a no-passing zone while making a left turn, but only if it is safe to do so; and

(2) In accordance with § 21-305 of this subtitle, on the left side of the roadway in a no-passing zone to make the minimum adjustment necessary to overtake and pass at a safe distance a bicycle traveling in the same direction while yielding to the right-of-way of the bicycle and oncoming traffic.

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§ 21-308

(a) (1) The State Highway Administration may designate any highway or any separate roadway under its jurisdiction for one-way traffic and shall place appropriate signs giving notice of the designation.

(2) On a roadway designated and signposted for one-way traffic, a vehicle may be driven only in the direction designated.

(b) A vehicle passing around a rotary traffic island may be driven only to the right of the island.

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§ 21-309

(a) On any roadway that is divided into two or more clearly marked lanes for vehicular traffic, the following rules, in addition to any others consistent with them, apply.

(b) A vehicle shall be driven as nearly as practicable entirely within a single lane and may not be moved from that lane or moved from a shoulder or bikeway into a lane until the driver has determined that it is safe to do so.

(c) On a roadway that is divided into three lanes and that provides for two-way movement of traffic, a vehicle may not be driven in the center lane except:

(1) While overtaking and passing another vehicle going in the same direction and while the center lane is clear of traffic within a safe distance;

(2) In preparing to make a left turn; or

(3) When the center lane is allocated exclusively to traffic moving in the same direction that the vehicle is going and the allocation is designated by a traffic control device.

(d) The driver of a vehicle shall obey the directions of each traffic control device that directs specified traffic to use a designated lane or that designates those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway.

(e) The driver of a vehicle shall obey the directions of each traffic control device that prohibits changing lanes on sections of a roadway.

(f) On a roadway that has two or more lanes for traffic moving in the same direction, the driver of any truck, truck tractor, trailer, or bus shall obey the directions of each traffic control device that requires the vehicle to be driven in a certain lane.

(g) On a roadway along which a two-way left turn lane has been provided through traffic control devices, vehicles may not enter that lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn, and may enter only if the lane is clear of an opposing movement.

(h) A vehicle shall be driven within a lane described under subsection (g) of this section the shortest distance practicable prior to making a left turn or U-turn or after making a left turn.

(i) On roadways along which a two-way left turn lane has been placed, left turns shall be made only from within such lane.

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§ 21-310

(a) The driver of a motor vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the other vehicle and of the traffic on and the condition of the highway.

(b) Subject to the provisions of subsection (d) of this section, whenever conditions permit, the driver of every truck, while traveling on a roadway outside of a business district or a residential district and following any other truck or any other motor vehicle towing another vehicle, shall leave enough space so that an overtaking vehicle may enter and occupy the space without danger.

(c) Subject to the provisions of subsection (d) of this section, whenever conditions permit, the driver of every motor vehicle towing another vehicle, while traveling on a roadway outside of a business district or a residential district and following any other truck or any other motor vehicle towing another vehicle, shall leave enough space so that an overtaking vehicle may enter and occupy the space without danger.

(d) A truck or a motor vehicle towing another vehicle may overtake and pass any other vehicle or combination of vehicles.

(e) (1) This subsection does not apply to a funeral procession.

(2) A motor vehicle being driven on a roadway outside of a business district or a residential district in a caravan or motorcade, whether or not towing another vehicle, shall be driven to allow enough space between each two vehicles or combination of vehicles so that any other vehicle may enter and occupy the space without danger.

(f) (1) Notwithstanding any other provision of this section, the driver of a nonlead truck in a group of trucks may travel without leaving enough space so that an overtaking vehicle may enter and occupy the space between the trucks if the trucks are:

(i) Traveling in a unified manner with electronically coordinated speed and braking systems; and

(ii) Operating in a reasonable and prudent manner with due regard for the speed of any other vehicles and of the traffic on and the condition of the highway.

(2) The Administration shall adopt regulations to carry out this subsection, including regulations governing:

(i) The number of trucks allowed in a group operating in a unified manner;

(ii) The roadway conditions under which trucks may be operated in a unified manner;

(iii) The required submission of a plan of operation by a person operating a truck in a unified manner; and

(iv) The submission of any other information as required by the Administration for the purpose of evaluating safety issues relevant to the operation of trucks in a unified manner.

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§ 21-311

On any divided highway:

(1) A vehicle may be driven only on the right-hand roadway, unless directed or permitted to use another roadway by a traffic control device or a police officer;

(2) A vehicle may not be driven over, across, or within the dividing space, barrier, or section except, unless specifically prohibited by public authority, through an opening in the space, barrier, or section or at a crossover or intersection; and

(3) A vehicle may not be driven on the median strip, unless permitted to do so by public authority.

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§ 21-312

(a) A person may not drive a vehicle onto any controlled access highway except at the entrances and exits established by public authority.

(b) A person may not drive a vehicle from any controlled access highway except at the entrances and exits established by public authority.

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§ 21-313

(a) The State Highway Administration, by order, or any local authority, by ordinance, may prohibit the use of any controlled access highway in its jurisdiction by parades, low speed vehicles, funeral processions, bicycles, or other nonmotorized traffic or by any person operating a motorcycle.

(b) The County Commissioners of Charles County and Washington County and the governing body of Frederick County, by ordinance, may prohibit the use of any controlled access highway in the county's jurisdiction by any person to solicit money, donations of any kind, employment, business, or a ride from the occupant of any vehicle on the controlled access highway.

(c) The State Highway Administration or the local authority adopting any prohibition under this section shall place and maintain signs on the controlled access highway to which the prohibition is applicable. If signs are so placed, a person may not disobey the restrictions stated on them.

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§ 21-314

(a) In this section, "HOV lane" means a high occupancy vehicle lane, the use of which is restricted by a traffic control device during specified times to vehicles carrying at least a specified number of occupants.

(b) Except as provided in subsection (c) of this section, a person may not drive a vehicle in an HOV lane unless authorized by a traffic control device.

(c) The following vehicles may be driven in an HOV lane at all times regardless of the number of passengers in or on the vehicle:

(1) A bus;

(2) A motorcycle;

(3) A plug-in electric drive vehicle displaying a valid permit issued under § 25-108 of this article; and

(4) A tow truck that is properly registered in accordance with § 13-920 of this article and is using any visual signal that meets the requirements of § 22-218 of this article while responding to a call for service if an appropriate law enforcement agency has authorized the tow truck operator to use HOV lanes.

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§ 21-401

Except at through highways, or as otherwise provided in this subtitle, a vehicle at an intersection:

(1) Has the right-of-way over any other vehicle approaching from the left; and

(2) Shall yield the right-of-way to any other vehicle approaching from the right.

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§ 21-402

(a) If the driver of a vehicle intends to turn to the left in an intersection or into an alley or a private road or driveway, the driver shall yield the right-of-way to any other vehicle that is approaching from the opposite direction and is in the intersection or so near to it as to be an immediate danger.

(b) If the driver of a vehicle intends to turn to go in the opposite direction, the driver shall yield the right-of-way to any approaching vehicle that is so near as to be an immediate danger.

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§ 21-403

(a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs placed in accordance with the Maryland Vehicle Law.

(b) If the driver of a vehicle approaches a through highway, the driver shall:

(1) Stop at the entrance to the through highway; and

(2) Yield the right-of-way to any other vehicle approaching on the through highway.

(c) If a stop sign is placed at the entrance to an intersecting highway, even if the intersecting highway is not part of a through highway, the driver of a vehicle approaching the intersecting highway shall:

(1) Stop in obedience to the stop sign; and

- (2) Yield the right-of-way to any other vehicle approaching on the intersecting highway.
- (d) If a "yield" sign facing the driver of a vehicle is placed on the approach to an intersection, the driver shall:
 - (1) Approach the intersection with caution;
 - (2) Yield the right-of-way to any other vehicle approaching on the other highway; and
 - (3) If necessary, stop in order to yield this right-of-way.

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§ 21-404

- (a) The driver of a vehicle about to enter or cross a highway from a private road or driveway or from any other place that is not a highway shall stop.
- (b) The driver of a vehicle about to enter or cross a highway from a private road or driveway or from any other place that is not a highway shall yield the right-of-way to any other vehicle approaching on the highway.
- (c) In this section, "paved highway" means a highway that has a hard, smooth surface of gravel, shells, crushed stone, paving blocks, asphalt, concrete, or other similar substance.
- (d) The driver of a vehicle about to enter or cross a paved highway from an unpaved highway shall stop.
- (e) The driver of a vehicle about to enter or cross a paved highway from an unpaved highway shall yield the right-of-way to any other vehicle approaching on the paved highway.

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§ 21-405

- (a) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22-218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall yield the right-of-way.
- (b) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22-218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall drive immediately to a position parallel to and as close as possible to the edge or curb of the roadway, clear of any intersection.
- (c) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22-218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall stop and stay in this position until the emergency vehicle has passed.
- (d) A driver, when proceeding in the same direction as an emergency or police vehicle, may not pass an emergency vehicle using audible and visual signals that meet the requirements of § 22-218 of this article or a police vehicle lawfully using an audible signal unless:
 - (1) The emergency vehicle has stopped; or
 - (2) Otherwise directed by a police officer.
- (e) (1) This subsection applies to a stopped, standing, or parked vehicle that is:
 - (i) 1. On a highway;
 - 2. Using a visual signal that meets the requirements of § 22-218 or § 22-218.2 of this article; and
 - 3. A. A commercial motor vehicle providing emergency maintenance to a disabled vehicle;
 - B. An emergency vehicle;
 - C. A service vehicle as defined under § 22-201 of this article;
 - D. A tow truck that is properly registered in accordance with § 13-920 of this article; or
 - E. A waste or recycling collection vehicle; or
 - (ii) 1. On a highway; and
 - 2. Displaying:

A. Hazard warning lights;

B. Road flares; or

C. Other caution signals, including traffic cones, caution signs, or nonvehicular warning lights.

(2) Unless otherwise directed by a police officer or a traffic control device, the driver of a motor vehicle that approaches from the rear a stopped, standing, or parked vehicle to which this subsection applies shall:

(i) If practicable and not otherwise prohibited and with due regard for safety and traffic conditions, make a lane change into an available lane not immediately adjacent to the stopped, standing, or parked vehicle; or

(ii) If the driver of the motor vehicle is unable to make a lane change in accordance with item (i) of this paragraph, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

(f) This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

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§ 21-406

(a) A person may not commit a violation of this subtitle that contributes to an accident that results in the death or, as defined in § 20–102(c) of this article, serious bodily injury of another person.

(b) (1) A person convicted of a violation of this section is subject to a fine not exceeding \$1,000.

(2) (i) The Administration may suspend the license of a person convicted of a violation of this section for a period not exceeding 180 days.

(ii) In accordance with Title 12, Subtitle 2 of this article, a licensee may request a hearing on a license suspension imposed under this paragraph.

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§ 21-501

At an intersection, a pedestrian is subject to all traffic control signals, as provided in §§ 21-202 and 21-203 of this title. However, at any other place, a pedestrian has the rights and is subject to the restrictions stated in this title.

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§ 21-502

(a) (1) This subsection does not apply where:

(i) A pedestrian tunnel or overhead pedestrian crossing is provided, as described in § 21–503(b) of this subtitle; or

(ii) A traffic control signal is in operation.

(2) The driver of a vehicle shall come to a stop when a pedestrian crossing the roadway in a crosswalk is:

(i) On the half of the roadway on which the vehicle is traveling; or

(ii) Approaching from an adjacent lane on the other half of the roadway.

(b) A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) If, at a marked crosswalk or at an unmarked crosswalk at an intersection, a vehicle is stopped to let a pedestrian cross the roadway, the driver of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

(d) A person may not commit a violation of subsection (a) or (c) of this section that contributes to an accident.

(e) A person convicted of a violation of subsection (d) of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$1,000 or both.

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§ 21-503

- (a) If a pedestrian crosses a roadway at any point other than in a marked crosswalk or in an unmarked crosswalk at an intersection, the pedestrian shall yield the right-of-way to any vehicle approaching on the roadway.
- (b) If a pedestrian crosses a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing is provided, the pedestrian shall yield the right-of-way to any vehicle approaching on the roadway.
- (c) Between adjacent intersections at which a traffic control signal is in operation, a pedestrian may cross a roadway only in a marked crosswalk.
- (d) A pedestrian may not cross a roadway intersection diagonally unless authorized by a traffic control device for crossing movements. If authorized to cross diagonally, a pedestrian may cross only in accordance with the traffic control device.

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§ 21-504

- (a) Notwithstanding any other provision of this title, the driver of a vehicle shall exercise due care to avoid colliding with any pedestrian.
- (b) Notwithstanding any other provision of this title, the driver of a vehicle shall, if necessary, warn any pedestrian by sounding the horn of the vehicle.
- (c) Notwithstanding any other provision of this title, the driver of a vehicle shall exercise proper precaution on observing any child or any obviously confused or incapacitated individual.

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§ 21-505

If practicable, a pedestrian shall walk on the right half of a crosswalk.

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§ 21-506

- (a) Where a sidewalk is provided, a pedestrian may not walk along and on an adjacent roadway.
- (b) Where a sidewalk is not provided, a pedestrian who walks along and on a highway may walk only on the left shoulder, if practicable, or on the left side of the roadway, as near as practicable to the edge of the roadway, facing any traffic that might approach from the opposite direction.

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§ 21-507

- (a) Except for the occupant of a disabled vehicle who seeks the aid of another vehicle, a person may not stand in a roadway to solicit a ride, employment, or business from the occupant of any vehicle.
- (b) A person may not stand on or near a highway to solicit any other person to watch or guard any vehicle while it is parked or about to be parked on a highway.
- (c) In Calvert County, Carroll County, Charles County, Harford County, and Washington County, a person may not stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle.
- (d) (1) This subsection applies to Prince George's County.
- (2) (i) A person may not stand in a highway to solicit money or donations of any kind from the occupant of a vehicle.
- (ii) An adult may not cause, encourage, allow, or petition a child under the age of 15 years to violate subparagraph (i) of this paragraph.
- (iii) In this paragraph, "highway" includes:
 - 1. Rights-of-way, roadway surfaces, roadway subgrades, shoulders, median dividers, drainage facilities and structures, related stormwater management facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and other structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and

2. Any other property acquired for the construction, operation, or use of the highway.

(3) A child under the age of 15 years may not be found guilty or adjudicated delinquent for a violation of paragraph (2)(i) of this subsection if an adult caused, encouraged, allowed, or petitioned the child in violation of paragraph (2)(ii) of this subsection.

(4) This subsection shall be enforced:

(i) By the issuance of a warning that informs the offender of the requirements of this subsection if it is the offender's first violation; and

(ii) Under § 27–101 of this article if it is the offender's second or subsequent violation.

(e) (1) This subsection applies to Anne Arundel County.

(2) (i) A person may not stand in a highway to:

1. Solicit money or donations of any kind from the occupant of a vehicle; or

2. Advertise any message.

(ii) "Highway" includes:

1. Rights-of-way, roadway surfaces, roadway subgrades, shoulders, median dividers, drainage facilities and structures, related stormwater management facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and other structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and

2. Any other property acquired for the construction, operation, or use of the highway.

(f) (1) This subsection applies only to Allegany County and Cecil County.

(2) In this subsection, "qualified organization" means a fire company or bona fide religious, fraternal, civic, war veterans', or charitable organization.

(3) Except as provided in paragraph (4) of this subsection, a person may not:

(i) Stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle; or

(ii) Cause, encourage, allow, or petition another to stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle.

(4) (i) The governing body of a county or the governing body of a municipal corporation in a county may, by appropriate resolution or ordinance, enact a permit program to allow individuals who are at least 18 years old and representatives of qualified organizations who are at least 18 years old to solicit money or donations from the occupant of a vehicle by standing in a roadway, median divider, or intersection in the county or municipal corporation.

(ii) If the governing body of a county or of a municipal corporation in the county enacts a resolution or ordinance establishing a permit program authorized by this paragraph, the resolution or ordinance shall:

1. Require an applicant for a permit to submit proof that the individual or qualified organization has a plan for safely soliciting money or donations from the proposed location;

2. Provide that a permit is effective for:

A. A period of 1 calendar day in Cecil County; or

B. A period not to exceed 5 calendar days in Allegany County; and

3. Allow an individual or a qualified organization to obtain only one permit in the county or municipal corporation per calendar year.

(g) (1) This subsection applies only in Montgomery County.

(2) (i) A child under the age of 18 years may not stand in a roadway, median divider, or intersection to solicit or collect money or donations of any kind from the occupant of a vehicle.

(ii) This paragraph shall be enforced by the issuance of a warning that informs the offender of the requirements of this paragraph.

(3) (i) The Montgomery County Council may enact a local law to require a person to obtain a permit before the person may stand in a roadway or median divider or on a sidewalk adjacent to a roadway to solicit and collect money or donations of any kind from the occupant of a vehicle.

(ii) If a permit is required under a local law enacted under subparagraph (i) of this paragraph, except in compliance with a permit obtained in accordance with the local law, a person may not:

1. Stand in a roadway, median divider, or intersection, or on a sidewalk adjacent to a roadway, to solicit or collect money or donations of any kind from the occupant of a vehicle; or
2. Cause, encourage, allow, or petition a person to stand in a roadway, median divider, or intersection, or on a sidewalk adjacent to a roadway, to solicit or collect money or donations of any kind from the occupant of a vehicle.

(iii) A local law enacted under this section may not authorize a permit to be issued to a minor for the purpose of standing in a roadway or median divider to solicit or collect money or donations of any kind from the occupant of a vehicle.

(iv) A permit issued under a local law enacted under this section shall apply to the solicitation and collection of money or donations on roadways, median dividers, and sidewalks adjacent to roadways and may not limit the authorization to fewer than all three of those locations.

(h) (1) The County Council of Baltimore County or the governing body of a municipal corporation in Baltimore County, by appropriate resolution or ordinance, may enact a permit program to allow a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle.

(2) At least 15 days before the date on which the permit applied for is to be effective, an applicant shall file with the county or municipal corporation an application that contains the following information:

- (i) The name, address, and age of each person who will solicit;
- (ii) The name and address of the employing or sponsoring person, agency, or entity;
- (iii) The exact location where each solicitor will be assigned;
- (iv) The purpose of the solicitation;
- (v) The time frame and duration of the solicitation;
- (vi) The means of travel to and from the place of solicitation; and
- (vii) The name, address, and telephone number of a contact person who will be able to provide additional information to the county or municipal corporation or its designee.

(3) The county or municipal corporation shall examine each application and make any further investigation as deemed necessary in order to determine the truth of the statements made on the application.

(4) The county or municipal corporation shall deny the permit if it determines that:

- (i) Any statement made on the application is untrue; or
- (ii) The location or method of the solicitation or its duration are such that it will be harmful to the health, safety, convenience, or welfare of the general public.

(5) A permit issued under this subsection shall contain:

- (i) The name and address of the person making the solicitation;
- (ii) The date and time at which the person may solicit; and
- (iii) A statement that the permit does not constitute an endorsement by the county or municipal corporation of the solicitation or the person conducting the solicitation.

(6) A permit shall be signed by the appropriate county or municipal officer.

(7) The term of a permit may not exceed 24 hours.

(8) No more than 12 permits may be issued to the same person in a calendar year.

(9) The county or municipal corporation shall send a copy of each permit issued by the county or municipal corporation to the police department of the county or municipal corporation.

(10) A person to whom a permit is issued shall conspicuously display the permit while soliciting.

(i) In Howard County, a person may not stand in a State highway or the highway right-of-way to solicit money or donations of any kind from the occupant of a vehicle.

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

(2) Except as provided in paragraph (3) of this subsection, a person may not stand in a roadway, a median divider, or an intersection to solicit money or donations from the occupant of a vehicle.

(3) The county or a municipal corporation in the county may by ordinance enact a permit program to allow a person to stand in a roadway, a median divider, or an intersection to solicit money or donations from the occupant of a vehicle if the solicitation occurs completely in the county or municipal corporation.

(4) If the county or a municipal corporation enacts an ordinance establishing a permit program, the ordinance shall require a person seeking a permit to file an application containing the following information:

(i) The date, time, and location of the solicitation;

(ii) The manner and conditions under which the solicitation is to occur; and

(iii) The name, address, and telephone number of a contact person of the employing or sponsoring person, agency, or entity on whose behalf the solicitation is to be made, who will be able to provide additional information to the county, municipal corporation, or the designee of the county or municipal corporation.

(5) The county or municipal corporation:

(i) Within 5 days after the application is filed, shall approve or deny the application; and

(ii) May impose conditions on the solicitation.

(k) A pedestrian may not catch or attempt to catch fish by any means on or under the Maryland Route 18 Kent Island Drawbridge over the Kent Narrows in Queen Anne's County.

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§ 21-508

A vehicle may not be driven at any time through or in a safety zone.

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§ 21-509

(a) Except as provided in subsection (j) of this section, a pedestrian may not walk along a controlled access highway.

(b) Except as provided in subsection (j) of this section, a pedestrian may not walk on a controlled access highway.

(c) Except as provided in subsection (j) of this section, a pedestrian may not walk along a ramp leading to or from a controlled access highway.

(d) Except as provided in subsection (j) of this section, a pedestrian may not walk on a ramp leading to or from a controlled access highway.

(e) Except as provided in subsection (j) of this section, a pedestrian may not walk along an access road leading to or from a controlled access highway.

(f) Except as provided in subsection (j) of this section, a pedestrian may not walk on an access road leading to or from a controlled access highway.

(g) Except as provided in subsection (j) of this section, a person may not leave any vehicle that is on a controlled access highway.

(h) Except as provided in subsection (j) of this section, a person may not leave any vehicle that is on a ramp leading to or from a controlled access highway.

(i) Except as provided in subsection (j) of this section, a person may not leave any vehicle that is on an access road leading to or from a controlled access highway.

(j) This section does not apply to a person if an emergency prevents the movement of a vehicle in which he is riding and the person goes only to the nearest telephone or other source of assistance, nor to a person boarding or leaving a bus within a bus stop approved by the State Highway Administration.

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§ 21-510

(a) A pedestrian who crosses a roadway shall yield the right-of-way to any approaching emergency vehicle that is using audible and visual signals that meet the requirements of § 22-218 of this article.

(b) A pedestrian who crosses a roadway shall yield the right-of-way to any approaching police vehicle that is lawfully using an audible signal.

(c) This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

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§ 21-511

(a) The driver of a vehicle shall yield the right-of-way to:

(1) A blind or partially blind pedestrian using a guide dog or carrying a cane predominantly white or metallic in color (with or without a red tip);

(2) A deaf or hearing impaired pedestrian accompanied by a guide dog; or

(3) A mobility impaired individual crossing a roadway while using any of the following mobility-assisted devices:

(i) A manual or motorized wheelchair;

(ii) A motorized scooter;

(iii) Crutches; or

(iv) A cane.

(b) A person who is not blind or partially blind may not use or carry a white cane, a cane that is white tipped with red, or a chrome, nickel, aluminum, or other reflecting or shining metal cane, in the manner described in subsection (a)(1) of this section.

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§ 21-601

(a) If the driver of a vehicle intends to turn right at any intersection, he shall approach the intersection and make the right turn as close as practicable to the right-hand curb or edge of the roadway.

(b) If the driver of a vehicle intends to turn left at any intersection or crossover, he shall approach the intersection or crossover in the extreme left-hand lane lawfully available to traffic moving in the same direction.

(c) If the driver of a vehicle intends to turn left at any intersection or crossover, the driver shall, after entering the intersection or crossover, make the left turn so as to leave the intersection in a lane lawfully available to traffic moving in the same direction on the roadway being entered.

(d) (1) The State Highway Administration or any local authority may place a traffic control device at or near any intersection in its jurisdiction and, with it, direct that vehicles turning at the intersection travel a course different from one specified in this section.

(2) At an intersection where a traffic control device is placed under this subsection, the driver of a vehicle may not turn otherwise than as directed by the device.

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§ 21-602

(a) The driver of a vehicle on any curve may not turn to go in the opposite direction if the vehicle cannot be seen by the driver of any other vehicle that is within 500 feet and approaching from either direction.

(b) The driver of a vehicle on or approaching the crest of any grade may not turn to go in the opposite direction if the vehicle cannot be seen by the driver of any other vehicle that is within 500 feet and approaching from either direction.

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§ 21-603

(a) A person may not start a vehicle that is stopped, standing, or parked until the movement can be made with reasonable safety.

(b) A person may not start a vehicle that is stopped, standing, or parked until, if any other vehicle might be affected by the movement, he gives an adequate signal to approaching traffic.

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§ 21-604

(a) A person may not turn a vehicle at an intersection, unless the vehicle is in the position required by § 21-601 of this subtitle.

(b) A person may not turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move it right or left on a roadway or from a shoulder or bikeway onto a roadway, unless the movement can be made with reasonable safety.

(c) A person may not, if any other vehicle might be affected by the movement, turn a vehicle until he gives an appropriate signal in the manner required by this subtitle.

(d) When required, a signal of intention to turn right or left shall be given continuously during at least the last 100 feet traveled by the vehicle before turning; except that a bicyclist may interrupt the turning signal to maintain control of the bicycle.

(e) If there is an opportunity to signal, a person may not stop or suddenly decrease the speed of a vehicle until he gives an appropriate signal in the manner required by this subtitle to the driver of any other vehicle immediately to the rear.

(f) The signals provided for in § 21-605(b) and (c) of this subtitle:

(1) May be used to indicate an intention to turn, change lanes, or start from a stopped, standing, or parked position; and

(2) May not be flashed as a courtesy or "do pass" signal to the driver of any other vehicle approaching from the rear.

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§ 21-605

(a) Except as provided in subsections (b) and (c) of this section, each required stop or turn signal shall be given:

(1) By hand and arm in conformity with § 21-606 of this subtitle; or

(2) By signal lamps.

(b) Each motor vehicle in use on a highway shall be equipped with and the required signal given by signal lamps, if the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the vehicle is more than 24 inches.

(c) Each motor vehicle in use on a highway shall be equipped with and the required signal given by signal lamps if, for any vehicle or combination of vehicles, the distance from the center of the top of the steering post to the rear limit of the body or load is more than 14 feet.

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§ 21-606

(a) Except as otherwise provided, each required signal given by hand and arm shall be given from the left side of the vehicle in the manner specified in this section.

(b) A left turn signal is given by the hand and arm extended horizontally.

(c) A right turn signal is given by the hand and arm extended upward; except that a bicyclist may extend the right hand and arm horizontally to the right.

(d) A stop or decrease in speed signal is given by the hand and arm extended downward.

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§ 21-701

(a) (1) If the driver of a vehicle approaches a railroad grade crossing under any of the circumstances stated in paragraph (2) of this subsection, the driver:

(i) Shall stop within 50 feet but not less than 15 feet from the nearest rail in the crossing; and

(ii) May not proceed until he can do so safely.

(2) The requirements of this subsection apply if:

(i) A clearly visible electric or mechanical signal device warns of the immediate approach or passage of a railroad train;

(ii) A crossing gate is lowered;

(iii) A flagman signals the approach or passage of a railroad train;

(iv) A railroad train approaching within 1,500 feet of the crossing gives a signal audible to traffic approaching the crossing and the railroad train, because of its speed or nearness to the crossing, is an immediate danger; or

(v) A railroad train is plainly visible and is in or is approaching dangerously near to the crossing.

(b) A person may not drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while the gate or barrier is closed or is being opened or closed.

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§ 21-702

(a) The State Highway Administration and any local authority with the approval of the State Highway Administration may place a stop sign at any railroad grade crossing of a highway that the local authority or State Highway Administration designates as a particularly dangerous crossing.

(b) If the driver of a vehicle approaches the stop sign, the driver:

(1) Shall stop within 50 feet but not less than 15 feet from the nearest rail in the crossing; and

(2) May proceed only on exercising due care.

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§ 21-703

(a) Except as provided in subsection (g) of this section, this section applies to:

(1) Every motor vehicle carrying a passenger for hire;

(2) Every school vehicle carrying any passenger;

(3) Every bus that is owned or operated by a church and carrying any passenger;

(4) Every vehicle carrying as cargo a flammable liquid or an explosive; and

(5) Every vehicle carrying hazardous materials of a type and quantity requiring placarding under federal hazardous materials regulations.

(b) If the driver of any vehicle described in subsection (a) of this section approaches a railroad grade crossing, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail in the crossing.

(c) If the driver of any vehicle described in subsection (a) of this section approaches a railroad grade crossing, the driver, while stopped, shall listen and look in both directions along the track for any approaching or passing railroad train and for any signals indicating the approach or passage of a railroad train.

(d) If the driver of any vehicle described in subsection (a) of this section approaches a railroad grade crossing, the driver may not proceed until he can do so safely.

(e) If the driver of any vehicle described in subsection (a) of this section approaches a railroad grade crossing, the driver may proceed only in that gear of the vehicle in which it will be unnecessary to shift gears manually while passing through the crossing.

(f) If the driver of any vehicle described in subsection (a) of this section approaches a railroad grade crossing, the driver may not shift gears manually while passing over any track of the railroad.

(g) (1) This section does not apply to the vehicles described in subsection (a)(1), (4), and (5) of this section, at any railroad grade crossing in a business district or residential district.

(2) This section does not apply to school buses and church buses, as described in subsection (a)(2) and (3) of this section, at locations within Baltimore City where complying with the provision of this section would conflict with the existing traffic signal indications.

(3) This section does not apply to the vehicles described in subsection (a) of this section, at any railroad grade crossing with an exempt highway–rail grade crossing plaque.

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§ 21-704

(a) Unless a person has complied with this section, he may not drive or move on or across any railroad grade crossing any power shovel, derrick, roller, crawler–type tractor, or other equipment or structure that has:

(1) A normal operating speed of 10 miles per hour or less; or

(2) A vertical body or load clearance, measured above the level surface of a roadway, of less than:

(i) One–half inch for each foot of the distance between any two adjacent axles; or

(ii) 9 inches.

(b) Before any person drives or moves any equipment described in subsection (a) of this section on or across any railroad grade crossing, the person shall:

(1) Notify an agent of the railroad of his intention; and

(2) Afford the railroad reasonable time to provide proper protection at the crossing.

(c) When the person approaches the crossing, he:

(1) Shall stop within 50 feet but not less than 15 feet from the nearest rail in the crossing;

(2) While stopped, shall listen and look in both directions along the track for any approaching or passing railroad train and for any signals indicating the approach or passage of a railroad train; and

(3) May not proceed until he can do so safely.

(d) (1) The person may not proceed if a warning is given by an automatic signal, crossing gate, flagman, or otherwise of the immediate approach or passage of a railroad train.

(2) If the railroad provides a flagman, the person may proceed over the crossing only at the direction of the flagman.

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§ 21-705

(a) The driver of a vehicle emerging from an alley, driveway, or building shall stop immediately before driving onto a sidewalk or onto the sidewalk area that extends across the alley, driveway, or building exit.

(b) The driver of a vehicle emerging from an alley, driveway, or building shall yield the right-of-way to any pedestrian.

(c) The driver of a vehicle emerging from an alley, driveway, or building shall on entering the roadway, yield the right-of-way to any other vehicle approaching on the roadway.

(d) The driver of a vehicle entering an alley, driveway, or building shall yield the right-of-way to any pedestrian.

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§ 21-706

(a) If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22–228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from the rear of the school vehicle, if approaching the school vehicle from its rear, or at least 20 feet from the front of the school vehicle, if approaching the school vehicle from its front.

(b) If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22–228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle may not proceed until the school vehicle resumes motion or the alternately flashing red lights are deactivated.

(c) This section does not apply to the driver of a vehicle on a divided highway, if the school vehicle is on a different roadway.■

(d) A person convicted of a violation of this section is subject to a fine not exceeding \$1,000.

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§ 21-707

(a) Unless otherwise directed by a police officer or traffic control signal, the driver of a vehicle approaching a stop sign at an intersection shall stop at the near side of the intersection at a clearly marked stop line.

(b) Unless otherwise directed by a police officer or traffic control signal, the driver of a vehicle approaching a stop sign at an intersection shall stop at the near side of the intersection and, if there is no clearly marked stop line, before entering any crosswalk.

(c) Unless otherwise directed by a police officer or traffic control signal, the driver of a vehicle approaching a stop sign at an intersection shall stop at the near side of an intersection and, if there is no crosswalk, at the nearest point before entering the intersection that gives the driver a view of traffic approaching on the intersecting roadway.

(d) The driver of a vehicle approaching a yield sign at an intersection, if required for safety to stop, shall stop at the near side of the intersection at a clearly marked stop line.

(e) The driver of a vehicle approaching a yield sign at an intersection, if required for safety to stop, shall stop at the near side of the intersection and, if there is no clearly marked stop line, before entering any crosswalk.

(f) The driver of a vehicle approaching a yield sign at an intersection, if required for safety to stop, shall stop at the near side of the intersection and, if there is no crosswalk, at the nearest point before entering the intersection that gives the driver a view of traffic approaching on the intersecting roadway.

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§ 21-708

(a) At the request of any farmer whose land is divided by a highway and who regularly drives livestock across the highway, the State Highway Administration may place a sign at approximately 500 feet from each side of the crossing, giving notice of the presence of the crossing.

(b) If livestock are being driven across the highway at the crossing, the driver of a vehicle between the two signs shall stop until the livestock have left the highway.

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§ 21-801

(a) A person may not drive a vehicle on a highway at a speed that, with regard to the actual and potential dangers existing, is more than that which is reasonable and prudent under the conditions.

(b) At all times, the driver of a vehicle on a highway shall control the speed of the vehicle as necessary to avoid colliding with any person or any vehicle or other conveyance that, in compliance with legal requirements and the duty of all persons to use due care, is on or entering the highway.

(c) Consistent with the requirements of this section, the driver of a vehicle shall drive at an appropriate, reduced speed when approaching and crossing an intersection at which cross traffic is not required to stop by a traffic control device.

(d) Consistent with the requirements of this section, the driver of a vehicle shall drive at an appropriate, reduced speed when approaching and crossing a railroad grade crossing.

(e) Consistent with the requirements of this section, the driver of a vehicle shall drive at an appropriate, reduced speed when approaching and going around a curve.

(f) Consistent with the requirements of this section, the driver of a vehicle shall drive at an appropriate, reduced speed when approaching the crest of a grade.

(g) Consistent with the requirements of this section, the driver of a vehicle shall drive at an appropriate, reduced speed when traveling on any narrow or winding roadway.

(h) Consistent with the requirements of this section, the driver of a vehicle shall drive at an appropriate, reduced speed when any special danger exists as to pedestrians or other traffic or because of weather or highway conditions.

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§ 21-802

(a) If, on the basis of an engineering and traffic investigation, the State Highway Administration determines that any maximum speed limit specified in this subtitle is greater or less than reasonable or safe under existing conditions on any part of a highway under its jurisdiction, it may establish a reasonable and safe maximum speed limit for that part of the highway.

(b) An engineering and traffic investigation is not required to conform a posted maximum speed limit in effect on December 31, 1974, to a different limit specified in § 21-801.1(b) of this subtitle.

(c) Under this section, the State Highway Administration may:

(1) Establish a maximum speed limit to apply at all times or only at specified times; and

(2) Establish differing limits for different times of day, different types of vehicles, different weather conditions, or other factors bearing on safe speeds.

(d) An altered maximum speed limit established under this section is effective when posted on appropriate signs giving notice of the limit.

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§ 21-803

(a) (1) Except as provided in paragraphs (3) through (6) of this subsection, if, on the basis of an engineering and traffic investigation, a local authority determines that any maximum speed limit specified in this subtitle is greater or less than reasonable or safe under existing conditions on any part of a highway in its jurisdiction, it may establish a reasonable and safe maximum speed limit for that part of the highway, which may:

(i) Decrease the limit at an intersection;

(ii) Increase the limit in an urban district to not more than 50 miles per hour;

(iii) Decrease the limit in an urban district; or

(iv) Decrease the limit outside an urban district to not less than 25 miles per hour.

(2) An engineering and traffic investigation is not required to conform a posted maximum speed limit in effect on December 31, 1974, to a different limit specified in § 21-801.1(b) of this subtitle.

(3) Calvert County may decrease the maximum speed limit to not less than 15 miles per hour on Lore Road and, except for Solomons Island Road, each highway south of Lore Road without performing an engineering and traffic investigation, regardless of whether the highway is inside an urban district.

(4) (i) This paragraph applies only to:

1. Anne Arundel County and Montgomery County; and

2. Municipalities located in Anne Arundel County and Montgomery County.

(ii) A local authority may decrease the maximum speed limit to not less than 15 miles per hour on a highway only after performing an engineering and traffic investigation.

(iii) A local authority may not implement a new speed monitoring system to enforce speed limits on any portion of a highway for which the speed limit has been decreased under this paragraph.

(5) Baltimore City may, without performing an engineering and traffic investigation:

- (i) Decrease the maximum speed limit on a highway under its jurisdiction; or
- (ii) Increase to a previously established level the maximum speed limit on a highway under its jurisdiction.

(6) A municipality located in Queen Anne's County may decrease the maximum speed limit to not less than 15 miles per hour on a highway without performing an engineering and traffic investigation.

(b) In school zones designated and posted by the local authorities of any county:

- (1) The county may decrease the maximum speed limit to 15 miles per hour during school hours, provided the county pays the cost of placing and maintaining the necessary signs; and
- (2) Any municipality within each county may decrease the maximum speed limit in a school zone within the municipality to 15 miles per hour during school hours, provided the municipality pays the cost of placing and maintaining the necessary signs.

(c) An altered maximum speed limit established under this section is effective when posted on appropriate signs giving notice of the limit.

(d) Except in Baltimore City, any alteration by a local authority of a maximum speed limit on a part or extension of a State highway is not effective until it is approved by the State Highway Administration.

(e) (1) If a local authority determines that any maximum speed limit specified in this subtitle is greater than reasonable or safe in an alley in its jurisdiction, the local authority may establish a reasonable and safe maximum speed limit for the alley.

(2) The local authority shall post a speed limit established under this subsection on appropriate signs giving notice of the speed limit.

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§ 21-804

(a) Unless reduced speed is necessary for the safe operation of the vehicle or otherwise is in compliance with law, a person may not willfully drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic.

(b) (1) If, on the basis of an engineering and traffic investigation, the State Highway Administration or a local authority determines that slow speeds on any part of a highway in its jurisdiction impede the normal and reasonable movement of traffic, the State Highway Administration or the local authority may establish a minimum speed limit for that part of the highway.

(2) Unless reduced speed is necessary for the safe operation of the vehicle or otherwise is in compliance with law, a person may not drive a vehicle below a minimum speed limit established under this subsection.

(3) A minimum speed limit established under this subsection is effective when posted on appropriate signs giving notice of the limit.

(c) A person may not drive a Class A (passenger) or Class M (multipurpose) vehicle on a highway if the maximum speed capability of the vehicle does not exceed the posted maximum speed limit for the highway by at least 5 miles per hour.

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§ 21-805

(a) (1) This subsection does not apply to:

- (i) Vehicles used by any utility in the construction, maintenance, or repair of its facilities;
- (ii) Vehicles used by any highway authority or bridge or highway district in construction, maintenance, repair, inspection, or survey work; or
- (iii) Low speed vehicles.

(2) A person may not drive on a highway any vehicle or combination of vehicles that is designed to be and is driven at a speed of 25 miles per hour or less, unless the rearmost vehicle displays a slow moving vehicle emblem in accordance

with this section.

(b) Any other vehicle or combination of vehicles, when driven at a speed of 25 miles per hour or less, may display a slow moving vehicle emblem in accordance with this section.

(c) The slow moving vehicle emblem specified in this section shall:

(1) Be a truncated equilateral triangle at least 14 inches high with a red reflective border at least 1.75 inches wide and with a fluorescent orange center;

(2) Comply with current standards and specifications of the American Society of Agricultural Engineers; and

(3) Be mounted on the rear of the vehicle, base down, at a height of not less than 3 nor more than 5 feet from ground to base.

(d) New farm equipment designed or intended by the manufacturer to be driven or moved at a speed of 25 miles per hour or less may not be sold in this State unless it is equipped by the manufacturer with a slow moving vehicle emblem in accordance with this section.

(e) The slow moving vehicle emblem shall be displayed and maintained on the farm equipment as long as it can be driven or moved on a highway.

(f) The slow moving vehicle emblem described in this section may be displayed only as permitted or required by this section.

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§ 21-806

(a) On request of any local authority, the State Highway Administration shall investigate and, on its own initiative, it may investigate any bridge or other elevated structure that is a part of a highway.

(b) If it determines that the structure cannot safely withstand the weight of vehicles traveling at the maximum speed limit otherwise permitted by this subtitle, the State Highway Administration shall:

(1) Establish the maximum speed limit that the structure can safely withstand; and

(2) At each approach to the structure, place or permit the placement of a suitable sign stating the maximum speed limit.

(c) A maximum speed limit established under this section is effective when posted on appropriate signs giving notice of the limit.

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§ 21-807

In each charge of a violation of any speed regulation under the Maryland Vehicle Law, the charging document shall specify:

(1) The speed at which the defendant is alleged to have driven;

(2) If the charge is for exceeding a maximum lawful speed, the maximum speed limit applicable at the location; and

(3) If the charge is for driving below a minimum lawful speed, the minimum speed limit applicable at the location.

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§ 21-808

(a) Upon receipt of notification from the District Court under § 1–605(d)(4) of the Courts Article that a citation was issued to a minor charging the minor with a moving violation as defined in § 11–136.1 of this article, the Administration promptly shall notify the cosigner of the minor's driver's license application that the citation was issued to the minor.

(b) The notification required under subsection (a) of this section shall:

(1) Be mailed by the Administration to the most recent address provided by the cosigner in accordance with § 16–107(b) of this article; and

(2) Contain the following information:

(i) The name, address, and date of birth of the minor charged with the violation;

- (ii) Identification of the moving violation charged;
 - (iii) If the citation was issued for a speeding violation, the speed at which the minor is alleged to have driven and the maximum lawful speed at the location of the alleged violation;
 - (iv) The amount of the fine specified in the citation; and
 - (v) The number of points that may be assessed against the minor.
- (c) Evidence of the receipt or lack of receipt of the notice required by this section is not admissible in any civil or criminal action against a cosigner.

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§ 21-810

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Local police department" means:
- (i) The police department of any municipal corporation;
 - (ii) The police department of any county; and
 - (iii) The sheriff's department of any county that has highway traffic patrol responsibilities.
- (3) (i) "Owner" means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or longer.
- (ii) "Owner" does not include:
- 1. A motor vehicle rental or leasing company; or
 - 2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.
- (4) "Recorded image" means an image recorded by a work zone speed control system:
- (i) On:
 - 1. A photograph;
 - 2. A microphotograph;
 - 3. An electronic image;
 - 4. Videotape; or
 - 5. Any other medium; and
 - (ii) Showing:
 - 1. The rear of a motor vehicle;
 - 2. At least two time-stamped images of the motor vehicle that include the same stationary object near the motor vehicle; and
 - 3. On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.
- (5) "State police department" means:
- (i) The Department of State Police; and
 - (ii) The Maryland Transportation Authority Police.
- (6) "Work zone" means a segment of a highway:
- (i) That is identified as a temporary traffic control zone by traffic control devices that are placed or installed in general conformance with the State manual and specifications adopted for a uniform system of traffic control devices;
 - (ii) Where highway construction, repair, maintenance, utility work, or a related activity, including the placement, installation, maintenance, or removal of a work zone traffic control device, is being performed regardless of whether workers are present; and

(iii) That is equipped with:

1. Signage designating each entrance and exit to the work zone; and
2. Flashing lights that operate whenever workers are present at the work zone.

(7) "Work zone speed control system" means a device that:

(i) Has one or more motor vehicle sensors connected to a camera system capable of producing recorded images of motor vehicles traveling at or above a predetermined speed in or approaching a work zone; and

(ii) Is equipped with flashing blue lights.

(8) "Work zone speed control system operator" means an individual who has been trained and certified to operate a work zone speed control system and who is:

(i) A police officer;

(ii) A representative of a local police department;

(iii) A representative of a State police department; or

(iv) A State Highway Administration contractor.

(b) (1) A work zone speed control system that meets the requirements of this subsection may be used to record the images of motor vehicles traveling on a highway:

(i) Within a work zone; and

(ii) On which the speed limit, as posted before the work zone was implemented and established using generally accepted traffic engineering practices, is 45 miles per hour or greater.

(2) (i) A work zone speed control system may be used only:

1. On a highway as specified in paragraph (1) of this subsection; and

2. If, in accordance with the Maryland manual on uniform traffic control devices, a conspicuous road sign is placed at a reasonable distance consistent with national guidelines before the work zone alerting drivers that a speed monitoring system may be in operation in the work zone.

(ii) A work zone speed control system operator does not need to be present in person or remotely at the highway work zone when a work zone speed control system is in use.

(iii) 1. Multiple work zone speed control systems may be implemented and used in a work zone.

2. If a work zone has more than one work zone speed control system in use, not more than one citation may be issued for the same registration plate for alleged violations that occur within a 1-hour period in the work zone.

(3) A work zone speed control system may be used only to record the images of vehicles that are traveling at speeds at least 12 miles per hour above the posted work zone speed limit.

(4) (i) A work zone speed control system operator shall complete training by the manufacturer of the work zone speed control system in the procedures for setting up, testing, and operating the work zone speed control system.

(ii) On completion of the training, the manufacturer shall issue a signed certificate to the work zone speed control system operator.

(iii) The certificate of training shall be admitted as evidence in any court proceeding for a violation of this section.

(5) A work zone speed control system operator shall fill out and sign a daily set-up log for a work zone speed control system that:

(i) States the date and time when and the location where the system was set up;

(ii) States that the work zone speed control system operator successfully performed, and the device passed, the manufacturer-specified self-tests of the work zone speed control system before producing a recorded image;

(iii) Shall be kept on file; and

(iv) Shall be admitted as evidence in any court proceeding for a violation of this section.

(6) (i) A work zone speed control system shall undergo an annual calibration check performed by an independent calibration laboratory.

(ii) The independent calibration laboratory shall issue a signed certificate of calibration after the annual calibration check that:

1. Shall be kept on file; and
2. Shall be admitted as evidence in any court proceeding for a violation of this section.

(7) The procurement of a work zone speed control system by a unit of State government shall be conducted in accordance with Title 13, Subtitle 1 of the State Finance and Procurement Article.

(c) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if an image of the motor vehicle is recorded by a work zone speed control system in accordance with subsection (b) of this section while being operated in violation of this subtitle.

(2) Except as provided in paragraph (3) of this subsection, a civil penalty under this subsection is:

(i) If the citation alleges that the driver of the motor vehicle exceeded the speed limit by between 12 and 15, inclusive, miles per hour, \$60;

(ii) If the citation alleges that the driver of the motor vehicle exceeded the speed limit by between 16 and 19, inclusive, miles per hour, \$80;

(iii) If the citation alleges that the driver of the motor vehicle exceeded the speed limit by between 20 and 29, inclusive, miles per hour, \$140;

(iv) If the citation alleges that the driver of the motor vehicle exceeded the speed limit by between 30 and 39, inclusive, miles per hour, \$270;

(v) If the citation alleges that the driver of the motor vehicle exceeded the speed limit by 40 miles per hour or more, \$500.

(3) If a citation is for a violation recorded when workers were present in the work zone, the civil penalty shall be double the amount that would otherwise apply under paragraph (2) of this subsection.

(4) For purposes of this section, the District Court shall:

(i) Prescribe a uniform citation form consistent with subsection (d)(1) of this section and § 7-302 of the Courts Article; and

(ii) Indicate on the citation the amount of the civil penalty to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(d) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, a local police department, State police department, or police department contractor shall mail to the owner liable under subsection (c) of this section a citation that shall include:

(i) The name and address of the registered owner of the vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) The location where the violation occurred;

(v) The date and time of the violation;

(vi) At least one recorded image of the vehicle with a data bar imprinted on each image that includes the speed of the vehicle and the date and time the image was recorded;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(viii) A signed statement by a police officer employed by the local police department or State police department that, based on inspection of recorded images, the motor vehicle was being operated in violation of this subtitle;

(ix) A statement that recorded images are evidence of a violation of this subtitle;

(x) Information advising the person alleged to be liable under this section of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

(xi) Information advising the person alleged to be liable under this section that failure to pay the civil penalty or to contest liability in a timely manner:

1. Is an admission of liability;
2. May result in the refusal to register the motor vehicle; and
3. May result in the suspension of the motor vehicle registration.

(2) The local police department or State police department may mail a warning notice instead of a citation to the owner liable under subsection (c) of this section.

(3) Except as provided in subsection (f)(4) of this section, the local police department or State police department may not mail a citation to a person who is not an owner.

(4) Except as provided in subsection (f)(4) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation if the vehicle is registered in this State, and no later than 30 days after the alleged violation if the vehicle is registered in another state.

(5) A person who receives a citation under paragraph (1) of this subsection may:

- (i) Pay the civil penalty in accordance with instructions on the citation; or
- (ii) Elect to stand trial in the District Court for the alleged violation.

(6) To mail the citation or warning notice, a local police department, State police department, or police department contractor shall use:

- (i) The current mailing address on file with the Administration; or
- (ii) If a mailing address is unavailable, the current residential address on file with the Administration.

(e) (1) A certificate alleging that the violation of this subtitle occurred and the requirements under subsection (b) of this section have been satisfied, sworn to, or affirmed by a police officer employed by the local police department or State police department, based on inspection of recorded images produced by a work zone speed control system, shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this section without the presence or testimony of the work zone speed control system operator who performed the requirements under subsection (b) of this section.

(2) If a person who received a citation under subsection (d) of this section desires a work zone speed control system operator to be present and testify at trial, the person shall notify the court and the police department that issued the citation in writing no later than 20 days before trial.

(3) Adjudication of liability shall be based on a preponderance of evidence.

(f) (1) The District Court may consider in defense of a violation:

- (i) Subject to paragraph (2) of this subsection, that the motor vehicle or the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the vehicle owner at the time of the violation;
- (ii) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and
- (iii) Any other issues and evidence that the District Court deems pertinent.

(2) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

- (i) States that the person named in the citation was not operating the vehicle at the time of the violation; and
- (ii) Includes any other corroborating evidence.

(4) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (3) of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court may provide to the police department that issued the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, the police department that issued the citation may issue a citation as provided in subsection (d) of this section to the person who the evidence indicates was operating the vehicle at the time of the violation.

(iii) Any citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

(g) If a person liable under this section does not pay the civil penalty or contest the violation, the Administration may:

(1) Refuse to register or reregister the registration of the motor vehicle cited for the violation; or

(2) Suspend the registration of the motor vehicle cited for the violation.

(h) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article;

(2) May not be recorded by the Administration on the driving record of the owner or driver of the vehicle;

(3) May be treated as a parking violation for purposes of § 26–305 of this article; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(i) (1) In consultation with local police departments and State police departments, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.

(2) The standards and requirements for the use, processing, and disposal of recorded images and associated data established under § 12–113.1 of this article apply to citations issued under this section.

(j) (1) The Department of State Police or a contractor designated by the Department of State Police shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor provides, deploys, or operates a work zone speed control system for a police department, the contractor's fee may not be contingent on the number of citations issued or paid.

(k) (1) On or before December 1, 2024, and each December 1 thereafter, the State Highway Administration shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly:

(i) On any pilot program that the State Highway Administration conducted in the previous fiscal year that tests new technologies for detecting and recording a violation of this subtitle in a work zone; or

(ii) That the State Highway Administration did not conduct any such pilot program in the previous fiscal year.

(2) A report submitted under paragraph (1)(i) of this subsection shall include information on:

(i) How data collected from the device tested may be used for the enforcement of violations of this subtitle in work zones; and

(ii) Any legislative or regulatory changes that would be necessary to authorize the effective use of the device.

(l) On or before December 1, 2024, and each December 1 thereafter, the Department shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on how funds distributed to the Transportation Trust Fund under § 12–118(e) of this article have been spent.

(m) The Department of State Police and the State Highway Administration jointly shall adopt regulations establishing standards and procedures for work zone speed control systems authorized under this section.

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§ 21-901

The provisions of this subtitle apply throughout this State, whether on or off a highway.

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§ 21-902

(a) (1) (i) A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

(ii) A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.

(iii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,200 or both; and
2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,400 or both.

(iv) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under subsection (b), (c), or (d) of this section or § 8–738 of the Natural Resources Article, within 5 years before the conviction for a violation of this paragraph, shall be considered a prior conviction.

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both; and
2. For a second offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this paragraph or subsection (b)(2), (c)(2), or (d)(2) of this section shall be considered a prior conviction.

(b) (1) (i) A person may not drive or attempt to drive any vehicle while impaired by alcohol.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 months or a fine not exceeding \$500 or both; and
2. For a second offense, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this subsection or subsection (a), (c), or (d) of this section or § 8–738 of the Natural Resources Article shall be considered a prior conviction.

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,200 or both; and
2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,400 or both.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this paragraph or subsection (a)(2), (c)(2), or (d)(2) of this section shall be considered a prior conviction.

(c) (1) (i) A person may not drive or attempt to drive any vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 months or a fine not exceeding \$500 or both; and
2. For a second offense, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this subsection or subsection (a), (b), or (d) of this section or § 8–738 of the Natural Resources Article shall be considered a prior conviction.

(iv) It is not a defense to any charge of violating this subsection that the person charged is or was entitled under the laws of this State to use the drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely driving a vehicle.

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,200 or both; and

2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,400 or both.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this paragraph or subsection (a)(2), (b)(2), or (d)(2) of this section shall be considered a prior conviction.

(d) (1) (i) A person may not drive or attempt to drive any vehicle while the person is impaired by any controlled dangerous substance, as that term is defined in § 5–101 of the Criminal Law Article, if the person is not entitled to use the controlled dangerous substance under the laws of this State.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,200 or both; and

2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,400 or both.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under subsection (a), (b), or (c) of this section or § 8–738 of the Natural Resources Article, within 5 years before the conviction for a violation of this paragraph, shall be considered a prior conviction.

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both; and

2. For a second offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this paragraph or subsection (a)(2), (b)(2), or (c)(2) of this section shall be considered a prior conviction.

(e) For purposes of the application of subsequent offender penalties under this section, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State, would constitute a violation of subsection (a)(1) or (2), (b)(1) or (2), (c)(1) or (2), or (d)(1) or (2) of this section or § 8–738 of the Natural Resources Article shall be considered a violation of subsection (a)(1) or (2), (b)(1) or (2), (c)(1) or (2), or (d)(1) or (2) of this section or § 8–738 of the Natural Resources Article.

(f) (1) In this subsection, “imprisonment” includes confinement in:

(i) An inpatient rehabilitation or treatment center; or

(ii) Home detention that includes electronic monitoring for the purpose of participating in an alcohol treatment program that is:

1. Certified by the Maryland Department of Health;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Maryland Department of Health; or

3. Approved by the court.

(2) (i) A person who is convicted of a violation of subsection (a) of this section within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 5 days.

(ii) A person who is convicted of a third or subsequent offense under subsection (a) of this section within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 10 days.

(3) (i) A person who is convicted of a violation of subsection (d) of this section within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 5 days.

(ii) A person who is convicted of a third or subsequent offense under subsection (d) of this section within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 10 days.

(4) A person who is convicted of an offense under subsection (a) of this section within 5 years after a prior conviction under that subsection shall be required by the court to:

(i) Undergo a comprehensive alcohol abuse assessment; and

(ii) If recommended at the conclusion of the assessment, participate in an alcohol program as ordered by the court that is:

1. Certified by the Maryland Department of Health;
 2. Certified by an agency in an adjacent state that has powers and duties similar to the Maryland Department of Health; or
 3. Approved by the court.
- (5) A person who is convicted of an offense under subsection (d) of this section within 5 years after a prior conviction under that subsection shall be required by the court to:
- (i) Undergo a comprehensive drug abuse assessment; and
 - (ii) If recommended at the conclusion of the assessment, participate in a drug program as ordered by the court that is:
 1. Certified by the Maryland Department of Health;
 2. Certified by an agency in an adjacent state that has powers and duties similar to the Maryland Department of Health; or
 3. Approved by the court.
- (6) The penalties provided under this subsection are mandatory and are not subject to suspension or probation.
- (g) (1) In this subsection, "test" has the meaning stated in § 16-205.1 of this article.
- (2) The penalties under this subsection are in addition to any other penalty imposed for a violation of this section.
- (3) Subject to paragraph (4) of this subsection, if a person is convicted of a violation of this section and the trier of fact finds beyond a reasonable doubt that the person knowingly refused to take a test arising out of the same circumstances as the violation, the person is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.
- (4) A court may not impose an additional penalty under this subsection unless the State's Attorney serves notice of the alleged test refusal on the defendant or the defendant's counsel before the earlier of:
- (i) Acceptance of a plea of guilty or nolo contendere; or
 - (ii) At least 15 days before trial in a circuit court or 5 days before trial in the District Court.
- (h) (1) A person may not violate subsection (a), (b), (c), or (d) of this section if the person previously has been convicted of two violations of any provision of subsection (a), (b), (c), or (d) of this section or § 8-738 of the Natural Resources Article.
- (2) For purposes of this subsection, a conviction for a crime under the laws of the United States that would be a crime included in paragraph (1) of this subsection if committed in this State shall be considered a prior conviction under this subsection.
- (3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.
- (i) (1) A person may not violate subsection (a), (b), (c), or (d) of this section if the person previously has been convicted of:
- (i) Three or more violations of any provision of subsection (a), (b), (c), or (d) of this section or § 8-738 of the Natural Resources Article; or
 - (ii) A violation of § 2-209, § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article.
- (2) For purposes of this subsection, a conviction for a crime under the laws of the United States that would be a crime included in paragraph (1) of this subsection if committed in this State shall be considered a prior conviction under this subsection.
- (3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

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§ 21-903

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Alcoholic beverage" means a spirituous, vinous, malt, or fermented liquor, liquid, or compound that contains at least 0.5% alcohol by volume and is fit for beverage purposes.
- (3) "Cannabis" has the meaning stated in § 5-101 of the Criminal Law Article.
- (4) (i) "Passenger area" means an area that:

1. Is designed to seat the driver and any passenger of a motor vehicle while the motor vehicle is in operation; or
2. Is readily accessible to the driver or a passenger of a motor vehicle while in their seating positions.

(ii) "Passenger area" does not include:

1. A locked glove compartment;
2. The trunk of a motor vehicle; or
3. If a motor vehicle is not equipped with a trunk, the area behind the rearmost upright seat or an area that is not normally occupied by the driver or a passenger of the motor vehicle.

(b) This section applies to a motor vehicle that is driven, stopped, standing, or otherwise located on a highway.

(c) A driver of a motor vehicle may not consume an alcoholic beverage, or smoke or consume cannabis, in a passenger area of a motor vehicle on a highway.

(d) Notwithstanding § 6–320, § 6–321, or § 6–322 of the Alcoholic Beverages and Cannabis Article, or any other provision of law, the prohibition contained in this section applies throughout the State.

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§ 21-904

(a) In this section, "visual or audible signal" includes a signal by hand, voice, emergency light or siren.

(b) If a police officer gives a visual or audible signal to stop and the police officer is in uniform, prominently displaying the police officer's badge or other insignia of office, a driver of a vehicle may not attempt to elude the police officer by:

- (1) Willfully failing to stop the driver's vehicle;
- (2) Fleeing on foot; or
- (3) Any other means.

(c) If a police officer gives a visual or audible signal to stop and the police officer, whether or not in uniform, is in a vehicle appropriately marked as an official police vehicle, a driver of a vehicle may not attempt to elude the police officer by:

- (1) Willfully failing to stop the driver's vehicle;
- (2) Fleeing on foot; or
- (3) Any other means.

(d) (1) A driver may not commit a violation of subsection (b)(1) or (c)(1) of this section that results in bodily injury to another person.

(2) A driver may not commit a violation of subsection (b)(1) or (c)(1) of this section that results in death of another person.

(e) (1) In this subsection, "crime of violence" has the meaning stated in § 14–101 of the Criminal Law Article.

(2) A driver may not commit a violation of subsection (b)(1) or (c)(1) of this section while the driver is attempting to elude a police officer who is signaling for the driver to stop for the purpose of apprehending the driver for the commission of a crime of violence for which the driver is subsequently convicted.

(f) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person convicted of a violation of this section is subject to:

- (i) For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and
- (ii) For a second or subsequent offense, imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

(2) A person convicted of a violation of subsection (d)(1) or (e) of this section is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(3) A person convicted of a violation of subsection (d)(2) of this section is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

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§ 21-905

(a) A holder of a provisional driver's license who is under the age of 18 years is guilty of high-risk driving if the holder of the provisional license commits any of the following violations:

(1) § 21-901.1 of this subtitle (Reckless and negligent driving);

(2) § 21-901.2 of this subtitle (Aggressive driving); or

(3) § 21-1116 of this title (Race or speed contest prohibited).

(b) (1) If the individual is convicted of a violation specified in subsection (a) of this section, the Administration shall suspend the individual's driver's license:

(i) For a first offense, for 6 months; and

(ii) For a second or subsequent offense, for 1 year.

(2) An individual subject to a license suspension under this subsection may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article.

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§ 21-1001

(a) Except as otherwise provided in this section, on any highway outside of a business district or a residential district, a person may not stop, park, or leave standing on the roadway any vehicle, whether attended or unattended, if it is practicable to stop, park, or leave the vehicle standing off the roadway.

(b) Except as otherwise provided in this section, on any highway outside of a business district or a residential district, a person may not leave any vehicle standing, without providing an unobstructed width of the roadway opposite the standing vehicle for the free passage of other vehicles.

(c) Except as otherwise provided in this section, on any highway outside of a business district or a residential district, a person may not stop any vehicle, unless it can be seen clearly from 200 feet away in each direction on the roadway.

(d) This section does not apply to the driver of a vehicle that has become unintentionally so disabled while on the roadway that he cannot avoid stopping and temporarily leaving it there.

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§ 21-1003

(a) The provisions of this section apply except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device.

(b) A person may not stop, stand, or park a vehicle in front of a public driveway.

(c) A person may not stop, stand, or park a vehicle on a sidewalk.

(d) A person may not stop, stand, or park a vehicle in an intersection.

(e) A person may not stop, stand, or park a vehicle on a crosswalk.

(f) A person may not stop, stand, or park a vehicle between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the State Highway Administration or local authority indicates a different length by signs or markings.

(g) A person may not stop, stand, or park a vehicle alongside or opposite any highway excavation or obstruction if to do so would obstruct traffic.

(h) A person may not stop, stand, or park a vehicle on any bridge or other elevated structure on a highway.

(i) A person may not stop, stand, or park a vehicle in a highway tunnel.

(j) A person may not stop, stand, or park a vehicle at any place where stopping is prohibited by an official sign.

(k) A person may not stop, stand, or park a vehicle on any entrance or exit ramp of any highway with two or more lanes for traffic moving in the same direction.

(l) A person may not stand or park a vehicle in front of a private driveway without the consent of the owner or occupant of the premises.

- (m) A person may not stand or park a vehicle within 15 feet of a fire hydrant.
- (n) (1) This subsection does not apply in Baltimore City.
- (2) A person may not stand or park a vehicle within 20 feet of a crosswalk at an intersection.
- (o) A person may not stand or park a vehicle within 30 feet on the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway.
- (p) A person may not stand or park a vehicle within 20 feet of the driveway entrance to any fire station or on the side of a highway opposite the entrance to any fire station within 75 feet of the entrance, if properly signposted.
- (q) A person may not stand or park a vehicle at any place where standing is prohibited by an official sign.
- (r) A person may not stand or park a vehicle on the roadway side of any other vehicle that is stopped or parked at the edge or curb of a highway.
- (s) A person may not stand or park a vehicle on a curve or hill where solid lines on the surface of the roadway indicate a zone in which passing is prohibited.
- (t) A person may not park a vehicle within 50 feet of the nearest rail in a railroad grade crossing.
- (u) A person may not stop, stand, or park a vehicle unless for the use of an individual with a disability, in a space or zone marked as restricted for the use of individuals with disabilities.
- (v) A person may not park a vehicle on any property owned by the Board of Education of Montgomery County or Montgomery College where parking is prohibited by an official sign.
- (w) A person may not park a vehicle on any property owned by the Board of Education of Baltimore County or the community colleges of Baltimore County where parking is prohibited by an official sign.
- (x) A person may not park a vehicle on any property owned by the Board of Education of Wicomico County or the community colleges of Wicomico County where parking is prohibited by an official sign.
- (y) A person may not park a vehicle on any property owned by the Board of Education of Prince George's County where parking is prohibited by an official sign.
- (z) A person may not park a vehicle on any property owned by the Board of Education of Calvert County, Charles County, or St. Mary's County or the community colleges of Calvert County, Charles County, or St. Mary's County where parking is prohibited by an official sign.
- (aa) A person may not park a vehicle at any other place where parking is prohibited by an official sign.
- (bb) A person may not move a vehicle that he does not lawfully control into any prohibited area.
- (cc) A person may not move a vehicle that the person does not lawfully control away from a curb for an unlawful distance.
- (dd) A person may not stop, stand, or park a vehicle in front of a curb ramp designed for the use of individuals with disabilities.
- (ee) A person may not stop, stand, or park a vehicle in front of or on a passenger loading zone designed or marked for the use of individuals with disabilities.
- (ff) (1) A person convicted of a violation of subsection (j) of this section while operating a commercial motor vehicle in Anne Arundel County is subject to:
- (i) For a first offense, a fine of \$100;
- (ii) For a second offense, a fine of \$250; and
- (iii) For a third or subsequent offense, a fine of \$500.
- (2) A person convicted of a violation of subsection (u) or (dd) of this section is subject to a fine of \$25.

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§ 21-1004

- (a) Except as otherwise provided in this section, a vehicle that is stopped or parked on a two-way roadway shall be stopped or parked parallel to the right hand curb or edge of the roadway, with its right hand wheels within 12 inches of

that curb or edge of the roadway.

(b) Except as otherwise provided by local ordinance, a vehicle that is stopped or parked on a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with:

- (1) Its right hand wheels within 12 inches of the right hand curb or edge of the roadway; or
- (2) Its left hand wheels within 12 inches of the left hand curb or edge of the roadway.

(c) The State Highway Administration or any local authority may permit angle parking on the roadway of any highway in its jurisdiction, if the roadway has been determined to be wide enough to permit angle parking without interfering with the free movement of traffic.

(d) The State Highway Administration or any local authority may place signs that prohibit or restrict the stopping, standing, or parking of vehicles on any highway in its jurisdiction where to stop, stand, or park would:

- (1) Endanger those using the highway; or
- (2) Interfere unduly with the free movement of traffic on the highway.

(e) (1) A person may not stop, stand, or park a vehicle on any private property not owned by the owner or driver of the vehicle unless the person has express or implied permission from the property owner, his tenant, or his agent to stop, stand, or park the vehicle, as the case may be.

(2) In Baltimore City or in any county, upon the request of the owner, his agent, or his tenant, a police officer may issue a citation for a violation of the provisions of this subsection.

(f) As of October 1, 2010, any sign that designates a parking space or zone for the use of individuals with disabilities shall clearly state the maximum amount of the fine to which a person is subject for parking a vehicle in the parking space or zone in violation of § 21-1003(u) of this subtitle.

(g) (1) (i) In this subsection, "an inoperable or disabled vehicle" means a vehicle that is visibly unable to function or move or that, though able to operate or move, poses a severe safety hazard.

(ii) "An inoperable or disabled vehicle" includes:

1. A vehicle that is missing a wheel or wheels;
2. A vehicle that has a severely underinflated or flat tire or tires; and
3. A vehicle with a severely damaged windshield.

(2) This subsection applies only in Washington County.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a person may not leave an inoperable or disabled vehicle continuously parked in the same location on a highway for more than 7 days.

(ii) Subparagraph (i) of this paragraph does not apply to a vehicle that has been immobilized by a local governmental entity or an agent of a local governmental entity.

(4) A person who violates paragraph (3) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

(5) (i) A vehicle that is left in violation of paragraph (3) of this subsection may be towed only if notice of the intent to tow the vehicle is posted prominently on the vehicle at least 72 hours in advance.

(ii) The notice of the intent to tow an inoperable or disabled vehicle shall include:

1. The address and telephone number of the facility where the vehicle will be impounded; and
2. Contact information where the owner of the vehicle may direct questions regarding the notice of the intent to tow.

(6) If a vehicle is taken into custody under this section, a police department shall follow the same notice requirements as those for abandoned vehicles under § 25-204 of this article.

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§ 21-1005

- (a) A person who has a permanent physical disability may apply to the Administration, on the form that it requires, for a permit for one personal residential reserved parking space:
- (1) To be located at the curb, side, or edge of the roadway of the highway in front of or near the applicant's dwelling unit; and
 - (2) To provide convenience and safety as the person enters or leaves a vehicle.
- (b) (1) The Administration shall issue the permit:
- (i) If the applicant is required to use a wheelchair to move about or if the Administration determines that the disability is so severe that the applicant would endure a hardship or be subject to a risk of injury if the applicant should enter or leave the vehicle at a less convenient location; and
 - (ii) If the Administration determines that the physical disability is permanent.
- (2) To determine if eligibility requirements continue to be met, the Administration may conduct a review of any personal residential permit for reserved parking space it has issued under this subsection. If it determines that eligibility requirements are not being met, the Administration may:
- (i) Revoke the personal residential permit for reserved parking space; and
 - (ii) Require the appropriate agency to remove any sign or other identification of the reserved space.
- (3) If the Administration finds it necessary to review the severity or permanency of the disability of a holder of a personal residential permit for reserved parking space, the Administration may request review and recommendation by the Medical Advisory Board established under § 16-118 of this article.
- (c) (1) Except as provided in paragraph (2) of this subsection, any parking space reserved under this section shall be adjacent to the applicant's property lines or the property lines of the applicant's dwelling unit and may not extend to the roadway adjacent to neighboring properties.
- (2) If the applicant's property lines or the property lines of the applicant's dwelling unit are too narrow to accommodate and contain the entire parking space necessary to park the applicant's vehicle, or if it is necessary to reserve 2 or more abutting parking spaces under this section, the maximum possible portion of the necessary space shall be adjacent to the applicant's property lines or the property lines of the applicant's dwelling unit.
- (d) On receipt of the permit, the person shall affix it to the vehicle in a conspicuous place.
- (e) A person may not commit any fraud or make any misrepresentation in applying for a permit for a personal residential reserved parking space issued under this section or in any certification of fact as to the contents of the application.
- (f) A person may not commit any fraud or make any misrepresentation in using a permit for a personal residential reserved parking space issued under this section.
- (g) In addition to any other penalty provided by law for a violation of this section, the Administration may refuse to issue a permit for a personal residential reserved parking space or revoke a permit that has been issued.
- (h) A person aggrieved by a decision or order of the Administration issued under this section may appeal from the decision or order as provided in § 12-209 of this article.
- (i) After the Administration issues the permit for a personal residential reserved parking space, the Administration shall notify the State Highway Administration or, as to parking spaces in Baltimore City, the Baltimore City Department of Transportation, or, as to parking spaces in Baltimore County, the Baltimore County Department of Traffic Engineering.
- (j) Except in Baltimore City and Baltimore County, within 30 days after it receives the notification required by subsection (i) of this section, the State Highway Administration shall install and maintain at the proper place a sign or signs, which shall:
- (1) Conform to the applicable requirements of the Maryland Accessibility Code adopted under § 12-202 of the Public Safety Article; and
 - (2) Designate the space as a personal residential parking space.
- (k) In Baltimore City, the establishment of a personal residential reserved parking space shall be subject to approval of the Baltimore City Department of Transportation, in accordance with the charter and public local laws of Baltimore City.

(l) In Baltimore County, the establishment of a personal residential reserved parking space shall be subject to approval of the Baltimore County Department of Traffic Engineering, in accordance with the charter and public local laws of Baltimore County.

(m) Unless the vehicle displays a personal residential permit issued for the space in which the vehicle is parked, a person may not park a vehicle in a personal residential reserved parking space established under this section.

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§ 21-1006

(a) (1) Each parking lot that is constructed or altered after October 1, 1996 shall conform with the requirements of the Maryland Accessibility Code adopted under § 12–202 of the Public Safety Article.

(2) (i) As of October 1, 2010, each parking lot in the State shall conform with the requirements of the Maryland Accessibility Code adopted under § 12–202 of the Public Safety Article.

(ii) A person may comply with this paragraph by restriping the parking lot to provide the required number of parking spaces for individuals with disabilities, including parking spaces that are disabled van accessible.

(iii) If restriping a parking lot to comply with this subsection reduces the total number of spaces to below the number required by local law, the local jurisdiction shall grant the property owner an exception to the relevant local zoning ordinance.

(b) A person may not park a motor vehicle in a space designated for the use of individuals with disabilities unless:

(1) The vehicle bears a special registration plate, a removable windshield placard, or a temporary removable windshield placard issued by the Administration under § 13–616, § 13–616.1, or § 13–616.2 of this article or similarly by another state, the District of Columbia, or another country; and

(2) The person is authorized to use the privileges conferred by the special registration plate, removable windshield placard, or temporary placard under § 13–616, § 13–616.1, or § 13–616.2 of this article, or under the laws of another state, the District of Columbia, or another country.

(c) Any restriping or repaving of a parking lot shall be considered an alteration under the Maryland Accessibility Code adopted under § 12–202 of the Public Safety Article.

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§ 21-1007

(a) The owner or lessor of a supermarket, business establishment, or shopping area or center that has entrances surrounded by obstacles designed to prevent shopping carts from being removed from the premises, shall provide an unobstructed entrance during business hours for individuals with disabilities, as provided for in subsection (b) of this section.

(b) Such an entrance shall be at least 36 inches wide and constructed to allow reasonable access for entry and egress for individuals with disabilities.

(c) Failure to provide such an entrance, or failure to keep it unlocked and accessible during business hours to individuals with disabilities, is a violation of this article.

(d) Nothing contained in this section shall be construed as negating the provisions of the Maryland Accessibility Code adopted under § 12-202 of the Public Safety Article.

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§ 21-1008

(a) By fiscal year 2000, each public institution of higher education and State employment facility shall provide reasonable accommodations necessary for bicycle access, including parking for bicycles.

(b) When a public institution of higher education revises its facility master plan, the public institution of higher education shall address bicycle and pedestrian transportation circulation:

(1) Between the institution and the communities adjacent to the institution; and

(2) Within the campus of the institution.

(c) The facility master plan shall include measures that the institution proposes to:

(1) Incorporate bikeways and pedestrian facilities on the campus; and

(2) Promote biking and walking on the campus.

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§ 21-1009

In Charles County, the county commissioners may adopt ordinances and regulations relating to the towing or removal of vehicles from privately owned parking lots.

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§ 21-1010

(a) In this section, "commercial vehicle" means a vehicle that:

(1) Is used to transport property;

(2) Is owned by, or used in conjunction with, a business enterprise; and

(3) Is of a type capable of being registered:

(i) Other than under § 13–917 of this article, as a Class E (truck) vehicle under this article;

(ii) As a Class F (tractor) vehicle under this article; or

(iii) As a Class G (trailer) vehicle under this article.

(b) This section does not apply to any vehicle that is of a type capable of being registered:

(1) As a Class A (passenger) vehicle under § 13–912 of this article; or

(2) As a Class E (truck) vehicle under § 13–917 of this article.

(c) This section does not apply in any municipal corporation in Prince George's County.

(d) (1) Except as provided in paragraph (2) of this subsection, in Prince George's County, a person may not park a commercial vehicle on any street, highway, driveway, or other property in an area specified as a residential zone under the zoning regulations of Prince George's County.

(2) This subsection does not apply if the parking of the commercial vehicle is essential to the immediate use then being made of the commercial vehicle in conjunction with a commercial transaction for a business enterprise.

(e) (1) In the case of a combination tractor and trailer, a person who violates this section is subject to a separate fine for each vehicle.

(2) For the purpose of determining the penalty under this section, each day of a violation is a separate offense.

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§ 21-1011

(a) (1) This section applies:

(i) To a vehicle registered or capable of being registered:

1. Other than under § 13–917 of this article, as a Class E (truck) vehicle under this article;

2. As a Class F (tractor) vehicle under this article;

3. As a Class G (trailer) vehicle under this article;

4. As a Class H (school bus) vehicle under this article; and

5. As a Class P (passenger bus) vehicle under this article; and

(ii) Only in:

1. The Town of Sharpsburg, Washington County; and

2. The Town of Keedysville, Washington County.

(2) This section does not apply to any vehicle that is of a type capable of being registered:

(i) As a Class A (passenger) vehicle under § 13–912 of this article; or

(ii) As a Class E (truck) vehicle under § 13–917 of this article.

(b) (1) Except as provided in paragraph (2) of this subsection, a person may not park a vehicle on any street or highway.

(2) This subsection does not apply if the parking of the vehicle is essential to the immediate use then being made of the vehicle.

(c) (1) In the case of a combination tractor and trailer, a person who violates this section is subject to a separate fine for each vehicle.

(2) For the purpose of determining the penalty under this section, each day of a violation is a separate offense.

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§ 21-1101

(a) Except as provided in subsection (c) of this section, a person driving or otherwise in charge of a motor vehicle may not leave it unattended until the engine is stopped, the ignition locked, the key removed, and the brake effectively set.

(b) A person driving or otherwise in charge of a motor vehicle may not leave the motor vehicle unattended until, if the vehicle is on a grade, the front wheels are turned to the curb or side of the highway.

(c) (1) When a cat or dog is left in the unattended vehicle of an on-duty law enforcement officer or an animal control officer, the provisions of subsection (a) of this section do not apply to the law enforcement officer or the animal control officer.

(2) Subsection (a) of this section does not apply to a person who:

(i) Is in charge of a motor vehicle that has had the engine started using a remote keyless ignition system and has been operating unattended for up to 5 consecutive minutes when the vehicle is not in motion; or

(ii) Allows a motor vehicle that is locked and is on private property not open to the public to operate unattended for up to 5 consecutive minutes when the vehicle is not in motion.

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§ 21-1102

(a) The driver of a vehicle may not back it unless the movement can be made safely and without interfering with other traffic.

(b) The driver of a vehicle may not back it on any shoulder or roadway of any controlled access highway.

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§ 21-1103

(a) Except as provided in subsection (b), (c), or (d) of this section, a person may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or authorized temporary driveway.

(b) (1) For the purposes of this subsection, "bicycle" does not include "moped", as defined in § 11–134.1 of this article.

(2) Unless prohibited by local ordinance, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area.

(3) In a place where a person may ride a bicycle on a sidewalk or sidewalk area, a person may also ride a bicycle from the curb or edge of the roadway in or through a crosswalk to the opposite curb or edge of the roadway.

(c) Unless prohibited by local ordinance, an individual with a disability may use a special vehicle other than a wheelchair on sidewalks or sidewalk areas.

(d) An individual may use a wheelchair on sidewalks or sidewalk areas in accordance with § 21–501.1 of this title.

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§ 21-1104

(a) A person may not drive a vehicle if it is so loaded or there is in the front seat so many passengers as to:

- (1) Obstruct the view of the driver to the front or sides of the vehicle; or
- (2) Interfere with the control of the driver over the driving mechanism of the vehicle.

(b) A passenger in a vehicle may not ride in any position where he:

- (1) Interferes with the view of the driver to the front or sides of the vehicle; or
- (2) Interferes with the control of the driver over the driving mechanism of the vehicle.

(c) (1) Except as provided in paragraph (2) of this subsection and subject to paragraph (3) of this subsection, a person may not drive a vehicle on a highway with any object, material, or obstruction so located in or on the vehicle as to interfere with the clear view of the driver through the windshield.

(2) This subsection does not apply to:

- (i) Required or permitted equipment of the vehicle;
- (ii) Adjustable, nontransparent sun visors that are not attached to glass; or
- (iii) Direction, destination, or termini signs on any passenger common carrier motor vehicle.

(3) (i) A person may not drive a vehicle on a highway with any object, material, or obstruction hanging from the rearview mirror that interferes with the clear view of the driver through the windshield.

(ii) A police officer may enforce this paragraph only as a secondary action when the police officer detains a driver of a motor vehicle for a suspected violation of another provision of the Code.

(d) (1) Except as provided in paragraph (2) of this subsection, a person may not drive a vehicle with any sign, poster, card, sticker, or other nontransparent material on the windshield, side wings, or side or rear windows of the vehicle.

(2) This subsection does not apply to:

- (i) Nontransparent material placed on the windshield of a motor vehicle above the AS1 line or not lower than 5 inches from the top of the windshield, whichever is less, if the materials are placed so as not to interfere with the driver's clear view of traffic;
- (ii) Materials placed on the windshield or rear window, within a 7 inch square area in the lower corner, if the materials are placed so as not to interfere with the driver's clear view of traffic;
- (iii) Materials placed on the side windows of a Class A (passenger) vehicle to the rear of the driver, if the materials are placed so as not to interfere with the driver's clear view of traffic;
- (iv) Materials placed on the side or rear windows of a Class M (multipurpose) vehicle or Class E (truck) vehicle provided that the vehicle is equipped with two outside rearview mirrors, one each attached to the right and left side of the vehicle;
- (v) Materials placed on the windshield in compliance with security measures required by a federal or State government agency, provided that the decal is affixed to the vehicle in accordance with the issuing agency's guidelines;
- (vi) Direction, destination, or termini signs on any passenger common carrier motor vehicle; or
- (vii) An electronic toll collection device placed on the windshield of a vehicle in accordance with the guidelines established by the Maryland Transportation Authority.

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§ 21-1105

(a) A person may not open the door of a motor vehicle on any side available to moving traffic unless:

- (1) It is reasonably safe to do so; and
- (2) It can be done without interfering with the movement of other traffic.

(b) A person may not leave a door open on any side of a vehicle available to moving traffic for any period longer than necessary to load or unload passengers.

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§ 21-1106

(a) A person may not occupy any mobile home while it is being towed on a highway.

(b) The driver of a vehicle may not permit any person to occupy a mobile home that is being towed on a highway by the driver.

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§ 21-1107

(a) Subject to subsection (c) of this section, this section applies to:

(1) A truck that has a gross vehicle weight rating of 10,001 pounds or more; and

(2) A truck/trailer or truck tractor/semitrailer or trailer combination that has a combined gross vehicle weight rating of 10,001 pounds or more.

(b) While a vehicle subject to this section is being operated on a highway:

(1) The driver may not allow a person to occupy the area of the vehicle primarily intended to carry cargo; and

(2) A person may not occupy the area of the vehicle primarily intended to carry cargo.

(c) This section does not apply to:

(1) An attendant delegated to care for livestock;

(2) A vehicle that is controlled or operated by a farmer and is:

(i) Used to transport agricultural products, farm machinery, or farm supplies to or from a farm;

(ii) Not used in the operations of a common or contract motor carrier; and

(iii) Used within 150 miles of the farmer's farm;

(3) A vehicle owned or operated by the U.S. Department of Defense if the vehicle is controlled or operated by:

(i) Active duty military personnel; or

(ii) A member of the military reserves or National Guard on active duty, including personnel on full-time National Guard duty and personnel on part-time training; or

(4) A vehicle traveling at a speed of not more than 25 miles per hour.

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§ 21-1108

(a) If a motor vehicle is traveling on a downgrade, the driver of the motor vehicle may not coast with the gears or transmission in neutral.

(b) If a truck or bus is traveling on a downgrade, the driver of the truck or bus may not coast with the clutch disengaged.

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§ 21-1109

(a) Unless he is on official business, the driver of a vehicle may not:

(1) Follow within 500 feet of any fire apparatus traveling in response to a fire alarm; or

(2) Drive or park within 300 feet of any fire apparatus stopped in response to a fire alarm.

(b) The driver of a vehicle may not pass an emergency vehicle within 100 feet of an entrance ramp of a fire or rescue station when the emergency vehicle is in the process of parking or backing.

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§ 21-1110

Unless he has the consent of the fire department official in command, the driver of a vehicle may not drive over any unprotected hose of a fire department that is laid down on any highway or private driveway.

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§ 21-1111

- (a) A person may not drop, throw, or place on a highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle on the highway.
- (b) Any person who drops, throws, or places or permits to be dropped, thrown, or placed on a highway any destructive, hazardous, or injurious material immediately shall remove it or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a highway also shall remove from the highway any glass or other injurious substance dropped from the vehicle.
- (d) A person may not throw, dump, discharge, or deposit any trash, junk, or other refuse on any highway or public bridge or in any public waters.
- (e) The owner of the vehicle, if present in the vehicle, or, in his absence, the driver of the vehicle is presumed to be responsible for any violation of this section, if:
- (1) The violation is caused by an occupant of the vehicle;
 - (2) The vehicle has two or more occupants; and
 - (3) It cannot be determined which occupant is the violator.
- (f) A violation of this section is considered a moving violation for purposes of § 16-402 of this article.

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§ 21-1112

A person may not turn off any vehicle lights to avoid identification.

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§ 21-1113

- (a) A person may not place any structure, building, or vehicle on a highway to sell or display any produce or merchandise if it constitutes a traffic hazard.
- (b) In Prince George's County, a person may not sell or display any produce or merchandise on State highways in a manner that constitutes a traffic hazard.
- (c) On the order of any police officer, the person shall:
- (1) Remove the structure, building, or vehicle described under subsection (a) of this section; or
 - (2) Cease any activity prohibited under this section.

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§ 21-1114

- (a) A person may not drive on any new roadway or newly repaired roadway before it is opened to traffic.
- (b) A person may not walk on any new roadway or newly repaired roadway before the roadway is opened to traffic.
- (c) A person may not willfully injure or damage any highway, including a highway under construction.
- (d) A person may not willfully injure or damage any work, material, or structure used in connection with the construction of a highway.

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§ 21-1115

- (a) A person may not move any light or guard placed for the purpose of closing any part of a highway to traffic.
- (b) A person may not remove any light or guard placed for the purpose of closing any part of a highway to traffic.
- (c) A person may not alter the position of any light or guard placed for the purpose of closing any part of a highway to traffic.

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§ 21-1116

(a) (1) Except as provided in § 21-1211 of this title, on any highway or on any private property that is used by the public in general, a person may not drive a vehicle in a race or speed contest, whether or not on a wager or for a prize or reward.

(2) Except as provided in § 21-1211 of this title, a person may not participate as a timekeeper or flagman in any race or speed contest specified in paragraph (1) of this subsection.

(b) (1) Except as provided in paragraph (2) of this subsection, a person convicted of a violation of subsection (a)(1) of this section is subject to imprisonment not exceeding 60 days or a fine not exceeding \$1,000 or both.

(2) A person convicted of a violation of subsection (a)(1) of this section that results in serious bodily injury to another person, as defined in § 20-102(c) of this article, is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 21-1117

(a) (1) This section applies throughout this State, whether on or off a highway.

(2) For purposes of this section, any noise level above that adopted by the Administrator under § 22-601 of this article is excessive.

(b) A person may not drive a motor vehicle in any improper manner intended to cause skidding.

(c) A person may not drive a motor vehicle in any improper manner intended to cause spinning of wheels.

(d) A person may not drive a motor vehicle in any improper manner intended to cause excessive noise.

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§ 21-1118

(a) The driver of a school bus:

(1) Is responsible for its operation; and

(2) May not drive it into any roadway without first stopping and determining that there is no danger from any other vehicle.

(b) The person responsible for any pupils on a school bus is:

(1) The teacher on the bus; or

(2) If a teacher is not present, the driver.

(c) A person responsible for pupils on a school bus may not permit the number of standing pupils to exceed one pupil for each part of the aisle that is bounded on both sides by forward facing seats.

(d) A person responsible for pupils on a school bus may not permit any pupil to stand if the school bus is equipped only with lengthwise or a combination of lengthwise and forward facing seats.

(e) A person responsible for pupils on a school bus may not permit any pupil to stand in front of the stanchion and guardrail.

(f) A person responsible for pupils on a school bus may not permit any pupil to operate the front door opening mechanism, except in an emergency.

(g) A person responsible for pupils on a school bus may not require any pupil to sit on the floor.

(h) Except for the driver and any fuel station attendant, a person may not occupy a school bus while it is being supplied with fuel.

(i) Either the driver or an adult aide assigned to each school vehicle that is used to transport handicapped children shall be certified as having successfully completed a first aid-safety course approved by the Department of Education.

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§ 21-1119

(a) In this section, "snow tires" means those tires that are in a good state of repair and that:

- (1) Are normally designated by their manufacturer as snow tires;
 - (2) Are approved by the Administrator as meeting the standards of effectiveness required of normally designated snow tires; or
 - (3) Have antiskid patterns cut into the treaded surfaces to form bars, buttons, or blocks specially designed to give effective traction on snow or ice-covered highways.
- (b) Subject to the prior approval of the governing body of the county affected, the State Highway Administration may designate, as it considers appropriate, any State highway, as defined in § 8-101 of this article, as a "snow emergency route". When a highway is so designated, appropriate signs indicating this designation shall be placed along the highway.
- (c) The Secretary of State Police or the Secretary's representative may declare a snow emergency for all snow emergency routes as a whole or for any one or more snow emergency routes, as the Secretary or the Secretary's representative considers necessary. The snow emergency shall continue in effect until the Secretary or the Secretary's representative declares it to be no longer necessary.
- (d) A person may not drive or attempt to drive a motor vehicle, other than a motorcycle, on any highway that is designated and appropriately signposted as a snow emergency route and for which a snow emergency has been declared and is in effect, unless the vehicle is equipped with chains or snow tires on at least one wheel at each end of a driving axle.
- (e) A person may not park a vehicle on any highway that is designated and appropriately signposted as a snow emergency route and for which a snow emergency has been declared and is in effect. The Department of State Police or the police of any political subdivision of this State may have any vehicle parked in violation of this subsection towed from the highway.

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§ 21-1120

- (a) A person may not drive a motor vehicle on any highway or on any private property that is used by the public in general in this State while the person is wearing over or in both ears earplugs.
- (b) A person may not drive a motor vehicle on any highway or on any private property that is used by the public in general in this State while the person is wearing over or in both ears a headset.
- (c) A person may not drive a motor vehicle on any highway or on any private property that is used by the public in general in this State while the person is wearing over or in both ears earphones attached to a radio, tape player, or other audio device.
- (d) The provisions of subsections (a), (b), and (c) of this section do not apply to:
- (1) A person engaged in the operation of either special construction equipment or equipment for use in the maintenance of any highway;
 - (2) A person engaged in the operation of refuse collection equipment who is wearing a safety headset or safety earplugs;
 - (3) A person wearing personal hearing protectors in the form of custom earplugs or molds that are designed to reduce injurious noise levels. However, custom plugs or molds shall be designed in such a manner as to not inhibit the wearer's ability to hear a siren or horn from an emergency vehicle or a horn from another vehicle; or
 - (4) A person wearing a prosthetic device used to aid the hard of hearing.
- (e) (1) The provisions of subsections (a) and (c) of this section do not apply to a person operating an authorized emergency vehicle under emergency conditions.
- (2) The provisions of subsection (b) of this section do not apply to a person operating an authorized emergency vehicle:
- (i) Under emergency conditions; or
 - (ii) Who is wearing a headset for the purpose of communicating with other emergency personnel.

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§ 21-1121

- (a) This section applies only to a Class E (truck) vehicle registered or of a type capable of being registered in this State as a Class E (truck) vehicle with a manufacturer's rated capacity of 3/4 ton or less, the gross vehicle weight of which does

not exceed 7,000 pounds.

(b) (1) Subject to paragraph (2) of this subsection, this section does not apply to:

(i) A vehicle traveling at a speed of not more than 25 miles per hour; or

(ii) The transportation of:

1. An employee to or from a work site by the employer of the employee; or

2. An individual in a vehicle engaged in farming operations.

(2) This subsection may not be construed as to eliminate applicable child safety seat and seat belt requirements under §§ 22-412.2 and 22-412.3 of this article.

(c) An individual may not drive a Class E (truck) vehicle on a highway in the State while a passenger under the age of 16 years is riding in an unenclosed bed of the vehicle.

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§ 21-1122

(a) In this section, "sound amplification system" means a compact disc player, a radio, a tape player, or a similar device.

(b) This section does not apply to:

(1) Authorized emergency vehicles;

(2) Vehicles operated by communications, electric, gas, or water utilities;

(3) A sound amplification system operated to request assistance or to warn of a hazardous situation; or

(4) Unless otherwise prohibited by local law, a sound amplification system used for advertising, parades, or for political or other special events.

(c) When a motor vehicle is being operated on a highway, the driver of the vehicle may not operate or permit the operation of a sound amplification system from the vehicle that can be heard outside the vehicle from 50 or more feet.

(d) A violation of this section is not considered a moving violation for purposes of § 16-402 of this article.

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§ 21-1123

(a) (1) The provisions of this subsection do not apply if the holder of the provisional driver's license is driving while accompanied by and under the immediate supervision of an individual who:

(i) Is at least 21 years old;

(ii) Has been licensed for at least 3 years in this State or in another state to drive vehicles of the class then being driven by the holder of the provisional driver's license; and

(iii) Is seated beside the holder of the provisional driver's license.

(2) Except as provided in paragraph (3) of this subsection, a holder of a provisional driver's license who is under the age of 18 years may not drive a motor vehicle with a passenger under the age of 18 years.

(3) The prohibition under paragraph (2) of this subsection:

(i) Shall be in effect from the date the provisional license is originally issued until the 151st day after the provisional license was issued; and

(ii) Does not apply to a passenger who is:

1. A spouse, daughter, son, stepdaughter, stepson, sister, brother, stepsister, or stepbrother of the licensee; or

2. A relative of the licensee who resides at the same address as the licensee.

(b) A police officer may enforce this section only as a secondary action when the police officer detains a driver for a suspected violation of another provision of the Code.

(c) A violation of this section is a moving violation for the purposes of § 16-402 of this article.

(d) (1) If the Administration receives satisfactory evidence that an individual has violated this section, the Administration may suspend or revoke the individual's driver's license.

(2) An individual may request a hearing as provided for a suspension or revocation under Title 16, Subtitle 2 of this article.

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§ 21-1124

(a) (1) In this section the following words have the meanings indicated.

(2) "9–1–1 system" has the meaning stated in § 1–301 of the Public Safety Article.

(3) "Wireless communication device" means a handheld or hands–free device used to access a wireless telephone service.

(b) This section does not apply to the use of a wireless communication device:

(1) To contact a 9–1–1 system; or

(2) As a text messaging device as defined in § 21–1124.1 of this subtitle.

(c) An individual who is under the age of 18 years may not use a wireless communication device while operating a motor vehicle.

(d) (1) If the Administration receives satisfactory evidence that an individual has violated this section, the Administration:

(i) May suspend the individual's driver's license for not more than 90 days; and

(ii) May issue a restricted license for the period of suspension that is limited to driving a motor vehicle:

1. In the course of the individual's employment;

2. For the purpose of driving to or from a place of employment; or

3. For the purpose of driving to or from school.

(2) An individual may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article.

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§ 21-1125

Notwithstanding any other provision of this title, a person may not drive a low speed vehicle:

(1) On a highway for which the posted maximum speed limit exceeds 30 miles per hour;

(2) On an expressway or another controlled access highway that is signed in accordance with § 21-313 of this title;

(3) On a highway on which driving a low speed vehicle is prohibited by a county or municipal ordinance; or

(4) Across a highway for which the posted maximum speed limit exceeds 45 miles per hour, except at an intersection that is controlled by:

(i) A traffic control signal; or

(ii) A stop sign at each approach to the intersection.

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§ 21-1126

(a) In this section, "violation" means:

(1) A violation of the Maryland Vehicle Law that is punishable by a sentence of imprisonment; or

(2) A violation of § 21–901.1(a) of this title.

(b) A person may not commit or engage another person to commit a violation for the purpose of filming, videotaping, photographing, or otherwise recording the violation unless the person obtains written permission for the commission of the violation from:

(1) The Secretary of State Police, or the Secretary's designee; or

(2) The chief executive officer of the governing body of the county in which the violation is to occur, or the chief executive officer's designee.

(c) A person convicted of a violation of this section is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 21-1127

(a) An individual may not operate for hire a motor vehicle designed to carry 15 or fewer passengers, including the driver, unless the individual holds a valid for-hire driver's license or transportation network operator's license issued by the Public Service Commission or the appropriate local authority.

(b) A person may not allow an individual to operate for hire a motor vehicle designed to carry 15 or fewer passengers, including the driver, unless the individual operating the motor vehicle holds a valid for-hire driver's license or transportation network operator's license issued by the Public Service Commission or the appropriate local authority.

(c) A person convicted of a violation of this section is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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§ 21-1128

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Dirt bike" means any motorcycle or similar vehicle that is not required to be registered under Title 13 of this article.

(ii) "Dirt bike" includes:

1. A motorized minibike, as defined in § 11-134.4 of this article; and
2. An all-terrain vehicle with either 3 or 4 wheels.

(iii) "Dirt bike" does not include:

1. A moped, as defined in § 11-134.1 of this article; or
2. A motor scooter, as defined in § 11-134.5 of this article.

(3) "Service station" means a place of business where motor fuel is sold and delivered into the fuel supply tanks of motor vehicles.

(b) (1) This section applies only in Baltimore City.

(2) This section does not apply to an owner or employee of a service station who is subject to the provisions of the Baltimore City Code prohibiting the selling, transferring, or dispensing of motor fuel for delivery into a dirt bike.

(c) A person may not dispense motor fuel into a dirt bike from a retail pump at a service station.

(d) (1) A person convicted of a violation of this section is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both.

(2) (i) Subject to subparagraph (ii) of this paragraph and notwithstanding any other law, if a minor is the defendant or child respondent in a proceeding under this section, the court may order that a fine imposed under this subsection be paid by:

1. The minor;
2. A parent or guardian of the minor; or
3. Both the minor and a parent or guardian of the minor.

(ii) 1. A court may not order a parent or guardian of a minor to pay a fine under this paragraph unless the parent or guardian has been given a reasonable opportunity to be heard and to present evidence.

2. A hearing under this subparagraph may be held as part of the sentencing or disposition hearing.

(e) (1) If a person is convicted of a violation of this section, the court shall notify the Administration of the conviction.

(2) Subject to the provisions of paragraph (3) of this subsection, on receipt of the notice described under paragraph (1) of this subsection the Administration:

- (i) For a first violation, may suspend the person's driver's license for up to 30 days; and
 - (ii) For a second or subsequent violation, shall suspend the person's driver's license for 30 days.
- (3) Subject to the provisions of Title 12, Subtitle 2 of this article, a licensee may request a hearing on a suspension under this section.

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§ 21-1129

A person may not drive a motor vehicle on a highway if the motor vehicle is equipped with television-type receiving equipment or video display equipment, as defined under § 22-414.1 of this article, that is turned on and displaying an image visible to the driver.

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§ 21-1130

An individual under the age of 16 years may not operate an all-terrain vehicle or a snowmobile on public property unless the individual is accompanied by an adult who holds a valid driver's license.

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§ 21-1131

(a) Except as provided in subsection (b) of this section, a person may not knowingly or intentionally cause a diesel-powered motor vehicle to discharge clearly visible smoke, soot, or other exhaust emissions onto another person or motor vehicle.

(b) This section does not apply to a person operating:

- (1) A diesel-powered vehicle that discharges visible exhaust as the result of normal acceleration or towing;
- (2) A commercial vehicle with a gross weight of 10,000 pounds or more; or
- (3) A construction vehicle operating at a construction site.

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§ 21-1132

(a) (1) In this section the following words have the meanings indicated.

(2) "Exhibition driving within a special event zone" means:

(i) The operation of a motor vehicle within a special event zone in a manner that results in:

- 1. The excessive, abrupt acceleration or deceleration of the motor vehicle;
- 2. The skidding, squealing, burning, or smoking of the tires of the motor vehicle;
- 3. The swerving or swaying of the motor vehicle from side to side while skidding;
- 4. The engine of the motor vehicle producing an unreasonably loud, raucous, or disturbing noise;
- 5. The grinding of the gears of the motor vehicle or the backfiring of the engine of the motor vehicle; or
- 6. Any of the wheels of the motor vehicle losing contact with the ground; or

(ii) The transportation of a passenger within a special event zone on or in an area of a motor vehicle that is not designed or intended for passenger transport such as the hood or roof.

(3) "Special event" means any automotive or motor vehicle event occurring on or in close proximity to a highway that:

(i) Has been permitted or approved by a unit of local government; or

(ii) Is expected to have 1,000 or more individuals in attendance, regardless of whether the event has been permitted or approved by a unit of local government.

(4) (i) "Special event zone" means an area on or along a highway that is marked by appropriate warning signs or other traffic control devices designating the area as a special event zone, indicating that a special event is in progress, and stating that a person who violates this section is subject to arrest.

(ii) "Special event zone" includes a parking structure, a parking lot, a street, or any other property, private or public, immediately adjacent to the marked area on or along the marked area.

(b) (1) The State Highway Administration may, on its own initiative or at the request of a local authority:

(i) Designate an area on a State highway as a special event zone; and

(ii) Reduce established speed limits in the special event zone after a determination that the change is necessary to ensure public safety.

(2) A local authority may:

(i) Designate an area on a highway under its jurisdiction as a special event zone; and

(ii) Reduce established speed limits in the special event zone after a determination that the change is necessary to ensure public safety.

(3) A speed limit established under this subsection shall become effective when posted.

(c) A person may not engage in exhibition driving within a special event zone.

(d) A person may not commit any of the following violations within a special event zone:

(1) Driving a motor vehicle at a speed exceeding the posted speed limit;

(2) Negligent driving under § 21-901.1(b) of this title;

(3) Driving a motor vehicle in a race or speed contest under § 21-1116(a)(1) of this subtitle that does not result in serious bodily injury to another person, as defined in § 20-102(c) of this article;

(4) Participating in a race or speed contest under § 21-1116(a)(2) of this subtitle; or

(5) Skidding, spinning of wheels, or causing excessive noise under § 21-1117 of this subtitle.

(e) (1) A person convicted of a violation of subsection (c) of this section is subject to imprisonment not exceeding 60 days or a fine not exceeding \$1,000 or both.

(2) A person convicted of a violation of subsection (d) of this section is subject to a fine not exceeding \$1,000.

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§ 21-1133

(a) Except as provided in subsection (b) of this section, a person may not drive, stand, or park a vehicle in a dedicated bus lane unless authorized by the local jurisdiction in which the dedicated bus lane is located.

(b) The following vehicles may be driven, allowed to stand, or, as appropriate, parked in a dedicated bus lane:

(1) A transit vehicle owned, operated, or contracted for by the Maryland Transit Administration, the Washington Metropolitan Area Transit Authority, or a local department of transportation;

(2) A school bus;

(3) A bicycle;

(4) An emergency vehicle; and

(5) A vehicle making a right turn at the next immediate intersection.

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§ 21-1134

(a) (1) In this section the following words have the meanings indicated.

(2) "Agency" means:

(i) A law enforcement agency of the State or a local political subdivision that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations;

(ii) For a municipal corporation that does not maintain a police force, an agency established or designated by the municipal corporation to use bus lane monitoring systems in accordance with this section; or

(iii) A local, regional, or statewide transit agency or authority, including the Maryland Transit Administration and the Washington Metropolitan Area Transit Authority.

(3) "Bus lane monitoring system" means an enforcement system, including an onboard or fixed monitoring system, that is designed to capture a recorded image of a motor vehicle during the commission of a violation.

(4) "Bus lane monitoring system operator" means a representative of an agency or a contractor that operates a bus lane monitoring system.

(5) (i) "Owner" means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) "Owner" does not include:

1. A motor vehicle leasing company; or
2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

(6) "Recorded image" means an image recorded by a bus lane monitoring system:

(i) On:

1. A photograph;
2. A microphotograph;
3. An electronic image;
4. Videotape; or
5. Any other visual medium; and

(ii) Showing a motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

(7) "Violation" means a violation of § 21–1133 of this subtitle.

(b) (1) An agency may use a bus lane monitoring system that meets the requirements of this subsection to record the images of motor vehicles during the commission of a violation.

(2) A bus lane monitoring system may be used only:

(i) When being operated by a bus lane monitoring system operator;

(ii) If, in accordance with the Maryland Manual on Uniform Traffic Control Devices:

1. A conspicuous road sign is placed at a reasonable distance consistent with national guidelines alerting drivers that a bus lane monitoring system may be in operation in the bus lane; or
2. A conspicuous sign is affixed to the transit vehicle alerting drivers that the vehicle is equipped with a bus lane monitoring system; and

(iii) If the system produces video for each alleged violation that allows for the differentiation between a vehicle that is driving, standing, or parked in a dedicated bus lane in violation of § 21–1133 of this subtitle and a vehicle that is lawfully stopped or moving in order to execute a right turn at an intersection.

(3) (i) A bus lane monitoring system may retain only the images of vehicles that contain evidence of a violation.

(ii) Recorded images from a bus lane monitoring system:

1. That contain evidence of a violation may be retained for up to 6 months or 60 days after final disposition of the citation, whichever is later;
2. That do not contain evidence of a violation shall be destroyed within 15 days after the recorded images were first captured; and
3. May not be used for any purpose other than as evidence of a violation without a warrant, subpoena, or court order.

(iii) A bus lane monitoring system may not use biometric identification techniques, including facial recognition technology.

(c) (1) (i) A bus lane monitoring system operator shall complete training by the manufacturer of the bus lane monitoring system in the procedures for setting up, testing, and operating the bus lane monitoring system.

- (ii) On completion of the training, the manufacturer shall issue a signed certificate to the bus lane monitoring system operator.
- (iii) The certificate of training shall be admitted as evidence in any court proceeding for a violation.
- (2) A bus lane monitoring system operator shall fill out and sign a daily set-up log for each bus lane monitoring system that:
 - (i) States the date and time when the system was set up;
 - (ii) States that the bus lane monitoring system operator successfully performed, and the device passed, the manufacturer-specified self-tests of the bus lane monitoring system before producing a recorded image;
 - (iii) Shall be kept on file; and
 - (iv) Shall be admitted as evidence in any court proceeding for a violation.
- (d) (1) A bus lane monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory.
- (2) The independent calibration laboratory shall issue a signed certificate of calibration after the annual calibration check that:
 - (i) Shall be kept on file; and
 - (ii) Shall be admitted as evidence in any court proceeding for a violation of § 21-1133 of this subtitle.
- (e) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (h)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a bus lane monitoring system during the commission of a violation.
- (2) A civil penalty under this section may not exceed \$75.
- (3) For purposes of this section, the District Court shall prescribe:
 - (i) A uniform citation form consistent with subsection (f)(1) of this section and § 7-302 of the Courts Article; and
 - (ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.
- (f) (1) Subject to the provisions of paragraphs (2) through (5) of this subsection, an agency or a contractor of the agency shall mail to the owner liable under subsection (e) of this section a citation that shall include:
 - (i) The name and address of the registered owner of the vehicle;
 - (ii) The registration number of the motor vehicle involved in the violation;
 - (iii) The violation charged;
 - (iv) To the extent possible, the location of the violation;
 - (v) The date and time of the violation;
 - (vi) A copy of the recorded image;
 - (vii) The amount of the civil penalty imposed and the date by which the civil penalty must be paid;
 - (viii) A signed statement by a police officer employed by the local law enforcement agency that, based on inspection of the recorded images, the motor vehicle was being operated during the commission of a violation;
 - (ix) A statement that the recorded image is evidence of a violation; and
 - (x) Information advising the person alleged to be liable under this section:
 1. Of the manner and time in which liability as alleged in the citation may be contested in the District Court; and
 2. That failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in refusal or suspension of the motor vehicle registration.
- (2) (i) Subject to subparagraph (ii) of this paragraph, an agency may mail a warning notice in place of a citation to the owner liable under subsection (e) of this section.

(ii) An agency shall mail a warning notice in place of a citation to an owner liable under subsection (e) of this section for a violation recorded by a bus lane monitoring system during the first 45 days that the bus lane monitoring system is in operation.

(3) (i) Before mailing a citation to a motor vehicle rental company liable under subsection (e) of this section, an agency shall mail a notice to the motor vehicle rental company stating that a citation will be mailed to the motor vehicle rental company unless, within 45 days after receiving the notice, the motor vehicle rental company provides the agency with:

1. A statement made under oath that states the name and last known mailing address of the individual driving or renting the motor vehicle when the violation occurred;

2. A. A statement made under oath that states that the motor vehicle rental company is unable to determine who was driving or renting the vehicle at the time the violation occurred because the motor vehicle was stolen at the time of the violation; and

B. A copy of the police report associated with the motor vehicle theft claimed under item A of this item; or

3. Payment for the penalty associated with the violation.

(ii) An agency may not mail a citation to a motor vehicle rental company liable under subsection (e) of this section if the motor vehicle rental company complies with subparagraph (i) of this paragraph.

(4) Except as provided in paragraph (3) of this subsection and subsection (h)(5) of this section, a citation issued under this section shall be mailed not later than 2 weeks after the alleged violation.

(5) A person who receives a citation under paragraph (1) of this subsection may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to the local jurisdiction; or

(ii) Elect to stand trial in the District Court for the alleged violation.

(6) To mail the citation or warning notice, the Baltimore City Police Department or a contractor of the police department shall use:

(i) The current mailing address on file with the Administration; or

(ii) If a mailing address is unavailable, the current residential address on file with the Administration.

(g) (1) (i) A certificate alleging that a violation occurred, sworn to or affirmed by a duly authorized law enforcement officer employed or under contract with an agency, based on inspection of a recorded image produced by a bus lane monitoring system, shall be evidence of the facts contained in the certificate and shall be admissible in any proceeding concerning the alleged violation without the presence or testimony of the bus lane monitoring system operator who performed the requirements under subsection (c) of this section.

(ii) If a person who received a citation under this section desires a bus lane monitoring system operator to be present and testify at trial, the person shall notify the court and the agency in writing not later than 20 days before trial.

(iii) 1. On request of a person who received a citation under this section, video of the alleged violation shall be made available to the person.

2. Video evidence made available under subparagraph 1 of this subparagraph shall be admitted as evidence in any court proceeding for a violation of § 21-1133 of this subtitle.

(2) Adjudication of liability shall be based on a preponderance of evidence.

(h) (1) The District Court may consider in defense of an alleged violation:

(i) Subject to paragraph (2) of this subsection, that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or in the possession of the owner at the time of the violation;

(ii) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and

(iii) Any other issues and evidence that the District Court deems relevant.

(2) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or in the possession of the owner at the time of the violation, the owner shall submit proof that a police report about the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court evidence to the satisfaction of the District Court of who was operating the vehicle at the time of the violation, including, at a minimum, the operator's name and current address.

(4) (i) This paragraph applies only to a citation that involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or more, a Class F (tractor) vehicle, a Class G (trailer) vehicle operated in combination with a Class F (tractor) vehicle, and a Class P (passenger bus) vehicle.

(ii) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in a citation described under subparagraph (i) of this paragraph may provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

1. States that the person named in the citation was not operating the vehicle at the time of the violation; and
2. Provides the name, address, and driver's license identification number of the person who was operating the vehicle at the time of the violation.

(5) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the agency a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On the receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, an agency may issue a new citation as provided in subsection (f) of this section to the person that the evidence indicates was operating the vehicle at the time of the violation.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed not later than 2 weeks after receipt of the evidence from the District Court.

(i) If the civil penalty is not paid and the violation is not contested, the Administration may refuse to register or reregister the motor vehicle.

(j) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article and may not be recorded by the Administration on the driving record of the owner or driver of the vehicle;

(2) May be treated as a parking violation for purposes of § 26–305 of this article; and

(3) May not be considered in the provision of motor vehicle insurance coverage.

(k) (1) In consultation with the appropriate local government agencies, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, trials for violations, and the collection of civil penalties imposed under this section.

(2) The standards and requirements for the use, processing, and disposal of recorded images and associated data established under § 12–113.1 of this article apply to citations issued under this section.

(l) (1) An agency or a contractor designated by the agency shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor provides, deploys, or operates a bus lane monitoring system for an agency, the contractor's fee may not be contingent on the number of citations issued or paid.

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§ 21-1201

(a) The parent of any minor or the guardian of any ward may not authorize the minor or ward to violate any provision of this subtitle.

(b) The parent of any minor or the guardian of any ward may not knowingly permit the minor or ward to violate any provision of this subtitle.

(c) With the exceptions stated in this subtitle, the provisions of this subtitle that are applicable to bicycles apply whenever a bicycle, an EPAMD, a motor scooter, or a personal delivery device, as defined in § 21–104.5 of this title, is operated on

any highway or whenever a bicycle or an EPAMD is operated on any path set aside for the exclusive use of bicycles.

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§ 21-1202

(a) Every person operating a bicycle or a motor scooter in a public bicycle area has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, including the duties set forth in § 21–504 of this title, except:

(1) As otherwise provided in this subtitle; and

(2) For those provisions of this title that by their very nature cannot apply.

(b) (1) Subject to paragraphs (2), (3), and (4) of this subsection, a person has the rights and is subject to the restrictions applicable to pedestrians under this title while the person is lawfully operating a bicycle, play vehicle, or unicycle:

(i) On a sidewalk or sidewalk area; or

(ii) In or through a crosswalk.

(2) At an intersection, a person operating a bicycle, play vehicle, or unicycle is subject to all traffic control signals, as provided in §§ 21–202 and 21–203 of this title.

(3) A person operating a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area or in or through a crosswalk shall yield the right-of-way to a pedestrian or a person riding on an electric personal assistive mobility device.

(4) Section 21–506 of this title does not apply to a person operating a bicycle, play vehicle, or unicycle.

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§ 21-1203

(a) The operator of a bicycle or a motor scooter may ride the bicycle or motor scooter only:

(1) On or astride a permanent and regular seat securely attached to it; or

(2) For an electric low speed scooter, by standing on a platform designed to carry the operator.

(b) A bicycle may not carry any passenger unless it is designed for and equipped with a seat securely attached to it for each passenger.

(c) A motor scooter may not carry any passenger unless it is designed for and equipped with a seat securely attached to it and footrests for each passenger.

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§ 21-1204

(a) This section does not apply to any log skid, drag, or farm sled while used in agricultural or forestry practices.

(b) A person riding on any bicycle or motor scooter may not attach it or himself to any vehicle on a roadway.

(c) A person riding on any play vehicle may not attach it or himself to any vehicle on a roadway.

(d) A person riding on any coaster may not attach it or himself to any vehicle on a roadway.

(e) A person riding on any skateboard may not attach it or himself to any vehicle on a roadway.

(f) A person riding on any roller skates may not attach them or himself to any vehicle on a roadway.

(g) A person riding on any sled may not attach it or himself to any vehicle on a roadway.

(h) A person riding on any toy vehicle may not attach it or himself to any vehicle on a roadway.

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§ 21-1205

(a) Each person operating a bicycle or a motor scooter at a speed less than the speed of traffic at the time and place and under the conditions then existing on a roadway shall ride as near to the right side of the roadway as practicable and safe, except when:

(1) Making or attempting to make a left turn;

- (2) Operating on a one-way street;
 - (3) Passing a stopped or slower moving vehicle;
 - (4) Avoiding pedestrians or road hazards;
 - (5) The right lane is a right turn only lane; or
 - (6) Operating in a lane that is too narrow for a bicycle or motor scooter and another vehicle to travel safely side by side within the lane.
- (b) Each person operating a bicycle or a motor scooter on a roadway may ride two abreast only if the flow of traffic is unimpeded.
- (c) Each person operating a bicycle or a motor scooter on a roadway shall exercise due care when passing a vehicle.
- (d) Each person operating a bicycle or a motor scooter on a roadway may walk the bicycle or motor scooter on the right side of a highway if there is no sidewalk.

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§ 21-1206

- (a) A person may not operate a bicycle, an EPAMD, or a motor scooter while carrying any package, bundle, or other article that prevents the person from keeping both hands on the handlebars.
- (b) A person may not carry on a bicycle, an EPAMD, or a motor scooter any package, bundle, or other article that interferes with the view or balance of the operator.
- (c) A person may not remove, ride on, or tamper with any part of a bicycle, an EPAMD, or a motor scooter without the permission of its owner.

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§ 21-1207

- (a) (1) If a bicycle or a motor scooter is used on a highway at any time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet, the bicycle or motor scooter shall be equipped:
- (i) On the front, with a lamp that emits a white light visible from a distance of at least 500 feet to the front; and
 - (ii) On the rear, with a red reflector of a type approved by the Administration and visible from all distances from 600 feet to 100 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle.
- (2) A bicycle or bicyclist may be equipped with a functioning lamp that acts as a reflector and emits a red light or a flashing amber light visible from a distance of 500 feet to the rear instead of or in addition to the red reflector required by paragraph (1) of this subsection.
- (b) Subject to subsection (c) of this section, a person may operate a bicycle or a motor scooter that is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet.
- (c) A bicycle or motor scooter may not be equipped with nor may any person use on a bicycle any siren or whistle.
- (d) Every bicycle and motor scooter shall be equipped with a braking system capable of stopping from a speed of 10 miles per hour within 15 feet on dry, level, clean pavement.

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§ 21-1208

- (a) A person may not secure a bicycle, an EPAMD, or a motor scooter to a fire hydrant, police or fire call box, or traffic control device.
- (b) A person may not secure a bicycle, an EPAMD, or a motor scooter to a pole, meter, or device located within a bus or taxi-loading zone.
- (c) A person may not secure a bicycle, an EPAMD, or a motor scooter to a pole, meter, or device located within 25 feet of any intersection.

(d) A person may not secure a bicycle, an EPAMD, or a motor scooter to a pole, meter, or device on which notice has been posted by the appropriate authorities forbidding the securing of bicycles.

(e) A person may not secure a bicycle, an EPAMD, or a motor scooter to any place where the securing of a bicycle or a motor scooter would obstruct or impede vehicular traffic or pedestrian movement.

(f) A bicycle, an EPAMD, or a motor scooter may be secured to a parking meter, without payment of the usual fees, if it is entirely removed from the bed of the street normally used for vehicular parking.

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§ 21-1209

(a) Notwithstanding any other provision of this title, the driver of a vehicle shall:

(1) Exercise due care to avoid colliding with any bicycle, EPAMD, or motor scooter being ridden by a person; and

(2) When overtaking a bicycle, an EPAMD, or a motor scooter, pass safely at a distance of not less than 3 feet, unless, at the time:

(i) The bicycle, EPAMD, or motor scooter rider fails to operate the vehicle in conformance with § 21–1205(a) of this subtitle (“Riding to right side of roadway”) or § 21–1205.1(b) of this subtitle (“Roadway with bike lane or shoulder paved to smooth surface”);

(ii) A passing clearance of less than 3 feet is caused solely by the bicycle, EPAMD, or motor scooter rider failing to maintain a steady course; or

(iii) The highway on which the vehicle is being driven is not wide enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least 3 feet.

(b) A person may not throw any object at or in the direction of any person riding a bicycle, an EPAMD, or a motor scooter.

(c) A person may not open the door of any motor vehicle with intent to strike, injure, or interfere with any person riding a bicycle, an EPAMD, or a motor scooter.

(d) (1) Unless otherwise specified in this title, the driver of a vehicle shall yield the right-of-way to a person who is lawfully riding a bicycle, an EPAMD, or a motor scooter in a designated bike lane or shoulder if the driver of the vehicle is about to enter or cross the designated bike lane or shoulder.

(2) (i) A person may not commit a violation of paragraph (1) of this subsection that contributes to the serious physical injury or death of a person riding a bicycle, EPAMD, or motor scooter.

(ii) A person convicted of a violation of subparagraph (i) of this paragraph is subject to imprisonment not exceeding 2 months or a fine not exceeding \$2,000 or both.

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§ 21-1210

(a) A person may not operate a bicycle, an EPAMD, or a motor scooter on any highway, or on any roadway, while the person is wearing any headset covering both ears.

(b) A person may not operate a bicycle, an EPAMD, or a motor scooter on any highway, or on any roadway, while the person is wearing any earplugs in both ears.

(c) The provisions of this section do not apply to:

(1) Any person wearing personal hearing protectors in the form of custom earplugs or molds that are designed to attenuate injurious noise levels, if the custom plugs or molds are designed in such a manner as to not inhibit the wearer’s ability to hear a siren or horn from an emergency vehicle or a horn from another vehicle;

(2) Any person wearing a prosthetic device used to aid the hard of hearing; or

(3) Any person operating a bicycle on a public bicycle pathway expressly authorized for the use of persons operating bicycles.

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§ 21-1211

- (a) When the State Highway Administration or a local authority approves a motor vehicle or bicycle racing event on a highway or a highway bridge under its respective jurisdiction, motor vehicle or bicycle racing shall be lawful.
- (b) The State Highway Administration or a local authority may approve a motor vehicle or bicycle racing event only if:
 - (1) The racing event is held under conditions that:
 - (i) Provide reasonable safety for race participants, spectators, and other highway or highway bridge users; and
 - (ii) Prevent unreasonable interference with traffic flow that would seriously inconvenience other highway or highway bridge users;
 - (2) The sponsors of the racing event:
 - (i) Indemnify the State and local governments from any loss arising out of or relating to the racing event; and
 - (ii) Provide comprehensive liability insurance, in an amount to be determined by the State Highway Administration or local authority with jurisdiction over the highway on which the racing event is to be held, for the benefit of the State and local governments, spectators, and other highway or highway bridge users;
 - (3) The county or other local jurisdiction in which the racing event is held provides written authorization for the racing event; and
 - (4) The highway on which the racing event is held is closed, in a manner approved by the State Highway Administration or local authority with jurisdiction over the highway, with appropriate access measures in place.
- (c) If traffic control adequately assures the safety of participants, spectators, and other highway or highway bridge users, the State Highway Administration or a local authority may exempt participants in an approved motor vehicle or bicycle racing event from compliance with other provisions of the Maryland Vehicle Law that otherwise would be applicable to the participants in the motor vehicle or bicycle racing event.

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§ 21-1212

The Administration shall publish copies or summaries of the regulations and laws of this State that regulate the operation of bicycles and make them available, on request and without cost, to every dealer engaged in the retail sale of bicycles in this State. These dealers shall provide a copy to each person who buys a bicycle.

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§ 21-1301

Every person operating a motorcycle has all the rights granted to and is subject to all the duties required of the driver of any other vehicle under this title, except:

- (1) As otherwise provided in this title; and
- (2) For those provisions of this title that by their very nature cannot apply.

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§ 21-1302

- (a) The operator of a motorcycle may ride the motorcycle only on the permanent and regular seat attached to it.
- (b) The operator of a motorcycle may not carry any other person unless the motorcycle is designed to carry more than one person, in which event a passenger may ride on the permanent and regular seat, if designed for two persons, or on another seat firmly attached to the motorcycle at the rear or side of the operator.
- (c) (1) A person other than the operator of a motorcycle may not ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride on the permanent and regular seat, if designed for two persons, or on another seat firmly attached to the motorcycle at the rear or side of the operator.
- (2) (i) Except as provided in subparagraph (ii) of this paragraph, a passenger may not ride on a motorcycle on a seat at the rear of the operator unless the passenger is able to position the passenger's feet firmly on the footrests while seated.
- (ii) Subparagraph (i) of this paragraph does not apply to a passenger on a motorcycle who is unable to position the passenger's feet firmly on the footrests due to a permanent physical disability.

(d) A person may ride on a motorcycle operated under a Class M driver's license only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(e) A person may not operate a motorcycle while carrying any package, bundle, or other article that prevents the person from keeping both hands on the steering mechanism.

(f) The operator of a motorcycle may not carry any person in a position that interferes with the operation or control of the motorcycle or the view of the operator.

(g) A person other than the operator of a motorcycle may not ride in a position that interferes with the operation or control of the motorcycle or the view of the operator.

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§ 21-1303

(a) (1) On any roadway that is divided into two or more clearly marked lanes for vehicular traffic, the following rules, in addition to any others consistent with them apply.

(2) Subsections (c) and (d) of this section do not apply to police officers in the performance of their official duties.

(b) (1) This subsection does not apply to motorcycles operated two abreast in a single lane.

(2) Every motorcycle is entitled to the full use of a lane, and a motor vehicle may not be driven in any manner that deprives any motorcycle of the full use of a lane.

(c) The operator of a motorcycle may not overtake and pass in the same lane occupied by the vehicle being overtaken.

(d) A person may not operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(e) Motorcycles may not be operated more than two abreast in a single lane.

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§ 21-1304

A person riding on any motorcycle may not attach it or himself to any other vehicle on a roadway.

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§ 21-1305

(a) If any motorcycle carries a passenger other than in a sidecar or enclosed cab, the motorcycle shall be equipped with footrests for the passenger.

(b) A person may not operate any motorcycle with handlebars more than 20 inches in height above the part of the seat occupied by the operator.

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§ 21-1306

(a) This section does not apply to any person riding in an enclosed cab.

(b) An individual may not operate or ride on a motorcycle unless the individual is wearing protective headgear that meets the standards established by the Administrator.

(c) A person may not operate a motorcycle unless:

(1) He is wearing an eye-protective device of a type approved by the Administrator; or

(2) The motorcycle is equipped with a windscreen.

(d) The Administrator:

(1) May approve or disapprove protective headgear and eye-protective devices required by this section;

(2) May adopt and enforce regulations establishing standards and specifications for the approval of protective headgear and eye-protective devices; and

(3) Shall publish lists of all protective headgear and eye-protective devices that he approves, by name and type.

(e) (1) The failure of an individual to wear protective headgear required under subsection (b) of this section may not:

- (i) Be considered evidence of negligence;
 - (ii) Be considered evidence of contributory negligence;
 - (iii) Limit liability of a party or an insurer; or
 - (iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a motorcycle.
- (2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to protective headgear during a trial of a civil action that involves property damage, personal injury, or death if the damage, injury, or death is not related to the design, manufacture, supplying, or repair of protective headgear.
- (3) (i) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity or person arising out of an incident that involves protective headgear alleged to be defectively designed, manufactured, or repaired.
- (ii) In a civil action described under subparagraph (i) of this paragraph in which 2 or more parties are named as joint tort-feasors, interpleaded as defendants, or impleaded as defendants, and at least 1 of the joint tort-feasors or defendants is not involved in the design, manufacture, supplying, or repair of protective headgear, a court shall order on a motion of any party separate trials to accomplish the ends of justice.

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§ 21-1401

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Approach" means any roadway, overhead structure, ramp, bridge, causeway, entrance, and exit provided as a means of access to or departure from an Authority highway.
- (c) "Authority highway" means:
- (1) Each highway, tunnel, and bridge within the jurisdiction of the Maryland Transportation Authority; and
 - (2) Each approach to these highways, tunnels, and bridges.
- (d) "Bridge" means any bridge within the jurisdiction of the Maryland Transportation Authority.
- (e) "Tunnel" means:
- (1) The Baltimore Harbor Tunnel; and
 - (2) Any other tunnel within the jurisdiction of the Maryland Transportation Authority.

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§ 21-1402

Unless specifically modified or changed by this subtitle, each provision of the Maryland Vehicle Law applicable to motor vehicles on highways applies on all Authority highways.

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§ 21-1403

To promote safety for users of Authority highways, the Maryland Transportation Authority may adopt rules and regulations governing traffic using the Authority highways.

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§ 21-1404

- (a) Traffic using any Authority highway shall obey any lawful sign.
- (b) Traffic using any Authority highway shall obey any lawful order of any authorized employee of the Authority highway.
- (c) Traffic using any Authority highway shall obey any lawful signal of any authorized employee of the Authority highway.
- (d) Traffic using any Authority highway shall obey any lawful direction by voice, sign, or hand of any authorized employee of the Authority highway.

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§ 21-1405

(a) Unless authorized by the Chairman of the Maryland Transportation Authority, pedestrians may not use any Authority highway.

(b) Unless authorized by the Chairman of the Maryland Transportation Authority, bicycles may not use any Authority highway.

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§ 21-1406

A person may not hitchhike on any Authority highway and a motorist may not pick up or discharge any person on any Authority highway.

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§ 21-1407

(a) The driver of a vehicle may not stop, stand, or park the vehicle on any Authority highway, except:

- (1) If necessary to avoid injury or damage to any person or property;
- (2) In compliance with the lawful direction of an authorized employee of the Authority highway;
- (3) At a designated area for the transaction of business at an Administration building; or
- (4) If the vehicle is disabled or involved in an accident, in which case the vehicle shall be moved, if possible:
 - (i) To the shoulder of the roadway;
 - (ii) Adjacent to the emergency walkway on a bridge; or
 - (iii) As otherwise directed by a patrol officer.

(b) Notwithstanding § 25–201(b) of this article, the Maryland Transportation Authority may adopt regulations governing the removal of vehicles left unattended for 12 or more hours on any Authority highway.

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§ 21-1408

(a) Except at the lawful direction of an authorized employee of the Authority highway, a vehicular turn may not be made in any area where turns are prohibited by signs.

(b) Except at the lawful direction of an authorized employee of the Authority highway, a vehicular turn may not be made at crossovers provided for emergency vehicles.

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§ 21-1409

If an Authority highway has a posted minimum speed, that minimum speed shall be maintained.

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§ 21-1410

A vehicle may not be driven on any Authority highway if the vehicle or its load exceeds the maximum weight, width, or height permitted by the regulations of the Maryland Transportation Authority for that Authority highway.

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§ 21-1411

(a) Except as allowed by the rules and regulations of the Maryland Transportation Authority and to the extent allowed by federal law, a person may not transport or knowingly cause to be transported any of the following hazardous materials across or through any Authority highway:

- (1) Combustible liquids;
- (2) Compressed gases;

- (3) Corrosive liquids;
- (4) Explosives;
- (5) Flammable liquids;
- (6) Flammable solids;
- (7) Oxidizing materials;
- (8) Poisonous articles; or
- (9) Radioactive materials.

(b) The provisions of § 22–409 of this article shall apply to the transportation of any permitted hazardous material across or through any Authority highway.

(c) To secure and preserve life and property, the Maryland Transportation Authority may adopt rules and regulations to carry out the provisions of subsection (a) of this section.

(d) A person convicted of a violation of this section is subject to:

- (1) For a first offense, imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both; and
- (2) For a second or subsequent offense, imprisonment not exceeding 1 year or a fine not exceeding \$2,000 or both.

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§ 21-1412

(a) Except at the direction of authorized personnel, vehicular traffic may not cross the double white lines that designate the vehicular traffic lanes in a tunnel.

(b) Except at the direction of authorized personnel, trucks and slow moving vehicles may be driven only in the right lane of a tunnel.

(c) The driver of a vehicle may not sound his horn or flash his headlights in a tunnel.

(d) While in a tunnel, a person may not use any cutout or other device that allows exhaust gases to escape a motor without passing through a muffler or silencer.

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§ 21-1413

(a) A person may not fail or refuse to pay the prescribed toll at any Authority highway for which the payment of a toll is fixed.

(b) A person may not attempt to evade the payment of the toll at any Authority highway for which the payment of a toll is fixed.

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§ 21-1414

(a) (1) In this section the following words have the meanings indicated.

(2) "Authority" means the Maryland Transportation Authority.

(3) "Electronic toll collection" means a system in a toll collection facility that is capable of collecting information from a motor vehicle for use in charging tolls.

(4) "Notice of toll due" or "notice" means an administrative notice of a video toll transaction.

(5) "Person alleged to be liable" means:

(i) The registered owner of a motor vehicle involved in a video toll transaction; or

(ii) A person to whom a registered owner of a motor vehicle has transferred liability for a video toll transaction in accordance with this section and the regulations of the Authority.

(6) "Recorded image" means an image of a motor vehicle passing through a toll collection facility recorded by a video monitoring system:

(i) On:

1. One or more photographs, micrographs, or electronic images;
2. Videotape; or
3. Any other medium; and

(ii) Showing either the front or rear of the motor vehicle on at least one image or portion of tape and clearly identifying the license plate number and state of the motor vehicle.

(7) "Registered owner" means, with respect to a motor vehicle, the person or persons designated as the registered owner in the records of the government agency that is responsible for motor vehicle registration.

(8) "Toll collection facility" means any point on an Authority highway where a toll is incurred and is required to be paid.

(9) "Toll violation" means the failure to pay a video toll within the time prescribed by the Authority in a notice of toll due.

(10) "Video monitoring system" means a device installed to work in conjunction with a toll collection facility that produces a recorded image when a video toll transaction occurs.

(11) "Video toll" means the amount assessed by the Authority when a video toll transaction occurs.

(12) "Video toll transaction" means any transaction in which a motor vehicle does not or did not pay a toll at the time of passage through a toll collection facility with a video monitoring system.

(b) (1) Except as provided in subsection (g) of this section, the registered owner of a motor vehicle shall be liable to the Authority for payment of a video toll as provided for in the regulations of the Authority.

(2) The Authority shall send the registered owner of a motor vehicle that has incurred a video toll a notice of toll due.

(3) Except as provided in subsection (g) of this section, the person alleged to be liable who receives a notice of toll due shall have at least 30 days to pay the video toll.

(4) To mail the notice of toll due, the Authority shall use:

(i) The current mailing address on file with the Administration; or

(ii) If a mailing address is unavailable, the current residential address on file with the Administration.

(c) (1) Failure of the person alleged to be liable to pay the video toll under a notice of toll due by the date stated on the notice shall constitute a toll violation subject to a civil citation and a civil penalty, which shall be assessed 15 days after the toll violation occurs, as provided for in the regulations of the Authority.

(2) A registered owner of a motor vehicle shall not be liable for a civil penalty imposed under this section if the operator of the motor vehicle has been convicted of failure or refusal to pay a toll under § 21-1413 of this subtitle for the same violation.

(d) (1) (i) The Authority or its duly authorized agent shall send a citation via first-class mail, no later than 60 days after the toll violation, to the person alleged to be liable under this section.

(ii) To mail the citation, the Authority or its duly authorized agent shall use:

1. The current mailing address on file with the Administration; or

2. If a mailing address is unavailable, the current residential address on file with the Administration.

(2) Personal service of the citation on the person alleged to be liable shall not be required, and a record of mailing kept in the ordinary course of business shall be admissible evidence of the mailing of the notice of toll due and citation.

(3) A citation shall contain:

(i) The name and address of the person alleged to be liable under this section;

(ii) The license plate number and state of registration of the motor vehicle involved in the video toll transaction;

(iii) The location where the video toll transaction took place;

(iv) The date and time of the video toll transaction;

(v) The amount of the video toll and the date it was due as stated on the notice of toll due;

(vi) A copy of the recorded image;

(vii) A statement that the video toll was not paid before the civil penalty was assessed;

(viii) The amount of the civil penalty; and

(ix) The date by which the video toll and civil penalty must be paid.

(4) A citation shall also include:

(i) Information advising the person alleged to be liable under this section of the manner and the time in which liability alleged in the citation may be contested;

(ii) The statutory defenses described in subsection (g) of this section that were originally included in the notice of toll due; and

(iii) A warning that failure to pay the video toll and civil penalty, to contest liability in the manner and time prescribed, or to appear at a trial requested is an admission of liability and a waiver of available defenses, and may result in the refusal or suspension of the motor vehicle registration and referral for collection.

(5) A person alleged to be liable receiving the citation for a toll violation under this section may:

(i) Pay the video toll and the civil penalty directly to the Authority;

(ii) Request to pay the video toll and civil penalty through the installment plan under § 21–1417 of this subtitle; or

(iii) Elect to stand trial for the alleged violation.

(6) (i) If the person alleged to be liable under this section fails to elect to stand trial or to appear at trial after having elected to stand trial, fails to pay the prescribed video toll and civil penalty within 30 days after mailing of the citation or in accordance with an installment payment plan approved by the Authority, or is adjudicated to be liable after trial, the Authority or its duly authorized agent may:

1. Collect the video toll and the civil penalty by any means of collection as provided by law; and

2. Notify the Administration of the failure to pay the video toll and civil penalty in accordance with subsection (i) of this section.

(ii) No additional hearing or proceeding is required before the Administration takes action with respect to the motor vehicle of the registered owner under subsection (i) of this section.

(e) (1) A certificate alleging that a toll violation occurred and that the video toll payment was not received before the civil penalty was assessed, sworn to or affirmed by a duly authorized agent of the Authority, based upon inspection of a recorded image and electronic toll collection records produced by an electronic toll collection video monitoring system shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section without the presence or testimony of the duly authorized agent who performed the requirements under this section.

(2) The citation, including the certificate, shall constitute prima facie evidence of liability for the toll violation and civil penalty.

(f) Adjudication of liability under this section:

(1) Shall be based upon a preponderance of evidence;

(2) May not be deemed a conviction of a registered owner of a motor vehicle under the Motor Vehicle Code;

(3) May not be made part of the registered owner's motor vehicle operating record; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(g) (1) If, at the time of a video toll transaction, a motor vehicle is operated by a person other than the registered owner without the express or implied consent of the registered owner, and if the registered owner by the date stated on the notice of toll due provides the Authority or its duly authorized agent with a notarized admission by the person accepting liability which shall include that person's name, address, and driver's license identification number, then the person accepting liability shall be liable under this section and shall be sent a notice of toll due.

(2) If the registered owner is a lessor of motor vehicles, and at the time of the video toll transaction the motor vehicle involved was in the possession of a lessee, and the lessor by the date stated on the notice of toll due provides the Authority or its duly authorized agent with a copy of the lease agreement or other documentation acceptable to the

Authority identifying the lessee, including the person's name, address, and driver's license identification number or federal employer identification number, then the lessee shall be liable under this section and shall be sent a notice of toll due.

(3) If the motor vehicle involved in a video toll transaction is operated using a dealer or transporter registration plate, and at the time of the video toll transaction the motor vehicle was under the custody and control of a person other than the owner of the dealer or transporter registration plate, and if the owner of the dealer or transporter registration plate by the date stated on the notice of toll due provides to the Authority or its duly authorized agent a copy of the contractual agreement or other documentation acceptable to the Authority identifying the person, including the person's name, address, and driver's license identification number, who had custody and control over the motor vehicle at the time of the video toll transaction, then that person and not the owner of the dealer or transporter registration plate shall be liable under this section and shall be sent a notice of toll due.

(4) If a motor vehicle or registration plate number is reported to a law enforcement agency as stolen at the time of the video toll transaction, and the registered owner by the date stated on the notice of toll due provides to the Authority or its duly authorized agent a copy of the police report substantiating that the motor vehicle was stolen at the time of the video toll transaction, then the registered owner of the motor vehicle is not liable under this section.

(h) (1) The Authority may refer a delinquent account for unpaid video tolls and associated civil penalties to the Central Collection Unit for collection.

(2) The Authority may recall a delinquent account from the Central Collection Unit if:

(i) The delinquent account exceeds \$300 in unpaid video tolls and associated civil penalties;

(ii) The video tolls in question were assessed within a 30-day period; or

(iii) Mitigating factors exist with respect to the assessment of the unpaid video tolls and associated civil penalties, as determined by the Authority.

(3) Notwithstanding any other provision of law, until the Authority refers the debt to the Central Collection Unit or after the Authority has recalled a delinquent account from the Central Collection Unit, the Authority may waive any portion of the video toll due or civil penalty assessed under this section.

(i) (1) The Administration shall refuse or suspend the registration of a motor vehicle that incurs a toll violation under this section if:

(i) The Maryland Transportation Authority notifies the Administration that a registered owner of the motor vehicle has been served with a citation in accordance with this section and has failed to:

1. Pay the video toll and the civil penalty for the toll violation by the date specified in the citation; and

2. Contest liability for the toll violation by the date identified and in the manner specified in the citation; or

(ii) The Maryland Transportation Authority or the District Court notifies the Administration that a person who elected to contest liability for a toll violation under this section has failed to:

1. Appear for trial or has been determined to be guilty of the toll violation; and

2. Pay the video toll and civil penalty.

(2) In conjunction with the Maryland Transportation Authority, the Administration may adopt regulations and develop procedures to carry out the refusal or suspension of a registration under this subsection.

(3) The procedures in this subsection are in addition to any other penalty provided by law for a toll violation under this section.

(4) This subsection may be applied to enforce a reciprocal agreement entered into by the State and another jurisdiction in accordance with § 21-1415 of this subtitle.

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§ 21-1415

(a) The Maryland Transportation Authority in consultation with the Administrator may enter into an agreement with another jurisdiction that provides for reciprocal enforcement of toll violations between the State and the other jurisdiction.

(b) An agreement made under this section shall provide that drivers and vehicles licensed in the State, while operating on the highways of another jurisdiction, shall receive benefits, privileges, and exemptions of a similar kind with regard to toll enforcement as are extended to drivers and vehicles licensed or registered in the other jurisdiction while operated in the State.

(c) A reciprocal agreement under this section may provide for enforcement of toll violations by refusal or suspension of the registration of a motor vehicle in accordance with § 21-1414 of this subtitle.

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§ 21-1416

(a) (1) In this section the following words have the meanings indicated.

(2) "Authority" means the Maryland Transportation Authority.

(3) "E-ZPass account" means a financial relationship between the Authority and a person who agrees to abide by the terms and conditions established for the electronic collection of tolls.

(4) "Transponder" means a device that is designed to transmit information used to collect tolls and is associated with a particular account.

(b) A holder of an E-ZPass account may:

(1) Report a theft of a transponder associated with the E-ZPass account to a local law enforcement agency and the Authority within 2 weeks of the first account statement after the theft; and

(2) Identify any unauthorized charges to the holder's E-ZPass account and report the unauthorized charges to the Authority for verification.

(c) A holder of an E-ZPass account who reports the theft of a transponder in accordance with this section is not responsible for unauthorized toll charges:

(1) If the Authority:

(i) Identifies the individual who unlawfully used the transponder; and

(ii) Collects the proper toll charges from the individual; or

(2) Incurred after the date the theft was reported to the Authority.

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§ 21-1417

(a) (1) In this section the following words have the meanings indicated.

(2) "Program" means the installment payment plan program established under this section.

(3) "Video toll" has the meaning stated in § 21-1414 of this subtitle.

(b) The Authority shall establish an installment payment plan program.

(c) A person that accumulates unpaid video tolls and civil penalties under this subtitle of at least \$300 may apply to participate in the program.

(d) If a person enters into an installment payment plan under this section and fails to pay the outstanding video tolls and civil penalties in accordance with the payment plan, the Authority may refer the amount of the unpaid video tolls and civil penalties to the Central Collection Unit of the Department of Budget and Management.

(e) The Authority shall adopt regulations to establish:

(1) Eligibility and verification requirements for the program;

(2) The number and type of installment payment options available under the program;

(3) An application process for participation in the program;

(4) A process for reporting a person who fails to make required installment payments in a timely manner in accordance with the person's payment plan; and

(5) Any other regulations necessary to administer the program.

Title 22 — Motor Vehicle Commission

§ 22-101

(a) (1) A person may not drive and the owner may not cause or knowingly permit to be driven on any highway any vehicle or combination of vehicles that:

- (i) Is in such unsafe condition as to endanger any person;
- (ii) Does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this title; or
- (iii) Is equipped in any manner in violation of this title.

(2) A person may not do any act forbidden or fail to do any act required under this title.

(b) (1) Nothing contained in this title shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this title.

(2) A person may not operate work equipment that is added to a vehicle for a designated purpose other than driving the vehicle on a highway while the vehicle is being driven on a highway unless the vehicle is being used to conduct authorized work on the highway.

(3) A person may not operate on a vehicle equipment that is intended for off-road use while the vehicle is being driven on a highway.

(c) A person may not display for sale, sell, offer for sale, or deliver for use in, on, or as a part of any motor vehicle, trailer, semitrailer, or pole trailer, any headlamp, auxiliary or fog lamp, rear lamp, warning lamp, reflector, glazing material, hydraulic brake fluid, brake lining, antifreeze, seat belt, shoulder harness, or seat belt and shoulder harness assembly, or any other item of equipment or device, including eye-protective devices and protective helmets, required to be approved by the Administrator, unless the device is of a type that has been submitted to the Administrator or his authorized agent and has been approved by him.

(d) A person may not display for sale, sell, offer for sale, or deliver for use in, on, or as a part of any motor vehicle, trailer, semitrailer, or pole trailer, any device required to be approved by the Administrator, unless the device bears on it or, where applicable, on the container in which it is sold, the trademark or name under which it has been approved.

(e) (1) The provisions of this title with respect to equipment on vehicles do not apply to farm equipment, road machinery, road rollers, farm tractors, mopeds, or motor scooters, except as made applicable in this title.

(2) (i) Subject to subparagraph (ii) of this paragraph, this title does not apply to low speed vehicles.

(ii) 1. A low speed vehicle shall comply with federal standards under 49 C.F.R. 571.500.

2. The Administration may adopt regulations that require equipment for low speed vehicles in addition to equipment required under federal law.

§ 22-102

(a) The Administrator may approve or disapprove any lighting device or other motor vehicle safety equipment components or assemblies of a type for which approval is specifically required in this title, within a reasonable time after approval has been requested. The approvals may be based on consultations with the Automotive Safety Enforcement Division of the Department of State Police.

(b) The Administrator may set up the procedure to be followed when requests for approval of any lighting device or other motor vehicle safety equipment component or assembly is submitted. The procedures may provide for submission of these devices, components, or assemblies to the Automotive Safety Enforcement Division of the Department of State Police.

(c) When the Administrator has reason to believe that a device approved under this title is being sold commercially and does not comply with the applicable standards for the device, the Administrator may, after giving 30 days' previous notice to the person who has received the approval for the device, conduct a hearing on the question of compliance of the approved device. After the hearing, the Administrator shall determine whether the devices being sold meet the requirements for approval. If the devices do not meet these requirements, the Administrator shall give notice to the person who has received the previous approval.

(d) If, at the expiration of 30 days after this notice, the person who has received the approval of the device has failed to satisfy the Administrator that the devices being sold meet the requirements for approval, the Administrator shall suspend or revoke the approval issued for the device until the device is resubmitted to and tested by an independent testing laboratory approved by the American Association of Motor Vehicle Administrators and is found to meet the applicable standards. The Administrator may require that all of these devices sold since the notification following the hearing be replaced by devices that do comply. The Administrator may, at the time of retest, purchase on the open market and submit for retesting one or more sets of these approved devices, and, if the device on retest fails to meet the approval requirements, the Administrator shall revoke or refuse to renew the approval of the device.

(e) Notwithstanding any other provision of the Maryland Vehicle Law, the Administrator may adopt any motor vehicle safety standard prescribed by the Secretary of the United States Department of Transportation under 49 U.S.C. § 30111.

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§ 22-103

(a) In order to assure that required devices displayed for sale, sold, offered for sale, or delivered for use in, on, or as a part of the equipment of a motor vehicle, trailer, semitrailer, or pole trailer are of a type approved by the Administrator, the Administration may maintain a program of market surveillance.

(b) On discovery of unapproved devices being sold, offered for sale, displayed for sale, or being delivered for use on any of the vehicles described in § 22-101(c) of this subtitle, notice shall be given that the seller, jobber, or wholesaler is in violation of § 22-101 and that these unapproved devices may not be sold, displayed for sale, or delivered for use on any of the vehicles described in § 22-101(c) and that any such sale, offer for sale, display for sale, or delivery for use of any unapproved devices is a violation of this title.

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§ 22-104

A person may not willfully or intentionally remove or alter any safety device or equipment that has been placed on any motor vehicle, trailer, semitrailer, or pole trailer in compliance with any law, rule, regulation, or requirement of any officer or agency of the United States or of this State, if it is intended that the vehicle be operated on highways in this State, unless the removal or alteration is permitted by rule or regulation adopted by the Administrator.

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§ 22-105

(a) (1) If any Class A (passenger) vehicle, any Class E truck with a manufacturer's rating or registered gross vehicle weight of 18,000 pounds or less, or any Class M (multipurpose) vehicle has been altered in any manner that would reduce the effectiveness of its bumpers or suspension or render the vehicle dangerous in the event of a single vehicle accident or a collision with another vehicle, it may not be operated on any highway in this State.

(2) Nothing in this section may be construed to exempt a vehicle from the application of paragraph (1) of this subsection solely because the vehicle is in compliance with the provisions of subsection (b) of this section.

(b) A person may not operate a vehicle on any highway in the State if, as a result of post-manufacture alterations, the height of the vehicle's frame side rails or either of the vehicle's bumpers exceeds:

(1) In the case of a Class A (passenger) vehicle, 20 inches;

(2) In the case of a Class M (multipurpose) vehicle, 28 inches;

(3) In the case of a Class E truck with a manufacturer's rating or registered gross vehicle weight of 10,000 pounds or less, 28 inches; or

(4) In the case of a Class E truck with a manufacturer's rating or registered gross vehicle weight of more than 10,000 pounds but not more than 18,000 pounds:

(i) 30 inches; or

(ii) If the truck is used for spraying agricultural crops, 32 inches.

(c) The Administration and the Automotive Safety Enforcement Division of the Department of State Police jointly shall adopt regulations relating to bumpers, frame side rails, and vehicle suspensions as necessary to implement and enforce the provisions of this section.

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§ 22-106

(a) In this title, "police officer" means:

(1) Any uniformed police officer; or

(2) Any civilian employee of the Department of State Police or of the Maryland Transportation Authority Police Force assigned to enforce this title or any rule or regulation adopted under this title, but only while acting under written authorization of the Secretary of State Police.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, any police officer shall have the authority to enforce this title and any rule or regulation adopted under it.

(2) A civilian employee of the Maryland Transportation Authority Police Force shall have the authority stated in paragraph

(1) of this subsection only if the individual is:

(i) Acting under the immediate direction and control of a uniformed police officer; and

(ii) Certified by the Department of State Police to enforce this title and any rule or regulation adopted under it.

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§ 22-201

In this subtitle, "service vehicles" means any of the following vehicles that are designated by the Administration as service vehicles:

(1) Vehicles of federal, State, or local agencies;

(2) Vehicles of public service companies; and

(3) Vehicles of persons performing governmental functions under a contract with any federal, State, or local government.

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§ 22-202

(a) Whenever a requirement is declared in this subtitle as to distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, the requirement applies during the times stated in § 22-201.1 of this subtitle in respect to a vehicle without a load when on a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(b) Whenever a requirement is declared in this subtitle as to the mounted height of lamps or devices, it means from the center of the lamp or device to the level ground on which the vehicle stands when the vehicle is without a load.

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§ 22-203

(a) In this section, the term "motorcycle" includes Class M (multipurpose) vehicles that are designated by the Administrator.

(b) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps shall emit white light and comply with the requirements and limitations set forth in this title.

(c) (1) Every motorcycle shall be equipped with at least one and not more than two headlamps that comply with the requirements and limitations of this title.

(2) A headlamp on a motorcycle may modulate either the upper beam or the lower beam from its maximum intensity to a lesser intensity, consistent with federal motor vehicle safety standards.

(d) Every headlamp on every motor vehicle, including every motorcycle, shall be located at a height of not more than 54 inches nor less than 22 inches.

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§ 22-204

(a) Except as otherwise provided in this section, after June 1, 1971, every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle that is being drawn at the end of a combination of vehicles, shall be equipped with at least 2 tail lamps mounted on the rear, which, when lighted as required in § 22-201.1 of this subtitle, shall emit a red light plainly visible from a distance of 1,000 feet to the rear.

(b) Every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle that is being drawn at the end of a combination of vehicles, and that was manufactured or assembled before June 1, 1971, shall have at least 1 tail lamp mounted on the rear which, when lighted as required in § 22-201.1 of this subtitle, shall emit a red light plainly visible from a distance of at least 300 feet to the rear.

(c) On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified in subsections (a) and (b) of this section.

(d) On vehicles equipped with more than 1 tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(e) Every tail lamp on every vehicle shall be located at a height of not more than 72 inches nor less than 20 inches.

(f) Either a tail lamp or a separate lamp shall be constructed and placed to illuminate, with a white light, the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be wired to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(g) Notwithstanding any provision of this section to the contrary, special mobile equipment that is being drawn at the end of a combination of vehicles is not required to be equipped with tail lamps unless:

(1) The special mobile equipment obstructs the tail lamps, stop lamps, turn signals, or, except for the registration plate lamp, any lamps of the towing vehicle required by law to be visible from the rear; or

(2) The special mobile equipment extends more than 12 feet from the rear of the towing vehicle.

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§ 22-205

(a) (1) After July 1, 1971, every motor vehicle, trailer, semitrailer, and pole trailer, and any special mobile equipment being towed, shall carry on the rear, either as part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section, except that:

(i) Motorcycles shall carry at least one reflector; and

(ii) Vehicles of the types mentioned in § 22-208 of this subtitle shall be equipped with reflectors meeting the requirements of §§ 22-210 and 22-211(a) and (b) of this subtitle.

(2) Before this date every vehicle, trailer, or semitrailer, including devices moved by muscular power, shall carry on the rear at least one reflector, and after this date, every vehicle mentioned in this paragraph that is not mentioned in paragraph (1) of this subsection shall carry on the rear at least one reflector.

(b) Every reflector shall be mounted on the vehicle at a height of not more than 60 inches nor less than 15 inches and shall be of such size and characteristics and so mounted as to be visible at night from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful upper beams of headlamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles. When two reflectors are required they shall be as widely spaced laterally as practicable.

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§ 22-206

(a) Every motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with at least one stop lamp meeting the requirements of § 22-219(a) of this subtitle, and the following vehicles shall meet the following additional requirements:

(1) (i) Every motor vehicle, other than a motorcycle, registered in this State and sold as a new vehicle after June 1, 1967, shall be equipped with at least two stop lamps;

(ii) Every passenger vehicle manufactured on or after September 1, 1985, shall be equipped with a red center high mount stop lamp mounted with its center on the vertical centerline of the vehicle as the vehicle is viewed from the rear; and

(iii) Every pickup truck, van, and sport utility vehicle manufactured on or after September 1, 1993, shall be equipped with a red center high mount stop lamp mounted with its center on the vertical centerline of the vehicle as the vehicle is viewed from the rear; and

(2) After July 1, 1971, every trailer, semitrailer, and pole trailer shall be equipped with at least two stop lamps.

(b) Every motor vehicle, trailer, semitrailer, and pole trailer registered in this State and sold as a new vehicle after June 1, 1961, shall be equipped with electric turn signal lamps meeting the requirements of § 22-219(b) through (h) of this subtitle, except that:

(1) Motorcycles manufactured before January 1, 1973, need not be equipped with electric turn signal lamps; and

(2) The requirements of this section apply only to those trailers, semitrailers, and pole trailers that are registered in this State and sold as new vehicles on or after July 1, 1971.

(c) Any special mobile equipment that is being towed shall be equipped with at least 2 stop lamps that meet the requirements of § 22-219(a) of this subtitle and electric turn signals that meet the requirements of § 22-219(b) of this subtitle if the special mobile equipment:

(1) Obstructs the tail lamps, stop lamps, turn signals, or except for the registration plate lamp, any lamp of the towing vehicle required by law to be visible from the rear; or

(2) Extends more than 12 feet from the rear of the towing vehicle.

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§ 22-208

(a) In addition to the other equipment required by this title, including §§ 22-203, 22-204, 22-205, and 22-206, the vehicles mentioned in this section, when operated on any highway, shall be equipped as stated in this section. All required lamp equipment shall be lighted at the times mentioned in § 22-201.1 of this subtitle. The reflectors elsewhere enumerated for these vehicles shall conform to the requirements of § 22-211(a) and (b) of this subtitle.

(b) (1) Buses and trucks 80 inches or more in overall width shall have:

(i) On the front, two clearance lamps, one at each side, and on those manufactured or assembled after June 1, 1971, three identification lamps meeting the specifications of subsection (c) of this section;

(ii) On the rear, two clearance lamps, one at each side, and after June 1, 1970, three identification lamps meeting the specifications of subsection (c) of this section;

(iii) On each side, two side marker lamps, one at or near the front and one at or near the rear; and

(iv) On each side, two reflectors, one at or near the front and one at or near the rear.

(2) Trailers and semitrailers 80 inches or more in overall width shall have:

(i) On the front, two clearance lamps, one at each side;

(ii) On the rear, two clearance lamps, one at each side, and after June 1, 1971, three identification lamps meeting the specifications of subsection (c) of this section;

(iii) On each side, two side marker lamps, one at or near the front and one at or near the rear; and

(iv) On each side, two reflectors, one at or near the front and one at or near the rear.

(3) Truck tractors shall have on the front, two cab clearance lamps, one at each side, and after June 1, 1971, all of these vehicles shall have in addition three identification lamps meeting the specifications of subsection (c) of this section.

(4) Motor vehicles, trailers, semitrailers, and pole trailers 30 feet or more in overall length shall have on each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle.

(5) Pole trailers shall have:

(i) On each side, one amber side marker lamp at or near the front of the load;

(ii) One amber reflector at or near the front of the load; and

(iii) On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

(c) Whenever identification lamps are required or permitted by this title, they shall be grouped in a horizontal row, with lamp centers spaced not less than 6 nor more than 12 inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical centerline. However, where the cab of a vehicle is not more than 42 inches wide at the front roof line, a single identification lamp at the center of the cab complies with the requirements for front identification lamps.

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§ 22-209

(a) Front clearance lamps, identification lamps, and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps, identification lamps, and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

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§ 22-210

(a) Reflectors required by § 22-208 of this subtitle shall be mounted at a height of not more than 60 inches nor less than 15 inches above the ground on which the vehicle stands. However, if the highest part of the permanent structure of the vehicle is less than 15 inches, the reflector at that point shall be mounted as high as that part of the permanent structure will permit.

(b) The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

(c) Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but the reflector shall meet all the other reflector requirements of this title.

(d) Clearance lamps shall be mounted so as to indicate the extreme width of the motor vehicle, not including mirrors, and as near the top of the vehicle as practicable.

(e) When rear identification lamps are mounted at the extreme height of the vehicle, rear clearance lamps may be mounted at an optional height.

(f) When mounting of front clearance lamps at the highest point of a trailer results in those lamps failing to mark the extreme width of the trailer, they may be mounted at an optional height, but must indicate the extreme width of the trailer.

(g) Clearance lamps on truck tractors shall be so located as to indicate the extreme width of the truck tractor cab.

(h) Clearance lamps and side marker lamps may be mounted in combination if illumination is given as required in this subtitle with reference to both. However, no clearance lamp may be combined with any tail lamp or identification lamp.

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§ 22-211

(a) Every reflector on any vehicle referred to in § 22-208 of this subtitle shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful upper beams of headlamps.

(b) Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(c) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions, at the times lights are required, at all distances between 500 and 50 feet from the front and rear, respectively, of the vehicle.

(d) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions, at the times lights are required, at all distances between 500 and 50 feet from the side of the vehicle on which they are mounted.

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§ 22-212

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) that, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, need not be lighted. However, this does not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination be lighted.

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§ 22-213

(a) Any vehicle carrying a load that extends beyond the side or to the rear 4 or more feet beyond the bed or body of the vehicle shall be equipped with the lamps and reflectors required by this section, in addition to other required lamps, at the times specified in § 22-201.1 of this subtitle.

(b) Loads projecting beyond sides of motor vehicles shall be marked as follows:

(1) The foremost edge of the projecting load, at its outermost extremity, shall be marked with an amber lamp visible from the front and side;

(2) The rearmost edge of the projecting load, at its outermost extremity, shall be marked with a red lamp visible from the rear and side;

(3) If any portion of the projecting load extends beyond both the foremost or rearmost edge, it shall be marked with an amber lamp visible from the front, side, and rear; or

(4) If the projecting load does not measure over 3 feet from front to rear, it shall be marked with an amber lamp visible from the front, side, and rear, except that, if the projection is located at or near the rear, it shall be marked by a red lamp visible from the front, side, and rear.

(c) Motor vehicles carrying loads that extend over 4 feet beyond the rear of the motor vehicle or that have tailboards or tailgates extending over 4 feet beyond the body shall have these projections marked:

(1) On each side of the projecting load, by one red lamp, visible from the side and located so as to indicate maximum overhang; and

(2) On the rear of the projecting load, by two red lamps, visible from the rear, one at each side, and two red reflectors, visible from the rear, one at each side, located so as to indicate maximum width.

(d) On any vehicle with a load that extends beyond either side more than 6 inches or beyond its rear more than 4 feet there shall be displayed at all times, at each point a lamp is required, red or orange-fluorescent warning flags, not less than 18 inches square, marking the extremities of the load.

(e) Every flag shall be so mounted or constructed that its full dimensions are visible at all times.

(f) This section in no way expands the provisions of § 24-103 of this article, or any other provision of law that prohibits certain extensions of loads on vehicles.

(g) This section does not apply to loads consisting of agricultural products, the nature of which would make installation of the required lights and reflectors impractical or unsafe.

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§ 22-214

(a) Every vehicle shall be equipped with one or more lamps that, when lighted, display a white or amber light visible from a distance of 1,000 feet to the front of the vehicle, and a red light visible from a distance of 1,000 feet to the rear of the vehicle. The location of the lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle that is closest to passing traffic. This subsection does not apply to motorcycles.

(b) Whenever a vehicle is parked or stopped on a roadway, whether attended or unattended, when there is insufficient light to reveal any person or object within a distance of 1,000 feet on the highway, the vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (a) of this section, but it is not necessary to display the lamps on a vehicle that is lawfully parked on a part of a roadway that is ordinarily or customarily used for parking vehicles.

(c) All lighted headlamps on a parked vehicle shall be depressed or dimmed.

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§ 22-215

(a) Every farm tractor and every self-propelled unit of farm equipment, at all times mentioned in § 22-201.1 of this subtitle, shall be equipped with two single-beam or multiple-beam headlamps meeting the requirements of § 22-222 or § 22-224 of this subtitle, respectively, or, as an alternative, § 22-225 of this subtitle, and at least two red lamps visible when lighted from a distance of not less than 1,000 feet to the rear; and at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful upper beams of headlamps.

(b) (1) Every combination of farm tractor and towed farm equipment, at all times mentioned in § 22-201.1 of this subtitle, shall be equipped with lamps as provided in this subsection.

(2) The farm tractor element of the combination shall be equipped as required in subsection (a) of this section.

(3) The towed unit of farm equipment of the combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than 1,000 feet to the rear, and two red reflectors visible to the rear from all distances within 600 feet to 100 feet to the rear when directly in front of lawful upper beams of headlamps.

(4) The combination also shall be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible when lighted from a distance of not less than 1,000 feet to the front. This lamp shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the combination carrying it.

(c) The two red lamps and the two red reflectors required in this section on a self-propelled unit of farm equipment or combination of farm tractor and towed farm equipment shall be positioned to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them.

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§ 22-216

Every vehicle, including animal-drawn vehicles and vehicles referred to in § 22-101(e) of this title, not specifically required by the provisions of this subtitle to be equipped with lamps or other lighting devices, at all times specified in § 22-201.1 of this subtitle, shall be equipped with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle, and also shall be equipped with two lamps displaying red lights visible from a distance of not less than 1,000 feet to the rear of the vehicle or, as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the upper beams of headlamps.

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§ 22-217

(a) Any motor vehicle may be equipped with not to exceed one spot lamp. Every lighted spot lamp shall be aimed and used, on approaching another vehicle, so that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle or more than 100 feet ahead of the vehicle.

(b) Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not more than 30 inches nor less than 12 inches above the level surface on which the vehicle stands, and so aimed that, when the

vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle shall, at a distance of 25 feet ahead, project higher than a level of 4 inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting these requirements may be used with lower headlamp beams as specified in § 22-222(a)(2) of this subtitle.

(c) Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height of not more than 42 inches nor less than 16 inches above the level surface on which the vehicle stands. The provisions of § 22-222 of this subtitle apply to any combination of headlamps and auxiliary driving lamps.

(d) The restrictions and limitations of this section do not apply to emergency vehicles.

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§ 22-218

(a) Every emergency vehicle, in addition to any other equipment and distinctive markings required by this subtitle, shall be equipped with a siren, exhaust whistle, or bell capable of giving an audible signal.

(b) (1) Every emergency vehicle, in addition to any other equipment and distinctive markings required by the Maryland Vehicle Law, shall be equipped with signal lamps mounted as high as practicable, which shall be capable of displaying to the front and to the rear a flashing red light or lights. These lights shall have sufficient intensity to be visible at 500 feet in normal sunlight.

(2) Every school vehicle meeting the requirements established by the Administrator shall be equipped with alternately flashing warning lights in accordance with the standards adopted under § 22-228 of this subtitle.

(c) (1) A person may not drive or move on any highway any vehicle or equipment that is equipped with or displays any light or signal device designed to emit an oscillating, rotating, blinking, or other type of emission of light, unless designated and authorized by the Administrator as indicated in paragraphs (2) through (14) of this subsection. The provisions of this section do not prohibit the display and use of any lighting device that may be permitted or required elsewhere in the Maryland Vehicle Law.

(2) Vehicles of the police department and other city, county, State, or federal law enforcement agencies may be equipped with and display red, white, or blue lights or signal devices.

(3) (i) Vehicles of city, county, State, or federal fire departments or duly constituted volunteer fire departments or rescue squads, or the Maryland Institute for Emergency Medical Services System, may be equipped with or display red and/or white lights or signal devices.

(ii) In each volunteer fire company, no more than five of the following officers may have their privately owned vehicles equipped with red or red and white lights or signal devices which may be displayed only while on route to or at the scene of an emergency:

1. The fire chief or the highest ranking fireline officer;
2. One or more of the assistant chiefs or deputy chiefs, whichever rank is second in command; and
3. The emergency medical services commander.

(iii) 1. The fire police of each volunteer fire company may have their privately owned vehicles equipped with red, red and green, or red and white lights or signal devices designed to emit an oscillating, rotating, blinking, or other type of emission of light.

2. The lights or signal devices may be flashed or oscillated or otherwise used only while the vehicle is at the scene of an accident, flood, or other emergency to which the volunteer fire company is responding.

(4) Under the commercial ambulance service license held by Hatzalah of Baltimore, no more than five of the highest-ranking officers may have their privately owned vehicles equipped with red or red and white lights or signal devices which may be displayed only while on route to or at the scene of an emergency.

(5) Ambulances may be equipped with or display red, white, or red and white lights or signal devices.

(6) State vehicles used in response to oil or hazardous materials spills may be equipped with or display red and/or white lights or signal devices.

(7) (i) Service vehicles, waste or recycling collection vehicles, rural letter carrier vehicles, slow moving farm vehicles, and tow trucks may be equipped with or display yellow or amber lights or signal devices.

(ii) Highway maintenance and service equipment or vehicles owned by the State or a local jurisdiction, or operating under a contract with the State or a local jurisdiction, that are equipped with and displaying yellow or amber flashing lights while in use for snow removal or the protection of highway maintenance workers may simultaneously be equipped with and display green flashing lights in a number up to the number of yellow or amber flashing lights equipped and displayed.

(iii) 1. A tow truck may display a portable variable messaging sign mounted on the tow truck while at the scene of a crash or a disabled vehicle.

2. The portable variable messaging sign shall:

A. Conform to the standards established in the manual on uniform traffic control devices adopted by the State Highway Administration under § 25–104 of this article; and

B. Display only those messages approved for use by the State Highway Administration.

(8) State vehicles designated for emergency use by the Commissioner of Correction may be equipped with or display red lights or signal devices.

(9) A vehicle used to provide public transit service may be equipped with and display:

(i) Amber flashing lights; or

(ii) A white flashing light installed on the roof of the vehicle.

(10) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the blue, red, or white lights or signal devices may be flashed or oscillated or otherwise used only while on route to or at the scene of an emergency, and their use does not relieve an emergency vehicle from otherwise giving an audible warning as required elsewhere in the Maryland Vehicle Law.

(ii) The driver of an emergency vehicle may use flashing lights within 100 feet of the entrance ramp of a fire or rescue station while parking or backing the emergency vehicle.

(iii) The driver of an emergency vehicle of a fire department or rescue squad shall, at the discretion of the officer in charge, flash or oscillate or otherwise use red and white lights or signal devices while stopped, standing, or parked on the roadway at the scene of an emergency.

(11) A stationary emergency vehicle serving as a mobile command unit may be equipped with or display a flashing, blinking, or oscillating green light or signal device to designate the vehicle as the command post.

(12) The yellow or amber lights or signal devices, or yellow or amber and green lights or signal devices, authorized on vehicles under paragraph (7) of this subsection may be flashed or oscillated or otherwise used only in the course of official duties, to indicate to the public that the vehicle is a slow moving vehicle or otherwise is impeding traffic.

(13) (i) An emergency vehicle of any foreign state may be equipped with any lights or signals:

1. As provided by this subsection; or

2. As permitted by the state in which the vehicle is registered.

(ii) 1. The use of any lights or signals permitted under this paragraph is limited to an emergency vehicle, as defined in § 11–118 of this article, responding to an emergency or pursuing a violator, and equipped with an audible signal as provided in this section.

2. Foreign vehicles, as defined in § 11–124 of this article, which are privately owned by members of volunteer fire companies, ambulance or rescue squads, fire departments, and law enforcement agencies may be equipped with lights or signals as permitted by the state in which the vehicle is registered, but such lights or signals may be used while the vehicle is in this State only by those personnel and under the circumstances authorized under paragraph (3) of this subsection.

(iii) In addition to the penalties provided in Title 27 of this article, any person convicted of a violation of this section may have his driving privileges suspended for a period of 30 days, and the registration of the vehicle may be suspended for a period of 30 days, notwithstanding that the owner of the vehicle may not be the operator at the time of the offense, unless the owner proves to the satisfaction of the Administration that he had no control over the use or display of a light or signal

device and could not prevent the violation of this section.

(14) Organ delivery vehicles shall be equipped with or display red, white, or red and white lights or signal devices.

(d) A police vehicle when used as an emergency vehicle may, but need not be, equipped with the flashing red and/or blue lights specified in this section.

(e) Except as provided in subsection (c)(3) of this section, the flashing lighting described in subsections (b) and (c) of this section may not be used on any vehicle other than an emergency vehicle, service vehicle, or school vehicle.

(f) The use of the signal equipment described in this section imposes on drivers of other vehicles the obligation to yield the right-of-way and stop as required in Title 21 of this article.

(g) On taxicabs, the flashing green lights known as emergency hold-up lights may be mounted on the roof or outside rear and front of the vehicle.

(h) While providing transportation network services, as defined in § 10–101 of the Public Utilities Article, a transportation network operator's vehicle may be equipped with and display a static red, blue, or other color lighted sign identifying the operator and vehicle as a provider of transportation network services.

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§ 22-219

(a) Any vehicle may be equipped with and, when required under the Maryland Vehicle Law, shall be equipped with a stop lamp or lamps on the rear of the vehicle, which:

(1) Shall display a red light, visible from a distance of not less than 300 feet to the rear in normal sunlight;

(2) Shall be actuated on application of the service brake; and

(3) May, but need not, be incorporated with one or more other rear lamps.

(b) Any vehicle may be equipped with and, when required under § 22-206(b) of this subtitle, shall be equipped with electric turn signals that indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made.

(c) The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber light, or any shade of light between white and amber.

(d) The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber.

(e) Turn signal lamps on vehicles 80 inches or more in overall width shall be visible from a distance of not less than 500 feet in normal sunlight.

(f) Turn signal lamps on vehicles less than 80 inches wide shall be visible at a distance of not less than 300 feet in normal sunlight.

(g) No lamp may project a glaring or dazzling light.

(h) Turn signal lamps may, but need not, be incorporated in other lamps on the vehicle.

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§ 22-221

(a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps that:

(1) Emit an amber or white light without glare; and

(2) Are located at or near the front of the vehicle.

(b) Any motor vehicle may be equipped on each side of the vehicle with not more than one running-board courtesy lamp that emits a white or amber light without glare.

(c) Any motor vehicle may be equipped with one or more backup lamps, either separately or in combination with other lamps, but any such backup lamp may not be lighted when the motor vehicle is in forward motion.

(d) Any vehicle may be equipped with lamps used for the purpose of warning the drivers of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing, and, when so equipped, may display the warning in addition to any other warning signals required by the Maryland Vehicle Law.

(e) The lamps used to display this warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display this warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing amber or red lights, or any shade of color between amber and red.

(f) These warning lights shall be visible from a distance of not less than 1,500 feet under normal atmospheric conditions at night.

(g) Every motor vehicle that is registered in this State and that was manufactured or assembled after June 30, 1967, and designated as a 1968 or subsequent year model shall be equipped with these warning lamps by means of which the driver may cause both front and both rear turn signals to flash simultaneously as a vehicular traffic hazard warning.

(h) Any vehicle 80 inches or more in overall width, if not otherwise required by § 22–208 of this subtitle, may be equipped with not more than three identification lamps showing to the front, which emit an amber light without glare, and not more than three identification lamps showing to the rear, which emit a red light without glare.

(i) These lamps shall be mounted as specified in § 22–208(c) of this subtitle.

(j) Warning lamps may be used by the operator of any vehicle when the posted speed limit is in excess of 45 miles per hour and the vehicle is traveling at least 20 miles per hour under the posted speed limit, provided that the warning lamps shall be used when required by subsection (k) of this section.

(k) (1) The operator of any commercial motor vehicle as defined in § 9–201 of the Tax – General Article shall use warning lamps when the posted speed limit is in excess of 45 miles per hour and the vehicle is traveling at least 20 miles per hour under the posted speed limit.

(2) This subsection does not apply:

(i) Within any business or residential district;

(ii) Whenever a vehicle is slowing or stopping in lawful response to a traffic control device or in response to traffic conditions; or

(iii) To any vehicle which is not equipped with warning lamps.

(l) (1) Subject to paragraph (2) of this subsection, a motorcycle may be equipped with, and an operator of a motorcycle may use, the following auxiliary lighting:

(i) Blue dot illumination;

(ii) Standard bulb running lights; or

(iii) Light-emitting diode pods and strips added to protect the driver.

(2) (i) Lighting under this subsection shall be:

1. Nonblinking;

2. Nonflashing;

3. Nonoscillating; and

4. Directed toward the engine and the drive train of the motorcycle.

(ii) Lighting under this subsection may not:

1. Be attached to the wheels of the motorcycle; or

2. Emit a red or blue light.

(iii) Blue dot illumination:

1. May be located only on the rear of a motorcycle as part of or adjacent to the rear brake light; and

2. May not exceed three-quarters of an inch in diameter.

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§ 22-222

(a) Except as otherwise provided in the Maryland Vehicle Law, the headlamps or the auxiliary driving lamp or combination thereof on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and the lamps, in addition, may be so arranged that the selection can be made automatically, subject to the following limitations:

- (1) There shall be an uppermost distribution of light, or composite beam, so aimed and of intensity to reveal persons and vehicles at a distance of at least 450 feet ahead for all conditions of loading;
 - (2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet ahead;
 - (3) On a straight level road under any condition of loading, none of the high-intensity portion of the beam may be directed to strike the eyes of an approaching driver; and
 - (4) Not more than four lamps that project a beam of light of an intensity greater than 300 candlepower may be illuminated simultaneously.
- (b) Every new motor vehicle shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and may not otherwise be lighted.
- (c) The indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle so equipped.

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§ 22-223

- (a) Whenever a motor vehicle is being driven on a roadway or adjacent shoulder during the times specified in § 22-201.1 of this subtitle, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirements and limitations of this section.
- (b) Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. However, the lowermost distribution of light, or composite beam, specified in § 22-222(a)(2) of this subtitle, shall be deemed to avoid glare at all times, regardless of road contour and loading.
- (c) Whenever the driver of a vehicle approaches another vehicle from the rear, within 300 feet, the driver shall use a distribution of light permissible under this title, other than the uppermost distribution of light specified in § 22-222(a)(1) of this subtitle.

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§ 22-225

Any motor vehicle may be operated under the conditions specified in § 22-201.1 of this subtitle when equipped with two lighted lamps on its front capable of revealing persons and objects 75 feet ahead instead of lamps required in § 22-222 or § 22-224 of this subtitle, provided, however, that at no time may it be operated at a speed in excess of 20 miles per hour.

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§ 22-226

- (a) At all times specified in § 22-201.1 of this subtitle, at least two lighted lamps shall be displayed, one on each side, at the front of every motor vehicle other than a motorcycle, except when the vehicle is parked subject to the regulations governing lights on parked vehicles.
- (b) Whenever a motor vehicle equipped with required headlamps also is equipped with any auxiliary lamps or a spot lamp or any other lamp on its front projecting a beam of intensity greater than 300 candlepower, not more than four of these lamps on the front of a vehicle may be lighted at any one time when on a highway.

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§ 22-227

(a) During the times specified in § 22-201.1 of this subtitle, any lighted lamp or illuminating device on a motor vehicle (other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle and service vehicle warning lamps, and school vehicle warning lamps) that projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) Except as required or permitted in § 22-218 of this subtitle or in the rules governing the operation of emergency vehicles and school vehicles, a person may not drive or move any vehicle or equipment on any highway with any lamp or device on it that displays a red or blue light visible from directly in front of its center.

(c) Flashing lights are prohibited except as required or permitted in the Maryland Vehicle Law.

(d) Except as authorized elsewhere in this subtitle, a person may not drive or move any vehicle or equipment on any highway with any lamp or device on it that displays a white light visible directly from its rear.

(e) Except as authorized elsewhere in this subtitle, a person may not drive or move any vehicle or equipment on any highway while the vehicle or equipment displays any flashing light.

(f) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the turn signal and hazard warning lamps, which may be red, amber, or yellow, and except that the light illuminating the registration plate shall be white and the light emitted by a backup lamp shall be white.

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§ 22-228

(a) (1) (i) The Administrator may adopt regulations for lighting equipment, special warning devices, markings, and identification to be used by school vehicles.

(ii) Regulations adopted under this paragraph shall be consistent with the provisions of the Maryland Vehicle Law.

(2) (i) A school vehicle registered in the State shall be equipped with an 8-light system of alternately flashing lights.

(ii) The 8-light safety system of alternately flashing lights shall meet the standards contained in the SAE (Society of Automotive Engineers) Standard J887 (May 1982), and shall consist of 2 amber lights and 2 red lights at the rear of the vehicle, and 2 amber lights and 2 red lights at the front of the vehicle.

(3) A school vehicle may be equipped with a white flashing light installed on the roof of the vehicle.

(4) School vehicles shall be marked and identified as provided in, and school vehicle lighting equipment and special warning devices shall conform with, the regulations adopted by the Administrator.

(b) Except as provided in subsection (e) of this section, a person may not operate any alternately flashing light on any school vehicle except when the school vehicle is stopping or stopped on a roadway for the purpose of receiving or discharging passengers.

(c) As to any school vehicle, whenever the vehicle is not being operated on a highway for the transportation of children, students, or teachers for educational purposes or in connection with a school activity:

(1) The alternately flashing lights shall be deactivated; and

(2) The words "school bus" at the front and rear of the vehicle shall be covered or otherwise concealed.

(d) Except as otherwise provided in this section, every school vehicle driver shall put in operation alternately flashing amber lights not less than 100 feet before bringing the vehicle to a full stop for the purpose of receiving or discharging passengers, and place into operation the alternately flashing red lights upon stopping.

(e) (1) This subsection applies only to a school vehicle being driven on the same roadway as another school vehicle in the act of loading or unloading passengers.

(2) Except as otherwise provided in this section, every school vehicle driver shall put in operation the alternately flashing lights when approaching from the rear or the front, within 100 feet of another school vehicle in the act of loading or unloading passengers on the roadway.

(f) (1) In this subsection, "loading zone" means an area:

(i) That is:

1. On a highway, but not on the roadway, for use in receiving or discharging passengers residing on the same side of the highway as the loading zone; or

2. Not on a highway; and

(ii) Whose location has been designated and approved by either the superintendent of schools in the local school system in which the loading zone is located, the Department of State Police, or the local police department, in cooperation with the State Highway Administration or local traffic engineering agency, as applicable.

(2) It is the policy of this State to encourage the establishment and use of loading zones for school vehicles.

(3) Where a loading zone is available, a school vehicle driver, unless otherwise required for safety, may not stop on the roadway for the purpose of receiving or discharging passengers, but shall use the loading zone for this purpose.

(g) Except as provided in subsection (f) of this section, a driver of a school vehicle shall stop on the roadway to:

(1) Receive passengers when transporting them to school; or

(2) Discharge passengers when transporting them from school.

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§ 22-230

(a) A person may not have for sale, sell, or offer for sale for use on or as a part of the equipment of a motor vehicle, trailer, semitrailer, or pole trailer any headlamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector or lamp is required under this title, or parts of any of the foregoing, which tend to change the original design or performance.

(b) A person may not use on a motor vehicle, trailer, semitrailer, or pole trailer a headlamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector or lamp is required under this title, or parts of any of the foregoing, which tend to change the original design or performance.

(c) A person may not use on any motor vehicle, trailer, semitrailer, or pole trailer any lamp or reflector that tends to change its original design or performance in violation of regulations adopted by the Administrator.

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§ 22-232

(a) When the Administrator has reason to believe that an approved device, as being sold commercially, does not comply with the requirements of this title, after giving 30 days' previous notice to the person holding the certificate of approval for the device in this State, he may conduct a hearing on the question of compliance of the approved device. After the hearing, the Administrator shall determine whether the approved device meets the requirements of this title. If the device does not meet the requirements of this title he shall give notice to the person holding the certificate of approval for the device in this State.

(b) If, at the expiration of 90 days after the notice, the person holding the certificate of approval for the device has failed to satisfy the Administrator that the approved device as thereafter to be sold meets the requirements of this title, the Administrator shall suspend or revoke the approval issued for the device until the device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this title, and the Administrator may require that all the devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this title. The Administrator may, at the time of the retest, purchase in the open market and submit to the testing agency one or more sets of the approved devices, and, if the device on the retest fails to meet the requirements of this title, the Administrator may refuse to renew the certificate of approval of the device.

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§ 22-301

(a) "Driveaway or towaway operation" means any operation in which any motor vehicle, trailer, or semitrailer, singly or in combination, new or used, is the commodity being transported, when one set or more of wheels of the vehicle are on the roadway during the transportation, whether or not the vehicle furnishes the motive power.

(b) Every motor vehicle, trailer, semitrailer, and pole trailer, and any combination of these vehicles, while operating on a highway in this State, shall be equipped with brakes in compliance with the requirements of this title. All the vehicles and combinations of vehicles shall be equipped with service brakes complying with the performance requirements of § 22-302 of this subtitle and, except as provided in subsection (l) of this section, adequate to control the movement of and to stop and hold the vehicle under all conditions of loading, and on any grade incident to its operation.

(c) (1) All the vehicles and combinations of vehicles, except motorcycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material.

(2) The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power, provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements.

(3) The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

(4) The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part does not leave the vehicle without operative brakes.

(d) Every vehicle shall be equipped with brakes acting on all wheels, except:

(1) Trailers, semitrailers, or pole trailers of a registered gross weight not exceeding 3,000 pounds, provided that:

(i) The total weight on and including the wheels of the trailer or trailers does not exceed 40 percent of the gross weight of the towing vehicle when connected to the trailer or trailers; and

(ii) The combination of vehicles, consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of § 22-302 of this subtitle;

(2) Trailers, semitrailers, or pole trailers of a registered gross weight exceeding 3,000 pounds and not exceeding 10,000 pounds that:

(i) Have 2 or more axles;

(ii) Are equipped with brakes acting on all wheels of at least 1 axle; and

(iii) As part of a combination of vehicles, consisting of the towing vehicle and the total load, is capable of complying with the performance requirements of § 22-302 of this subtitle;

(3) Any vehicle being towed in driveaway or towaway operations, provided that the combination of vehicles is capable of complying with the performance requirements of § 22-302 of this subtitle;

(4) Trucks, truck tractors, and special mobile equipment manufactured before July 24, 1980 with three or more axles need not have brakes on the front wheels. However, the trucks and truck tractors must be capable of complying with the performance requirements of § 22-302 of this subtitle;

(5) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes, provided that the motorcycle or motor-driven cycle is capable of complying with the performance requirements of § 22-302 of this subtitle; and

(6) Any vehicle equipped with at least 2 steerable axles need not have brakes on the wheels of 1 of the axles. However, the vehicle must be capable of complying with the performance requirements of § 22-302 of this subtitle.

(e) (1) Every trailer, semitrailer, and pole trailer equipped with air or vacuum actuated brakes, and every trailer, semitrailer, and pole trailer with a registered gross weight in excess of 10,000 pounds, manufactured or assembled after June 1, 1970, shall be equipped with brakes acting on all wheels and of a character to be applied automatically and promptly, and remain applied for at least 15 minutes on breakaway from the towing vehicle.

(2) Every trailer, semitrailer, and pole trailer with a registered gross weight of more than 3,000 pounds and not more than 10,000 pounds, manufactured or assembled after June 1, 1970, shall be equipped with brakes acting on all wheels of at least 1 axle and of a character to be applied automatically and promptly, and remain applied for at least 15 minutes on

breakaway from the towing vehicle.

(f) Every motor vehicle manufactured or assembled after June 1, 1970, and used to tow a trailer, semitrailer, or pole trailer equipped with brakes, shall be equipped with means for providing that, in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(g) Air brake systems installed on trailers manufactured or assembled after June 1, 1970, shall be so designed that the supply reservoir used to provide air for the brakes is safeguarded against backflow of air from the reservoir through the supply line.

(h) (1) Air Brakes. After June 1, 1971, every towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, shall be equipped with two means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure, which shall be not lower than 20 pounds per square inch nor higher than 45 pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual arrangement be arranged to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

(2) Vacuum Brakes. After June 1, 1970, every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, shall have, in addition to the single control device required by subsection (i) of this section, a second control device that can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic, and other pressure, and independent of other controls, unless the braking system is so arranged that failure of the pressure on which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(i) Except as provided in subsection (l) of this section, after June 1, 1971, every motor vehicle, trailer, semitrailer, and pole trailer, and every combination of these vehicles, except motorcycles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control on the towing vehicle, nor does it apply to the operation of electric trailer brakes.

(j) (1) Air Brakes. Every bus, truck, or truck tractor with air operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering the reservoir pressure by more than 20 percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

(2) Vacuum Brakes. After June 1, 1971, every truck with three or more axles equipped with vacuum assist type brakes and every truck tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than 40 percent.

(3) Reservoir Safeguarded. All motor vehicles, trailers, semitrailers, and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that, in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum is not depleted by the leak or failure.

(k) (1) Air Brakes. Every bus, truck, or truck tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time that the air reservoir pressure of the vehicle is below 50 percent of the air compressor governor cut-out pressure. In addition, the vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

(2) Vacuum Brakes. After June 1, 1971, every truck tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily

audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than 8 inches of mercury.

(3) Combination of Warning Devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device that serves both purposes. A gauge or gauges indicating pressure or vacuum is not an adequate means of satisfying this requirement.

(l) (1) In this subsection, "surge brakes" means a braking system designed to activate the brakes of a vehicle being towed as a result of the forward pressure of the vehicle against the towing vehicle during deceleration.

(2) A trailer or semitrailer may be equipped with surge brakes if:

(i) The trailer or semitrailer has a manufacturer's gross vehicle weight rating, or registered weight, whichever is less, of 10,000 pounds or less;

(ii) The combined gross vehicle weight rating, combined registered weight, and the gross combination weight of the trailer or semitrailer and the towing vehicle is 26,000 pounds or less;

(iii) The vehicle or combination of vehicles is not designed or used to transport 16 or more passengers including the driver of the towing vehicle;

(iv) The actual gross weight of the trailer or semitrailer and load does not exceed the manufacturer's gross vehicle weight rating or registered weight, whichever is less;

(v) The actual gross weight of the towing vehicle and load does not exceed the manufacturer's gross vehicle weight rating or registered weight, whichever is less;

(vi) The trailer or semitrailer brakes are designed and connected in such a manner that in case of accidental breakaway of the towed vehicle, the brakes will apply automatically;

(vii) The vehicle or combination of vehicles is not used to transport hazardous materials of a type and quantity that requires placarding;

(viii) The vehicle or combination of vehicles is not used to transport liquids or gases contained in packaging that exceeds a capacity of 119 gallons;

(ix) The trailer or semitrailer has a gross weight rating, registered weight, or gross weight, whichever is greater, that is not more than one and one-half times the gross weight rating or registered weight, whichever is less, of the towing vehicle; and

(x) For vehicles used for commercial purposes, the trailer or semitrailer is used only in intrastate commerce.

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§ 22-302

(a) Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, on application of the service brake, shall be capable of:

(1) Developing a braking force that is not less than the percentage of its gross weight tabulated in subsection (c) of this section for its classification;

(2) Decelerating to a stop from not more than 20 miles per hour at not less than the feet per second tabulated in subsection (c) of this section for its classification; and

(3) Stopping from a speed of 20 miles per hour in not more than the distance tabulated in subsection (c) of this section for its classification, this distance to be measured from the point at which movement of the service brake pedal or control begins.

(b) Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus 1 percent grade), dry, smooth, hard surface that is free from loose material.

(c) The following table sets forth the tabulations referred to in subsection (a) of this section:

1 2 3 4 Brake system application and Braking force distance in as a percentage feet from of gross vehicle Deceleration an initial Classification of or combination in feet per speed of 20 vehicle weight second m.p.h A Passenger vehicles with a

seating capacity of 10 people or less including driver, not having a manufacturer's gross vehicle weight rating..... 52.8%
 17 25 B-1 All motorcycles..... 43.5% 14 30 B-2 Single unit vehicles With a manufacturer's gross vehicle weight
 rating of 10,000 pounds or less..... 31% 10 20 C-1 Single unit vehicles With a manufacturer's gross weight
 rating of more than 10,000 pounds..... 43.5% 14 40 C-2 Combination of a two- axle towing vehicle and a
 trailer with a gross weight of 3,000 pounds or less..... 43.5% 14 40 C-3 Buses, regardless of the number of
 axles, not having a manufacturer's weight rating..... 43.5% 14 40 C-4 All combination of vehicles in
 driveway- towaway combinations... 43.5% 14 40 D All other vehicles and combinations of vehicles
 43.5% 14 50

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§ 22-303

All brakes shall be maintained in good working order and shall be adjusted to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

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§ 22-304

(a) The Administrator is authorized to require an inspection of the braking system on any motorcycle and to disapprove any braking system on a vehicle that he finds will not comply with the performance ability standard set forth in § 22-302 of this subtitle or that, in his opinion, is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(b) The Administrator may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when he determines that the braking system on it does not comply with the provisions of this section.

(c) A person may not operate on any highway any vehicle referred to in this section if the Administrator has disapproved the braking system on the vehicle.

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§ 22-305

(a) In this section, "hydraulic brake fluid" means the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(b) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

(c) After public hearing following due notice, the Administrator shall adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid.

(d) A person may not distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section.

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§ 22-401

(a) Every motor vehicle when operated on a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle.

(b) The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn, but may not otherwise use the horn when on a highway.

(c) No vehicle may be equipped with nor may any person use on a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(d) It is permissible, but not required, that any vehicle be equipped with a theft alarm signal device that is so arranged that it cannot be used by the driver as an ordinary warning signal.

(e) Every emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet. However, the siren may not be used except when the vehicle

is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of the approach of the vehicle.

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§ 22-402

(a) Every motor vehicle with an internal combustion engine shall be equipped with an exhaust muffler system in good working order and in constant operation to prevent excessive or unusual noise, and no person may use a muffler cutout, bypass, or similar device on a motor vehicle on a highway. Noise levels in excess of those adopted by the Administrator under § 22-601 of this title are excessive.

(b) A person may not use on the exhaust or "tail pipe" of a motor vehicle any extension or other device to cause excessive or unusual noise.

(c) (1) No motor vehicle may be operated, nor may the owner or lessee of a motor vehicle permit it to be operated, on any highway in this State unless the engine power and exhaust mechanism is equipped, adjusted, and operated to prevent:

(i) The discharge of clearly visible smoke (comparable to smoke equal to or darker in shade than that designated as No. 1 of the Ringelmann Chart as published by the U.S. Bureau of Mines) in the exhaust emissions within the proximity of the exhaust outlet for more than 10 consecutive seconds; and

(ii) The discharge of smoke from any other part of the engine in such amounts and of such opacity as to partially obscure persons or objects from view.

(2) In this subsection, "smoke" means small gasborne and airborne particles, exclusive of water vapor, from a process of combustion in sufficient numbers to be observable.

(3) A motor vehicle engine may not be allowed to operate for more than 5 consecutive minutes when the vehicle is not in motion, except as follows:

(i) When a vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;

(ii) When it is necessary to operate heating and cooling or auxiliary equipment installed on the vehicle;

(iii) To bring the vehicle to the manufacturer's recommended operating temperature; or

(iv) When it is necessary to accomplish the intended use of the vehicle.

(4) For a period of 1 year from July 1, 1971, this subsection shall be enforced by issuance of a warning. One year from July 1, 1971, it shall be enforced in the same manner as other violations of this section.

(5) This subsection does not apply to Class L (historic) vehicles.

(d) In this section, "muffler" means a device designed for and effective in reducing noise while permitting the flow of gases.

(e) All mufflers and exhaust pipes carrying exhaust gases from the motor shall be of leakproof construction.

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§ 22-403

(a) Every motor vehicle shall be equipped with at least one mirror located to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle.

(b) Every motor vehicle registered in this State shall be equipped with an outside mirror on the driver's side located to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle and along the driver's side of the vehicle. This subsection does not apply to motorcycles, which are governed by subsection (c) of this section.

(c) Every motorcycle shall be equipped with two rearview mirrors, one each attached to the right and left handlebars, which shall meet applicable federal motor vehicle safety standards.

(d) Where the view through the inside rearview mirror is obstructed, two outside rearview mirrors are required.

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§ 22-404

(a) (1) Except as provided in subsection (b) of this section, a person may not drive any motor vehicle with any sign, poster, card, sticker, or other nontransparent material on the front windshield, sidewings, or side or rear windows of the vehicle other than a certificate or other paper either required to be so displayed by law or authorized by the Administrator.

(b) This section does not apply to:

(1) Nontransparent material placed on the windshield of a motor vehicle above the AS1 line or not lower than 5 inches from the top of the windshield, whichever is less, if the materials are placed so as not to interfere with the driver's clear view of traffic;

(2) Materials placed on the windshield or rear window, within a 7 inch square area in the lower corner, if the materials are placed so as not to interfere with the driver's clear view of traffic;

(3) Materials placed on the side windows of a Class A (passenger) vehicle to the rear of the driver, if the materials are placed so as not to interfere with the driver's clear view of traffic;

(4) Materials placed on the side or rear windows of a Class M (multipurpose) vehicle or Class E (truck) vehicle provided that the vehicle is equipped with two outside rearview mirrors, one each attached to the right and left side of the vehicle;

(5) Materials placed on the windshield in compliance with security measures required by a federal or State government agency, provided that the decal is affixed to the vehicle in accordance with the issuing agency's guidelines;

(6) Direction, destination, or termini signs on any passenger common carrier motor vehicle; or

(7) An electronic toll collection device placed on the windshield of a vehicle in accordance with the guidelines established by the Maryland Transportation Authority.

(c) The windshield on every motor vehicle, except motorcycles, shall be equipped with a device for clearing and cleaning rain, snow, or other moisture from the windshield, which device shall be constructed to be controlled or operated by the driver of the vehicle.

(d) Every windshield wiper on a motor vehicle shall be maintained in good working order.

(e) (1) If a motor vehicle was originally equipped with windshield washers, the washers shall be operational and capable of containing washer fluid and distributing washer fluid onto the windshield.

(2) A windshield washer shall be constructed to be controlled or operated by the driver of the vehicle.

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§ 22-405

(a) A person may not drive a motor vehicle on any highway unless the motor vehicle is equipped with tires in safe operating condition, in accordance with requirements approved by the Administrator.

(b) A person may not drive a trailer on any highway unless the trailer is equipped with tires in safe operating condition, in accordance with requirements approved by the Administrator.

(c) The Administrator shall adopt rules of safe operating conditions capable of being employed by a police officer for visual inspection of tires maintained on vehicles, including visual comparisons with simple measuring devices. The requirements shall encompass effects on tread wear and depth of tread.

(d) If a police officer, at any time, has reasonable cause to believe that a vehicle is unsafe or equipped with tires in violation of the provisions of this section, the police officer may require the driver of the vehicle to stop and submit the vehicle tire to an inspection. If the inspection discloses the vehicle to be in violation, the officer may issue a summons for the violation.

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§ 22-406

(a) (1) In this section the following words have the meanings indicated.

(2) "Aftermarket safety glass replacement" means motor vehicle safety glass replacement services that occur after the original installation by a vehicle manufacturer.

(3) "Safety glass" means:

(i) Any glass product that is so made or treated as substantially to prevent the glass from shattering and flying when struck or broken; or

(ii) Any similar or other product that the Administration approves.

(b) A person may not drive on any highway in this State any motor vehicle manufactured or assembled after June 1, 1937, and registered in this State, unless the vehicle is equipped with safety glass wherever glass is used in the motor vehicle in doors, windows, windshields, and wings.

(c) A person may not sell any motor vehicle manufactured or assembled after June 1, 1937, registered or intended to be registered in this State and driven or intended to be driven on any highway in this State, unless the vehicle is equipped with safety glass wherever glass is used in the motor vehicle in doors, windows, windshields, and wings. Each sale in violation of this provision is a separate offense.

(d) The owner of any motor vehicle may not have broken glass in the windshield of the vehicle replaced with any glass other than safety glass.

(e) The owner of any motor vehicle may not have safety glass, broken or otherwise, in doors, windows, or wings of the motor vehicle replaced with any glass other than safety glass.

(f) A person may not install in the doors, windows, windshields, and wings of any motor vehicle any glass other than glass required by subsections (d) and (e) of this section.

(g) (1) (i) The Administration shall compile, maintain, and publish a list, by name, of the types of glass approved by it as conforming to the specifications and requirements of safety glass as set forth in this section.

(ii) The Administration shall adopt regulations establishing standards and requirements for aftermarket safety glass replacement that:

1. Require that the products and services used meet or exceed original equipment manufacturer specifications;
2. Require the use of motor vehicle safety glass that meets American National Standards Institute Z26.1 in accordance with Federal Motor Vehicle Safety Standard 205 and any other applicable federal motor vehicle safety standard adopted by the National Highway Transportation Safety Administration; and
3. Meet or exceed the standards and requirements of the American National Standards Institute/Auto Glass Safety Council/Automotive Glass Replacement Safety Standard.

(2) The Administration may not register any motor vehicle that is subject to the provisions of this section unless it is equipped with an approved type of safety glass and shall suspend the registration of any motor vehicle subject to this section that the Administration finds is not so equipped until the vehicle is made to conform to the requirements of this section.

(h) In case of any violation of any provision of this section by any common carrier or person operating under a permit issued by the Public Service Commission of Maryland, the permit shall either be revoked or, in the discretion of the Commission, suspended until the provision is complied with to the satisfaction of the Commission.

(i) (1) Except as provided in paragraph (4) of this subsection, a person may not operate a vehicle registered under § 13-912, § 13-913, § 13-917, or § 13-937 of this article on a highway in this State if:

(i) In the case of a vehicle registered under § 13-912 of this article, there is affixed to any window of the vehicle any tinting materials added to the window after manufacture of the vehicle that do not allow a light transmittance through the window of at least 35%; and

(ii) In the case of a vehicle registered under § 13-913, § 13-917, or § 13-937 of this article, there is affixed to any window to the immediate right or left of the driver any window tinting materials added after manufacture of the vehicle that do not allow a light transmittance through the window of at least 35%.

(2) If a police officer observes that a vehicle is being operated in violation of paragraph (1) of this subsection, the officer may stop the driver of the vehicle and, in addition to a citation charging the driver with the offense, issue to the driver a safety equipment repair order in accordance with the provisions of § 23-105 of this article.

(3) A person may not install on a window of a vehicle any window tinting material that does not comply with the light transmittance requirements specified in paragraph (1) of this subsection.

(4) (i) A person who must be protected from the sun for medical reasons is exempt from the provisions of paragraph (1) of this subsection if the owner has, in the vehicle at the time the vehicle is stopped by a police officer, a written certification in the manner and format required by the Automotive Safety Enforcement Division of the Department of State Police that details the owner's medical need for tinted windows with a light transmittance of less than the allowed 35%, from a physician licensed to practice medicine in the State.

(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, a written certification under this paragraph shall be valid for a period of time that the licensed physician determines the owner needs the enhanced tinted windows, not to exceed 2 years.

2. If the licensed physician determines that the owner's medical condition is permanent, a written certification under this paragraph shall be valid indefinitely.

(iii) This subsection does not apply to tinting materials that:

1. Are affixed in such a manner so as to be easily removed; and
2. Are being used to protect a child less than 10 years of age from the sun.

(iv) Nothing in this subsection may be construed to:

1. Allow any tinting materials to be added to the windshield of a vehicle below the AS1 line or below 5 inches from the top of the windshield;
2. Prohibit a person from operating the vehicle while the person for whom the written certification is required is not present in the vehicle, provided that the written certification is in the vehicle; or
3. Alter or restrict the authority of the Administrator to adopt regulations regarding vehicle windows, except with respect to the light transmittance requirements specified in this section.

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§ 22-407

(a) A person may not drive any truck with a registered gross weight in excess of 10,000 pounds, any passenger bus, any truck tractor, or any motor vehicle towing a mobile home, on any highway outside the corporate limits of municipal corporations at any time from a half hour after sunset to a half hour before sunrise unless there is carried in the vehicle the following equipment, except as provided in subsection (b) of this section:

(1) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions at nighttime;

(2) At least three red-burning fusees having a burning period of at least 15 minutes, unless red electric lanterns or red portable emergency reflectors are carried; and

(3) At least two red flags, not less than 12 inches square, with standards to support the flags.

(b) A person may not drive at the time and under the conditions stated in subsection (a) any motor vehicle used to carry explosives, any cargo tank truck used to carry flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel, unless there is carried in the vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsections (a) and (d) of this section.

(c) A person may not carry in a motor vehicle used to carry explosives, a cargo tank truck used to carry flammable liquids or compressed gases, or a motor vehicle using compressed gas as a fuel, a flare, fusee, or signal produced by flame.

(d) (1) No flare, fusee, electric lantern, warning device, or warning flag may be used to comply with this section unless the equipment is of a type that has been submitted to and approved by the Administrator.

(2) After June 30, 1974, no portable reflector warning device may be used to equip a vehicle that is required by this section to be so equipped unless it meets the requirements specified in the applicable federal motor vehicle safety standards. Vehicles equipped with portable reflector devices before July 1, 1974, may continue to use a device conforming to the requirements of a Type 2 device as specified in the Society of Automotive Engineers recommended

standards until such time as the device is replaced. Replacement devices shall conform to the applicable federal standards.

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§ 22-408

(a) Whenever any truck, passenger bus, truck tractor, trailer, semitrailer, or pole trailer, or any motor vehicle towing a mobile home is disabled on the roadway or shoulder of any highway outside of any municipal corporation at any time when lighted lamps are required on vehicles, the driver of the vehicle shall display the following warning devices on the highway during the time the vehicle is so disabled on the highway, except as provided in subsection (b), (c) or (e) of this section:

(1) A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic; and

(2) As soon thereafter as possible, but in any event within 15 minutes or before any fusee used for this purpose burns out, whichever occurs first, the driver shall place three liquid-burning flares (pot torches), three lighted red electric lanterns, or three portable red emergency reflectors on the roadway of the highway in the following order:

(i) One, approximately 100 feet from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane;

(ii) One, approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by the vehicle; and

(iii) One, at the traffic side of the disabled vehicle not less than 10 feet rearward or forward of it in the direction of the nearest approaching traffic, except that, if a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (1) of this subsection, it may be used for this purpose.

(b) Whenever any vehicle of a type referred to in this section is disabled within 500 feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be placed to afford ample warning to other users of the highway, but in no case less than 100 feet or more than 500 feet from the disabled vehicle.

(c) Whenever any vehicle of a type referred to in this section is disabled on any roadway of a divided highway during the time lights are required, the appropriate warning devices prescribed in subsections (a) and (e) of this section shall be placed as follows:

(1) One at a distance of approximately 200 feet from the vehicle, in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

(2) One at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and

(3) One at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic.

(d) Whenever any vehicle of a type referred to in this section is disabled on the roadway or shoulder of any highway outside of any municipal corporation at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags on the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately 100 feet in advance of the vehicle and one at a distance of approximately 100 feet to the rear of the vehicle.

(e) (1) Whenever any motor vehicle used to carry explosives or any cargo tank truck used to carry any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled on a highway in this State at any time or place mentioned in subsection (a) of this section, the driver of the vehicle shall immediately display the following warning devices:

(i) One red electric lantern or portable red emergency reflector, placed on the roadway at the traffic side of the vehicle; and

(ii) Two red electric lanterns or portable red reflectors, one placed approximately 100 feet to the front and one placed approximately 100 feet to the rear of this disabled vehicle, in the center of the traffic lane occupied by the vehicle.

(2) Flares, fusees, or signals produced by flame may not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(f) The flares, fusees, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section shall conform with the requirements of § 22-407 of this subtitle applicable to them.

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§ 22-409

(a) (1) The Administrator and the Secretary of the Department of the Environment jointly shall adopt such regulations as are necessary for the safe transportation of hazardous materials.

(2) The regulations adopted under this subsection shall duplicate or be consistent with the hazardous materials transportation regulations contained in 49 C.F.R., Parts 107 through 180, and all amendments to those regulations.

(b) (1) Any person engaged in the shipping and transporting of hazardous materials, regardless of whether the person's functions are related to the preparation or transportation of the materials or whether the transporting involves interstate or intrastate movements, shall comply with the regulations adopted under this section.

(2) All persons engaged in the manufacture, fabrication, marking, maintenance, reconditioning, repair, or retesting of packaging shall comply with the regulations adopted under this section.

(c) The Administrator may exempt through regulation certain persons from the regulations adopted under this section if the Administrator determines based on the evidence presented that public and environmental safety would not be adversely affected.

(d) A person convicted of a violation of this section is subject to:

(1) For a first offense, a fine not exceeding \$1,000;

(2) For a second offense, a fine not exceeding \$2,000; and

(3) For a third or subsequent offense, a fine not exceeding \$3,000.

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§ 22-410

(a) (1) In this section the following words have the meanings indicated.

(2) "Air-conditioning equipment" means mechanical vapor compression refrigeration equipment used to cool the driver's or passenger compartment of any motor vehicle.

(3) "Ozone-depleting refrigerant" means a refrigerant used in air-conditioning equipment that contains a substance identified in 42 U.S.C. § 7671a(a) or (b).

(b) Air-conditioning equipment shall be manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public.

(c) In a motor vehicle of model year 2011, or any model year thereafter, the air-conditioning equipment may contain only a refrigerant that:

(1) Is not an ozone-depleting refrigerant; or

(2) Is included in the list published by the United States Environmental Protection Agency as a safe alternative to chlorofluorocarbon-12, pursuant to 42 U.S.C. § 7671k(c).

(d) The Administrator, in consultation with the Department of the Environment, may adopt and enforce safety requirements, regulations, and specifications for air-conditioning equipment consistent with the requirements of this section.

(e) A person may not have for sale, offer for sale, sell, or equip any motor vehicle, of model year 2011 or thereafter, with any air-conditioning equipment unless the air-conditioning equipment complies with the requirements of this section.

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§ 22-411

- (a) Every trailer or semitrailer of a gross weight of 3,000 pounds or more, when operated on a highway, shall be equipped with a permanent metal frame attached to the underside of the rear of the trailer.
- (b) The frame may not be any wider than the width of the trailer and shall be not more than 30 inches above the highway when moving and constructed of heavy gauge steel.
- (c) The maximum transverse distance from the widest part of the vehicle at the rear to the frame may not exceed 18 inches.
- (d) The frame shall be constructed so as not to interfere with lights or other warning devices.
- (e) Any trailer or semitrailer so constructed and maintained that the body, chassis, or other parts of it afford the protection required by this section is in compliance with this section.
- (f) This section does not apply to pole trailers or to vehicles where the installation of the required frame would prevent operation of the vehicle to secure its designed use.

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§ 22-412

- (a) Every motor vehicle registered in this State and manufactured or assembled after June 1, 1964, shall be equipped with two sets of seat belts on the front seat of the vehicle.
- (b) Every motor vehicle registered in this State and manufactured or assembled with a rear seat after June 1, 1969, shall be equipped with two sets of seat belts on the rear seat of the vehicle.
- (c) A person may not sell or offer for sale any vehicle in violation of this section.
- (d) For the purpose of this section only, "motor vehicle" does not include any motorcycle other than an autocycle, bus, or truck.
- (e) For the purpose of this section only, "seat belt" means any belt, strap, harness, or like device.
- (f) A seat belt may not be sold or offered for sale for use in connection with the operation of a motor vehicle in this State after June 1, 1964, unless it meets applicable federal motor vehicle safety standards.

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§ 22-413

- (a) A person may not drive any bus, truck, trailer, or semitrailer on any highway in this State, unless it is equipped with suitable metal protectors or substantial flexible flaps behind the rear-most wheels of the vehicle or combination of vehicles to prevent the projection of rocks, dirt, water, or other substances to the rear and to minimize side spray.
- (b) A person may not cause to be driven any bus, truck, trailer, or semitrailer on any highway in this State, unless it is equipped with suitable metal protectors or substantial flexible flaps behind the rear-most wheels of the vehicle or combination of vehicles to prevent the projection of rocks, dirt, water, or other substances to the rear and to minimize side spray.
- (c) A person may not permit to be driven any bus, truck, trailer, or semitrailer on any highway in this State, unless it is equipped with suitable metal protectors or substantial flexible flaps behind the rear-most wheels of the vehicle or combination of vehicles to prevent the projection of rocks, dirt, water, or other substances to the rear and to minimize side spray.
- (d) The protectors or flaps shall have a ground clearance of not more than one-third of the horizontal distance from the bottom edge of the protector or flap to the centerline of the axle. However, no protector or flap need be closer to the ground than 6 inches under any condition of loading. The protector or flap shall extend laterally at least the width of the tire or tires being protected.
- (e) If any bus, truck, trailer, or semitrailer, is so designed or constructed that the objectives in subsection (a) of the section are accomplished by reason of fender or body construction or other means of enclosure, either permanent or temporary, then the requirements of this section have been satisfied.
- (f) This section does not apply to any farm tractor or to any vehicle registered as a farm truck or to uncoupled truck tractors or to pole trailers or other vehicles where the construction is such that complete freedom around the wheel area is

necessary to secure the designed use of the vehicle.

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§ 22-414

(a) A motor vehicle driven on a highway in this State may not be equipped with television-type receiving equipment that is turned on and displaying an image visible to the driver.

(b) This section does not prevent:

(1) The use of television-type receiving equipment in a vehicle exclusively for safety or law enforcement purposes, as approved by the Department of State Police;

(2) The use in a vehicle of equipment used exclusively for alphanumeric data and text transmission and reception; or

(3) The use in a vehicle of electronic display equipment:

(i) Used in conjunction with:

1. A vehicle navigation system; or

2. Broadcast and satellite radio system graphics; or

(ii) Displaying information or images related to the operation or safety of a motor vehicle.

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§ 22-415

(a) It is unlawful for any person to:

(1) Advertise for sale, sell, use or install or cause to be installed any device which causes an odometer to register any mileage other than the true mileage driven;

(2) Tamper with, damage, interfere with, disconnect, reset, or alter or cause to be disconnected, reset, or altered the odometer of any motor vehicle with intent to change the number of miles indicated;

(3) Operate a motor vehicle, with intent to defraud, knowing the odometer is disconnected or nonfunctional; or

(4) With intent to defraud, offer for sale or sell any vehicle in which the odometer has been changed or altered to misrepresent the actual accumulated mileage.

(b) A person convicted of a violation of this section is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 22-416

(a) The purpose of this section is to provide additional safety standards for private passenger automobiles, not only to afford additional protection for passengers in them, but also to eliminate damage to an automobile at a specified speed by more adequate bumper protection for the chassis of the vehicle.

(b) In this section, "private passenger automobile" means a four-wheeled motor vehicle designed principally for carrying passengers, for use on public roads and highways, and not designed for use principally as a dwelling or for camping.

(c) Every private passenger automobile manufactured on and after January 1, 1974, and sold or titled and registered in this State, shall be sold subject to the manufacturer's warranty that it is equipped with an appropriate energy absorption system that meets the requirements for energy absorption systems set by the National Highway Traffic Safety Administration.

(d) The warranty provisions of this section are not applicable with respect to any private passenger automobile as to which the manufacturer files a written certification under oath with the Administration, on a form to be prescribed by it, that the particular make and model described in the certification complies with the applicable standards of this section.

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§ 22-417

Effective September 1, 1973, all school buses operating in Maryland and used for the transportation of children to and from public or nonpublic schools shall be equipped with seat back crash pads meeting the rules, regulations, and specifications established by the Administration.

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§ 22-418

(a) School vehicles shall be painted yellow, in accordance with Administration regulations, using the color known as national school bus yellow, as specified in federal standards.

(b) Unless otherwise permitted or authorized by the Maryland Vehicle Law or by Administration regulation, no other vehicle designed for carrying passengers may be painted national school bus yellow or a closely approximate color.

(c) The Administrator may issue regulations for a phase-in of compliance with this section.

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§ 22-419

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Airbag" means a motor vehicle inflatable occupant–restraint system that:

1. Operates in the event of a crash; and
2. Is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

(ii) "Airbag" includes the cover, sensors, controllers, inflators, wiring, cushion material, and any other component part of an airbag.

(3) "Counterfeit airbag" means a replacement airbag displaying an unauthorized mark identical or substantially similar to the genuine mark of a motor vehicle manufacturer or a supplier of parts to the motor vehicle manufacturer.

(4) "Nonfunctional airbag" means:

(i) A replacement airbag that:

1. Has been previously deployed or damaged; or
2. Has an electrical fault that is detected by the vehicle diagnostic system after the installation procedure is completed; or

(ii) An object, including a counterfeit airbag, intended to deceive a vehicle owner or operator into believing that the object is a functional airbag.

(b) A person may not knowingly:

(1) Import, manufacture, distribute, sell, or offer for sale a counterfeit airbag or a nonfunctional airbag;

(2) Install or reinstall a counterfeit airbag or a nonfunctional airbag in a motor vehicle;

(3) Sell, offer for sale, install, or reinstall a device in a vehicle that causes the vehicle's diagnostic system to inaccurately indicate that the vehicle is equipped with a functional airbag when a counterfeit airbag, nonfunctional airbag, or no airbag is installed;

(4) Represent to another person that a counterfeit airbag or a nonfunctional airbag that is or will be installed in a motor vehicle is a functional airbag; or

(5) Assist in or cause a violation of this subsection.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

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§ 22-420

(a) (1) Beginning January 1, 2020, manufacturers and distributors of electric bicycles shall apply in a prominent location a standardized label that is permanently affixed to each electric bicycle.

(2) The label required under paragraph (1) of this subsection shall be printed in Arial font in at least 9 point type and contain for the electric bicycle:

(i) The classification;

(ii) The top assisted speed; and

(iii) The motor wattage.

(b) A person may not tamper with or modify an electric bicycle in a manner that changes the motor-powered speed capability of the electric bicycle unless the person corrects the classification on the label required under subsection (a) of this section.

(c) An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the federal Consumer Product Safety Commission under 16 C.F.R. § 1512.

(d) An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function:

(1) When the brakes are applied; or

(2) For a Class 1 or Class 3 electric bicycle, when the operator stops pedaling.

(e) A Class 3 electric bicycle shall be equipped with a speedometer that displays the speed of the electric bicycle in miles per hour.

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§ 22-421

(a) (1) In this section the following words have the meanings indicated.

(2) "First sale" means a sale of a new tire that is not a sale to a wholesaler or out-of-state retailer.

(3) "Tire dealer" means a person who sells new tires to:

(i) A seller of tires in the State that is not a tire wholesaler; or

(ii) A consumer of a tire on which a recycling fee has not been paid.

(4) "Tire wholesaler" means a person who transfers tires to a person who is not a consumer.

(b) (1) Beginning on January 1, 2026, a new tire fee shall be imposed on the first sale of a new tire in the State by a tire dealer, including new tires sold as a part of a new or used vehicle, trailer, farm implement, or similar machinery.

(2) A county, municipal corporation, or any agency of a county or municipal corporation may not impose any tax, fee, or other charge on the sale of a new tire by a tire dealer.

(c) The new tire fee on the sale of a new tire dealer is \$5 per tire.

(d) For a sale made by a tire dealer to a person who resells tires, the tire dealer shall separately state the new tire fees paid by the tire dealer on the invoice or other document of sale.

(e) (1) Each tire dealer shall:

(i) Pay the new tire fee; and

(ii) Complete and submit, under oath, a return and remit the fees to the Comptroller on or before the 21st day of the month that follows the month in which the sale was made, and for other periods and on other dates that the Comptroller specifies by regulation, including periods for which no fees were due.

(2) A tire dealer shall file a new tire fee return electronically.

(f) If the amount of the new tire fee is separately stated in a retail sale, the new tire fee is not subject to any tax under Title 13 of this article or Title 11 of the Tax – General Article.

(g) The Comptroller shall forward all new tire fees, less the costs of administration, to the Transportation Trust Fund.

(h) Except to the extent inconsistent with this section, the provisions of Titles 1, 2, 11, and 13 of the Tax – General Article applicable to the sales and use tax shall govern the administration, collection, and enforcement of the new tire fee under this section.

(i) The Comptroller:

(1) Shall administer the new tire fee; and

(2) May adopt regulations necessary to administer, collect, and enforce the new tire fee.

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§ 22-601

(a) With the endorsement of the Secretary of Transportation and the Secretary of the Environment and after a public hearing following 60 days' notice, the Administrator shall adopt regulations that establish maximum sound level limits for the operation on the highways in this State of each type of motor vehicle or combination of vehicles.

(b) In establishing limits under this section, the Administrator shall:

(1) Consider any noise emission regulations established under federal law for motor carriers engaged in interstate commerce; and

(2) Set the limits at the most restrictive level that, through the application of the best available technology at a reasonable cost, is consistent with attaining the environmental noise standards adopted by the Department of the Environment.

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§ 22-602

(a) A person may not drive on a highway in this State any motor vehicle or combination of vehicles of a type required to be registered under Title 13 of this article, in a manner that, at any time, at any speed, or under any condition of grade, load, acceleration, or deceleration, exceeds the maximum sound level limits established under § 22-601 of this subtitle for the operation of that type of motor vehicle or combination of vehicles.

(b) An owner or lessee of a motor vehicle may not permit to be driven on a highway in this State any motor vehicle or combination of vehicles of a type required to be registered under Title 13 of this article, in a manner that, at any time, at any speed, or under any condition of grade, load, acceleration, or deceleration, exceeds the maximum sound level limits established under § 22-601 of this subtitle for the operation of that type of motor vehicle or combination of vehicles.

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§ 22-603

(a) The Administrator and the Department of State Police jointly shall adopt regulations for the administration and enforcement of the sound level limits established under § 22-601 of this subtitle for the operation of vehicles.

(b) These regulations shall include the selection of measurement sites and measurement procedures to be based on accepted scientific and professional methods for the measurement of vehicular sound levels.

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§ 22-604

When an emergency vehicle is operating under the provisions of § 21-106 of this article, it is exempt from the sound level limits established under § 22-601 of this subtitle for the operation of vehicles.

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§ 22-605

(a) With the endorsement of the Secretary of Transportation and the Secretary of the Environment and after a public hearing following 60 days' notice, the Administrator shall adopt regulations that establish maximum sound level limits for each type of new motor vehicle.

(b) In establishing limits under this section, the Administrator shall set the most restrictive level that, through the application of the best available technology at a reasonable cost, is consistent with attaining the environmental noise standards adopted by the Department of the Environment.

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§ 22-606

(a) A person may not sell, offer for sale, distribute, or lease in this State any motor vehicle manufactured after July 1, 1974, if the vehicle has a sound level potential that exceeds the maximum sound level limits established under § 22-605 of this subtitle for that type of new motor vehicle.

(b) The Administration may not register or issue a certificate of title for any motor vehicle manufactured after July 1, 1974, unless, when the vehicle is first sold for purposes other than resale, it complies with the noise level limits established under § 22-605 of this subtitle for new motor vehicles.

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§ 22-607

(a) The Administrator shall adopt regulations for the administration and enforcement of the sound level limits established under § 22-605 of this subtitle for new motor vehicles.

(b) These regulations shall include the establishment of test procedures to be used to establish compliance with the limits adopted. The procedures shall be:

(1) Based on accepted scientific and professional standards for the measurement of sound; and

(2) In substantial conformity with test procedures contained in applicable standards and recommended practices for the measurement of vehicular sound levels established by the Society of Automotive Engineers, Inc. and the American National Standards Institute or their respective successor bodies.

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§ 22-608

The manufacturer, distributor, or designated agent of the manufacturer or distributor of each make and model of motor vehicle sold in this State shall file with the Administration a written certification that the particular make and model complies with the sound level limits established under § 22-605 of this subtitle for new motor vehicles. The certification shall be on the form that the Administration requires.

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§ 22-609

(a) A person may not modify the exhaust system or any other noise abatement device of a motor vehicle driven or to be driven on any highway in this State in such a way that the noise emitted by the vehicle exceeds that emitted by the vehicle as originally manufactured.

(b) A person may not drive on any highway in this State a motor vehicle with an exhaust system or noise abatement device modified in a way prohibited by subsection (a) of this section.

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§ 22-610

(a) A person may not sell or offer for sale in this State for use as part of the equipment of a motor vehicle any exhaust muffler, intake muffler, or other noise abatement device that, when installed, will permit the vehicle to be operated in such a way that the noise emitted by the vehicle exceeds that emitted by the vehicle as originally manufactured.

(b) (1) The manufacturer of each exhaust muffler, intake muffler, or other noise abatement device sold in this State for use as part of the equipment of a motor vehicle shall file with the Administration a written certification that the particular device, when installed for its intended application, complies with the requirements of this section.

(2) The certification shall be on the form that the Administration requires.

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§ 22-611

(a) In this section, "engine brake" means an add-on engine compression brake for diesel engines.

(b) A person may not operate a commercial motor vehicle equipped with an engine brake unless the engine brake is connected to a properly functioning exhaust muffler system in constant operation when the vehicle's ignition is engaged.

(c) A person may not disable the exhaust muffler system of a commercial motor vehicle that is equipped with an engine brake except to make a bona fide repair or replacement.

(d) A person convicted of a violation of this section is subject to:

(1) For a first offense, a fine of not less than \$250 and not exceeding \$1,000; and

(2) For a second or subsequent offense, a fine of not less than \$500 and not exceeding \$1,000.

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Title 23 — Motor Carriers

§ 23-101

(a) In this subtitle the following words have the meanings indicated.

(b) "Division" means the Automotive Safety Enforcement Division of the Department of State Police.

(c) "Equipment" includes all mechanisms that form part of or relate to vehicle equipment.

(d) "Facility" means a licensed dealer or a vehicle garage, repair shop, or gasoline service station.

(e) "Inspection certificate" means a certification by an inspection station, in a format established by the Division, that:

(1) Certifies that, as of its date, a specified vehicle meets or exceeds the standards for equipment established under this title; and

(2) Identifies the inspection station and the licensed individual who personally inspected the vehicle.

(f) "Inspection station" means a facility that is licensed by the Division under this subtitle.

(g) "Police officer" means:

(1) Any uniformed police officer;

(2) Any person listed under § 2–101(c) of the Criminal Procedure Article; or

(3) Any civilian employee of the Department of State Police or the Maryland Transportation Authority Police assigned to enforce this subtitle or any regulation adopted under this subtitle, but only while acting under written authorization of the Secretary of State Police.

(h) "Repair order certification" means a written certification by an inspection station or police department that:

(1) Certifies that, as of its date, the equipment specified in a safety equipment repair order meets or exceeds the standards established under this subtitle; and

(2) Is signed and dated:

(i) On behalf of the inspection station by the licensed individual who personally inspected the vehicle; or

(ii) On behalf of the police department by the authorized police officer who personally inspected the vehicle.

(i) (1) "Vehicle" means, except as otherwise provided in this subsection, any vehicle registered or to be registered in this State as:

(i) A Class A (passenger) vehicle;

(ii) A Class M (multipurpose) vehicle;

(iii) A Class J (vanpool) vehicle;

(iv) A Class E (truck) vehicle;

(v) A Class F (tractor) vehicle;

(vi) A Class G (trailer) vehicle;

(vii) A Class B (for-hire) vehicle;

(viii) A Class D (motorcycle) vehicle; or

(ix) A Class L (historic) vehicle with a model year of 1986 or later.

(2) For purposes of safety equipment repair orders only, "vehicle" means, except as provided in paragraph (3) of this subsection, any motor vehicle, trailer, or semitrailer.

(3) "Vehicle" does not include any Class L (historic) vehicle with a model year of 1985 or earlier, or any trailer which is a mobile home as defined by § 11–134 of this article.

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§ 23-102

(a) There is an Automotive Safety Enforcement Division in the Department of State Police.

(b) The Division shall have those employees that the Secretary of State Police assigns and as provided in the State budget.

(c) (1) The Division shall enforce this subtitle in each of the counties of this State and Baltimore City.

(2) Civilian employees of the Division designated by the Secretary of State Police shall have the authority to enforce this subtitle and any regulation adopted under it when acting under written authorization of the Secretary.

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§ 23-103

(a) (1) On receipt of an application and a nonrefundable fee established by the Administration from a facility for an inspection station license, the Division shall:

(i) Inspect the facility as to its ability to inspect and correct equipment; and

(ii) If the facility is qualified, issue to it a license as an inspection station.

(2) On receipt of a renewal application and the annual license fee established by the Administration for an inspection station, the Division shall issue the renewal license if the facility is qualified.

(b) The license authorizes the facility to:

(1) Inspect a used vehicle on request of its transferor or transferee;

(2) Inspect the equipment of a vehicle for which a safety equipment repair order has been issued and issue a repair order certification for the vehicle; and

(3) Inspect an ambulance on the request of its owner that is required to be inspected under § 13–515 of the Education Article.

(c) The Division may:

(1) For cause, suspend or revoke an inspection station license; and

(2) On suspension or revocation of the license, require the surrender of the license and all related material issued by the Division.

(d) The Division may establish standards by rule or regulation for the licensing and operation of inspection stations.

(e) The Administration may not set a fee under this section that exceeds the administrative cost of the Division under this program.

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§ 23-104

The Administration and the Division jointly shall adopt, consistent with federal law, regulations establishing equipment, performance, and other technical standards for:

(1) Motor vehicles;

(2) Autocycles; and

(3) Low speed vehicles.

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§ 23-105

(a) (1) If a police officer observes that a vehicle registered in this State is being operated with any equipment that apparently does not meet the standards established under this subtitle or the standards established under § 24-106.1(e) of this article, the officer shall stop the driver of the vehicle and issue to him a safety equipment repair order.

(2) A police officer may issue a safety equipment repair order for a cover required under § 24-106.1(e) of this article only if:

(i) The vehicle is equipped with a cover; and

(ii) The cover, or any equipment necessary to properly secure the cover, does not meet the standards established under § 24-106.1(e) of this article.

(b) The safety equipment repair order shall direct the owner of the vehicle:

(1) To have the equipment corrected as necessary at a place of the owner's choosing within 10 days from the issuance of the order; and

(2) To send to the Division a repair order certification dated subsequent to the issuance of the order.

(c) (1) If a safety equipment repair order is for equipment that can be certified as corrected or adequate by visual inspection and without the use of testing equipment, any police department that issues safety equipment repair orders and repair order certifications shall, on request of the owner:

(i) Visually inspect the vehicle; and

(ii) If the equipment meets or exceeds the standards established under this subtitle, issue a repair order certification.

(2) The Division shall determine the equipment that may be inspected visually under this subsection and shall adopt rules and regulations to carry out its provisions.

(d) The Division shall prepare and provide safety equipment repair order forms and repair order certification forms.

(e) (1) In cooperation with the Administration, the Division shall adopt rules and regulations to carry out the provisions of this section.

(2) The rules or regulations shall provide for:

(i) Suspending the registration of any vehicle for which a safety equipment repair order has been issued, on failure to comply with the order within 30 days after its issuance; and

(ii) Reinstating the suspended registration, on receipt of satisfactory evidence that the equipment has been corrected or that the equipment meets or exceeds the standards established under this subtitle.

(f) This section does not limit or supersede any other provision of law concerning vehicle equipment or the means of enforcing the laws relating to that equipment.

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§ 23-106

(a) This section does not apply to:

(1) Any transfer of a used vehicle to any licensed dealer or to any foreign dealer;

(2) Any transfer between:

(i) Spouses;

(ii) A parent and child; or

(iii) Co-owners of the vehicle to be transferred when a co-owner's name is being removed from the title;

(3) Any transfer of a used vehicle that is not to be both titled and registered in this State;

(4) Any transfer of a used vehicle among any agencies of the State;

(5) Any transfer of a used vehicle as described in § 13-503.2 of this article;

(6) Any transfer of a used vehicle into a written inter vivos trust in which the transferor is the primary beneficiary;

- (7) Any transfer of a used island vehicle, as defined in § 13–935 of this article, registered, or to be registered, as a Class K (farm area/island) vehicle;
- (8) Any transfer of an off-highway recreational vehicle;
- (9) Any transfer of a leased vehicle to the lessee at the end of the lease term; or
- (10) Any transfer of a used vehicle from a business entity to the majority owner of the business entity if:
 - (i) The vehicle is primarily driven by the majority owner of the business entity; and
 - (ii) The business entity has been dissolved or is in the process of dissolution.
- (b) (1) Except as provided in paragraphs (4) and (5) of this subsection, if any licensed dealer that also is an inspection station transfers any used vehicle, it shall:
 - (i) Prepare an inspection certificate; or
 - (ii) Have an inspection certificate prepared by another inspection station.
- (2) Except as provided in paragraphs (4) and (5) of this subsection, if any other person transfers a used vehicle, the person shall obtain an inspection certificate from an inspection station.
- (3) If a used vehicle is transferred other than by voluntary transfer or is transferred by a political subdivision of the State after that subdivision obtains the vehicle by proceedings pursuant to Title 12 of the Criminal Procedure Article, the transferee shall obtain the inspection certificate from an authorized inspection station.
- (4) In the case of a transfer of any used vehicle registered, or to be registered, as a Class E (truck) exceeding three-fourths ton manufacturer's rated capacity, Class F (tractor), Class G (freight trailer or semitrailer), or Class G (dump service semitrailer) vehicle, the transferor or the transferee of the vehicle may obtain the required inspection certificate.
- (5) In the case of a transfer of any used vehicle registered or to be registered, that is sold for dismantling or rebuilding purposes, the transferor or the transferee of the vehicle may obtain the required inspection certificate.

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§ 23-107

- (a) (1) Before the Administration titles and registers any used vehicle, except a Class L (historic) vehicle, it shall require a valid inspection certificate for the vehicle.
- (2) For the purposes of this subsection, an inspection certificate shall remain valid from the date the inspection certificate is issued for a period of:
 - (i) 90 days; or
 - (ii) In the case of an inspection certificate issued for a used vehicle owned and held in inventory by a dealer licensed under Title 15 of this article, the earlier of:
 - 1. 6 months; or
 - 2. When 1,000 miles have been added to the vehicle's odometer since the inspection certificate was issued.
- (3) This subsection does not apply to any vehicle transferred within 30 days after the date of an inspection certificate issued for the vehicle and filed by the Administration in its title records.
- (b) (1) If a person applies for titling and registration of a vehicle, the Administration may:
 - (i) Withhold delivery of a certificate of title pending receipt of an inspection certificate; and
 - (ii) Issue a temporary registration.
- (2) A vehicle for which a temporary registration has been issued under this subsection shall be inspected within 60 days of the issuance of the temporary registration.
- (c) (1) When an existing school vehicle (Class H) is changed to any other registration class, the vehicle shall be inspected at a licensed State inspection station.
- (2) The inspection certificate shall be submitted at the time the vehicle is being registered in the new class.

(d) All buses other than those that are required to be inspected annually by the Public Service Commission or by the Administration shall be inspected annually at a licensed State inspection station.

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§ 23-108

The Division shall prepare inspection certificate forms and provide them without charge to inspection stations. The forms shall be serially numbered and shall require the information that the Administration and the Division determine.

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§ 23-109

(a) An inspection station or any of its employees may not issue an inspection certificate for a vehicle without having inspected its equipment.

(b) An inspection station or any of its employees may not issue a repair order certification for any specified equipment without having inspected that equipment.

(c) An inspection station or any of its employees may not willfully issue an inspection certificate for a vehicle the equipment of which does not meet or exceed the standards established under this subtitle.

(d) An inspection station or any of its employees may not willfully issue a repair order certification for any specified equipment if that equipment does not meet or exceed the standards established under this subtitle.

(e) In this section, "fictitious" includes an imitation, counterfeit, or altered certificate or certification.

(f) A person may not make, issue, or knowingly use any fictitious inspection certificate or repair order certification.

(g) A person may not issue or cause or permit to be issued a repair order certification knowing it to be fictitious or issued without the equipment having been inspected for compliance with this subtitle.

(h) On suspension or revocation of its license, an inspection station shall surrender to the Division, at its request, the license and all related material issued by the Division.

(i) A person may not materially alter or change any equipment of a vehicle for which an inspection certificate or a repair order certification has been issued under this subtitle.

(j) A person may not willfully violate any rule or regulation adopted under this subtitle relating to inspection procedures and inspection station requirements.

(k) A person convicted of a violation of this section is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both for each vehicle for which there is a violation.

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§ 23-201

(a) In this subtitle the following words have the meanings indicated.

(b) "Emissions control program" means the program requiring and implementing the exhaust emissions test and the emissions equipment and misfueling inspection.

(c) "Emissions equipment" means any emissions control device that has been installed on a motor vehicle by a manufacturer of motor vehicles.

(d) "Emissions equipment and misfueling inspection" means an inspection to verify the presence of required emissions equipment and an inspection to determine that the vehicle has not been misfueled.

(e) (1) "Emissions related repair" means the inspection, adjustment, repair, or replacement of motor vehicle engine systems, subsystems, or components as necessary to bring a motor vehicle into compliance with emissions standards adopted in accordance with the provisions of this subtitle.

(2) "Emissions related repair" does not include adjustment, repair, or replacement necessitated by tampering or misfueling.

(f) (1) "Emissions standard" means a requirement that limits the quantity, quality, rate, or concentration of emissions from a motor vehicle.

(2) "Emissions standard" includes a requirement that relates to the operation or maintenance of a motor vehicle to assure continuous emissions reduction.

(g) "Exhaust emissions test" means the sampling and measurement of certain components of motor vehicle exhaust to determine whether the motor vehicle is in compliance with an emissions standard.

(h) "Misfueling" means the introduction of leaded fuel into a motor vehicle designed by the motor vehicle manufacturer to use unleaded fuel.

(i) "Secretary" means the Secretary of the Environment.

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§ 23-202

(a) (1) Subject to subsection (d) of this section, the Administration and the Secretary shall establish an emissions control program in the State in accordance with the federal Clean Air Act.

(2) The program shall remain in effect only as long as required by federal law.

(b) (1) Subject to paragraph (3) of this subsection, the emissions control program shall provide for a biennial exhaust emissions test and emissions equipment and misfueling inspection for all vehicles of the 1977 model year and each model year thereafter.

(2) The emissions control program may not authorize an exhaust emissions test or emissions equipment and misfueling inspection for any vehicle of a model year earlier than the 1977 model year.

(3) (i) In this paragraph, "qualified hybrid vehicle" means an automobile that:

1. Meets all applicable regulatory requirements;
2. Meets the current vehicle exhaust standard set under the federal Tier 2 program for gasoline-powered passenger cars under 40 C.F.R. Part 80 et seq.; and
3. Can draw propulsion energy from both of the following sources of stored energy:
 - A. Gasoline or diesel fuel; and
 - B. A rechargeable energy storage system.

(ii) A qualified hybrid vehicle is not required to submit to a first exhaust emissions test and emissions equipment and misfueling inspection until 3 years after the date on which the vehicle was first registered in the State.

(c) By rules and regulations, the Administration and the Secretary:

(1) Shall grant a waiver to a vehicle owner if:

(i) The vehicle fails to pass the exhaust emissions test;

(ii) The vehicle owner exhibits evidence acceptable to the Administration that the owner, for an initial exhaust emissions test occurring:

1. In calendar years 1998 through 1999 has actually incurred an expenditure of \$150 towards emissions related repairs to the vehicle within 60 days after the initial exhaust emissions test;

2. In calendar years 2000 through 2001 has actually incurred an expenditure towards emissions related repairs to the vehicle within 120 days after the initial exhaust emissions test in an amount of:

- A. \$200 for vehicles of model years 1990 and older;
- B. \$300 for vehicles of model years 1991 through 1997; or
- C. \$450 for vehicles of model years 1998 and newer; and

3. On or after January 1, 2002, has actually incurred an expenditure of \$450 towards emissions related repairs to the vehicle within 120 days after the exhaust emissions test;

(iii) The vehicle fails a retest, except that if the vehicle owner has exhibited evidence acceptable to the Administration that the vehicle owner actually incurred the minimum expenditure as required under item (ii) of this item for the emissions related repair to the vehicle within 30 days before the initial exhaust emissions test or the period allowed under federal

law, whichever is longer, a retest is not required; and

(iv) The vehicle owner exhibits evidence that the emissions related repairs qualifying for a waiver under items (ii) and (iii) of this item were performed by a repair technician and at a repair facility both certified under item (4) of this subsection;

(2) Notwithstanding the provisions of this section, may not grant a waiver if it is found in the testing process that factory-installed emissions equipment has been tampered with or removed, or that the vehicle has been misfueled;

(3) Unless otherwise prohibited by federal law, may grant additional waivers to extend the time for compliance in cases of financial hardship or for unusual circumstances;

(4) Shall establish criteria to certify repair technicians and facilities for the purpose of bringing vehicles into compliance with the applicable emissions standards, including the payment of reasonable fees to cover the costs of administering and overseeing the certification program;

(5) May provide for the suspension, revocation, or denial of renewal of the certification of a repair technician or facility upon evidence that vehicles repaired by that technician or facility for the purpose of bringing them into compliance with the applicable emissions standards have repeatedly failed tests or retests and the Administration and the Secretary have clear and convincing evidence the repair technician or facility is not meeting satisfactory performance standards;

(6) Shall define the inspection parameters for the emissions equipment and misfueling inspection;

(7) Shall adopt a schedule for the exhaust emissions test;

(8) Shall adopt a schedule for the emissions equipment and misfueling inspections; and

(9) Shall establish, under Title 2 of the Environment Article, emissions standards to be used for the exhaust emissions tests and emissions equipment and misfueling inspections of motor vehicles under this subtitle.

(d) (1) Notwithstanding subsection (c)(6) of this section or any other provision of law, during the period from January 1, 1995 through May 31, 1997, the emissions control program established under this subtitle may not require for any vehicle other than a State-owned vehicle or, to the extent authorized by federal law, a federally owned vehicle:

(i) Transient mass-emission testing using the IM 240 driving cycle referenced under 40 C.F.R. Part 51;

(ii) An evaporative system integrity (pressure) test or an evaporative system transient purge test that requires the disconnection or manipulation of any engine component, including any hose or emissions equipment, that is located in the vehicle's engine compartment;

(iii) Removal of the driver from a vehicle being tested or inspected; or

(iv) On-road testing.

(2) (i) The Administration, in consultation with the Secretary, shall develop and offer to owners of vehicles subject to the emissions control program an incentive program designed to encourage voluntary submission to the test described in paragraph (1)(i) of this subsection.

(ii) Notwithstanding the provisions of § 23-205(a)(2) of this subtitle and subsection (c)(1) of this section, the incentives offered under this paragraph may include reduced test fees, flexible test schedules, the waiver of late fees, the reduction of expenditures incurred for emissions related repairs necessary to obtain a waiver, and any other cost-effective incentive that is consistent with State and federal law and is reasonably expected by the Administration to increase the number of vehicles that undergo the test described in paragraph (1)(i) of this subsection.

(iii) 1. The Administration shall notify vehicle owners of the opportunity to voluntarily submit a vehicle to the testing described in subparagraph (i) of this paragraph.

2. The notice required under this subparagraph shall be:

A. Prominently displayed at all emissions inspection facilities; and

B. Included by the Administration in test notices and other mailings related to the emissions control program that are directed to vehicle owners.

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§ 23-203

(a) (1) By rules and regulations, the Administration and the Secretary shall provide for the establishment of facilities to conduct any tests or inspections required to be performed under this subtitle.

(2) If the Administration and the Secretary determine that the system can be installed and operated more effectively and economically by an independent contractor than if installed and operated by the Administration and the Secretary, the Administration and the Secretary may award the installation and operation of the inspection facilities to an independent contractor selected in accordance with the bidding procedures established by the laws of this State.

(3) (i) If, on or after July 1, 1991, the Administration and Secretary are required by federal law to extend the emissions control program to additional areas of the State and the Administration and Secretary determine that the inspection facilities can be installed and operated more effectively and economically by one or more independent contractors than if installed and operated by the Administration and Secretary, the Administration and Secretary may:

1. Award the installation and operation of the inspection facilities to one independent contractor for the installation and operation of all inspection facilities in this State; or

2. Create separate regions of the areas of the State required to participate in an emissions control program for the purpose of separately awarding contracts for the installation and operation of the inspection facilities required for each region to one or more independent contractors.

(ii) All independent contractors shall be selected in accordance with the procedures established under the State Finance and Procurement Article.

(iii) The Administration and the Secretary may establish a statewide centralized or decentralized program or any combination of centralized and decentralized programs in separate regions of the State.

(b) If the program is awarded to an independent contractor to operate centralized inspection facilities, the facilities shall be provided, equipped, and maintained by the independent contractor, and the operating personnel of the facilities shall be employees of the contractor, and not of the State, and the contractor may not perform emissions related repairs as defined in § 23–201 of this subtitle.

(c) The Administration and the Secretary shall determine, on or before March 1, 1998, whether the following criteria for establishing a decentralized retesting program have been satisfied:

(1) Testing equipment and procedures, yielding results that correlate to tests and inspections performed at centralized inspection facilities in the State within 95% accuracy or within a different degree of accuracy approved by the Administration and the Secretary, are feasible for use in certified repair facilities approved for retesting of vehicles; and

(2) The establishment of a decentralized retesting option in the State does not result in a loss of emissions reduction benefits to the State under the federal Clean Air Act.

(d) If the Administration and the Secretary determine that the criteria listed in subsection (c) of this section have not been met in a given year, they shall determine, on or before March 1 of the succeeding year, whether the criteria have been satisfied in the intervening period.

(e) Notwithstanding subsections (a) and (b) of this section, if the program is awarded to an independent contractor to operate centralized inspection facilities and if the Administration and the Secretary have determined that the criteria listed in subsection (c) of this section have been satisfied, the Administration and the Secretary shall propose regulations to:

(1) Allow the owner of a vehicle that fails an exhaust emissions test or emissions equipment and misfueling inspection at a centralized inspection facility to have the vehicle retested at either a centralized inspection facility or an approved certified repair facility;

(2) Allow a certified repair facility to retest vehicles if approved for that purpose by the Department of the Environment;

(3) Require the initial exhaust emissions test and emissions equipment and misfueling inspection in each biennial test cycle to be performed at a centralized inspection facility;

(4) Establish criteria for testing equipment, procedures, and reporting of retests for approved certified repair facilities;

(5) Provide for the suspension, revocation, or denial of renewal of approval for a certified repair facility to perform retests if the Secretary, or the Secretary's designee, determines that the facility has performed fraudulent retests or is not in compliance with the regulations adopted under this subsection; and

(6) Establish a reasonable fee for approval of a certified repair facility to perform retests, covering the costs of the approvals and oversight of the decentralized retesting program.

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§ 23-204

The facilities established or approved under § 23-203 of this subtitle shall conduct the exhaust emissions tests and emissions equipment and misfueling inspections of motor vehicles to determine whether each vehicle complies with emissions standards established under this subtitle for that vehicle.

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§ 23-205

(a) (1) Subject to paragraph (2) of this subsection, the Administration and the Secretary shall set the fee to be charged for each vehicle to be inspected and tested by a facility.

(2) The fee established under this subsection:

(i) During the period from May 31, 1997, through June 30, 2025, may not exceed \$14;

(ii) During the period from July 1, 2025, through June 30, 2026, may not exceed \$30; and

(iii) Except as provided in paragraph (4)(iii) of this subsection, during the period after July 1, 2026, shall equal at least the amount in the immediately preceding fiscal year adjusted for inflation in accordance with paragraph (3) of this subsection.

(3) During the period after June 30, 2026, the fee established under this subsection shall equal at least the amount in the immediately preceding fiscal year adjusted for inflation in accordance with paragraph (4) of this subsection.

(4) (i) The inflation adjustment shall equal the product of multiplying the amount of funding in the immediately preceding fiscal year by the percentage increase in the Consumer Price Index for All Urban Consumers.

(ii) The percentage increase in the Consumer Price Index for All Urban Consumers shall be determined by comparing the average of the index for the 12 months ending April 30 immediately preceding the fiscal year for which the funding amount is being calculated to the average index for the prior 12 months.

(iii) If there is a decline or no growth in the Consumer Price Index for All Urban Consumers, the fee amount under this paragraph shall remain unchanged.

(b) The fee shall be collected in a manner established by the Administration and the Secretary.

(c) A specific portion of the fee shall be paid to or retained by the Administration to cover the cost of administration and enforcement of the emissions control program, as provided in the contract between the contractor and the State.

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§ 23-206

(a) An owner of a motor vehicle that is registered in this State shall have the vehicle inspected and tested as required under this subtitle.

(b) A motor vehicle registered in this State, unless exempted or given a waiver under this subtitle, shall meet the standards and requirements of this subtitle.

(c) Notwithstanding any rule or regulation to the contrary, the owner of any gasoline powered motor vehicle registered under § 13-916 of this article, with a maximum gross weight up to and including 26,000 pounds, shall have the vehicle inspected and tested as required under this subtitle.

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§ 23-207

The Administration and the Secretary may jointly adopt rules and regulations as required for purposes of implementation, administration, regulation, and enforcement of the provisions of this subtitle, including rules and regulations that, consistent with federal law, exempt certain vehicles from the inspections and tests under this subtitle.

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§ 23-209

A person may not commit any fraud or make any misrepresentation in applying for or preparing documentation relating to this subtitle.

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§ 23-301

(a) In this subtitle the following words have the meanings indicated.

(b) "Equipment" includes all mechanisms that form part of or relate to vehicle equipment.

(c) "Hazardous materials inspector" means a person who is assigned by the Department of the Environment and certified by the Department of State Police to perform an inspection authorized under this subtitle.

(d) "Preventive maintenance technician" means a person who can provide evidence of a demonstrated understanding of the preventive maintenance inspection criteria provided in regulations adopted under this subtitle through:

(1) A minimum of 1 year experience in performing work to bring commercial motor vehicles into compliance with the requirements of the preventive maintenance program; or

(2) Participation in, and successful completion of, a commercial motor vehicle training program that is:

(i) Sponsored by a commercial motor vehicle manufacturer; or

(ii) Designed to train students in commercial motor vehicle operation and maintenance.

(e) "Public Service Commission inspector" means a person who is assigned by the Public Service Commission and certified by the Department of State Police to perform an inspection authorized under this subtitle.

(f) "State Police officer" means:

(1) Any uniformed law enforcement officer of the Department of State Police; or

(2) Any civilian employee of the Department of State Police assigned to enforce any rule or regulation adopted under this subtitle, but only while acting under written authorization of the Secretary of State Police.

(g) (1) "Vehicle" means, except as provided in paragraph (2) of this subsection, any vehicle registered in this State as:

(i) A Class E (truck) vehicle with a registered, operating, or rated gross vehicle weight of over 10,000 pounds;

(ii) A Class F (tractor) vehicle;

(iii) A Class G (trailer or semitrailer) vehicle with a registered, operating, or rated gross vehicle weight over 10,000 pounds;

(iv) A Class P (passenger bus) vehicle; or

(v) A Class M (multipurpose) vehicle that:

1. Is used primarily to transport passengers; and

2. A. Is designed to transport 16 passengers or more, including the driver; or

B. Was previously registered under § 13–932 or § 13–933 of this article.

(2) "Vehicle" does not include:

(i) A farm truck as defined in § 13–921 of this article;

(ii) A farm truck tractor as defined in § 13–924 of this article; or

(iii) A Class K (farm area) vehicle.

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§ 23-302

(a) (1) Except as provided in paragraphs (2) through (4) of this subsection, an owner of a vehicle shall have the vehicle inspected, maintained, and repaired by a preventive maintenance technician at least every 25,000 miles or at least every 12 months, whichever occurs first.

(2) An owner of a vehicle registered under § 13–919 of this article that has been in operation for at least 18 years from the vehicle's model year or first registration date, whichever is later, shall have the vehicle inspected, maintained, and repaired by a preventive maintenance technician at least every 12,500 miles or at least every 6 months, whichever occurs first.

(3) An owner of a vehicle registered under § 13–923 of this article that has been in operation for not more than 5 years from the vehicle's model year shall have the vehicle inspected, maintained, and repaired by a preventive maintenance technician at least every 35,000 miles or at least every 12 months, whichever occurs first.

(4) An owner of a vehicle registered under § 13–916 or § 13–919 of this article that has been in operation for not more than 5 years from the vehicle's model year shall have the vehicle inspected, maintained, and repaired by a preventive maintenance technician at least every 50,000 miles or at least every 12 months, whichever occurs first, if the vehicle is:

(i) A zero–emission electric vehicle; or

(ii) A fuel cell electric vehicle.

(b) A vehicle shall meet or exceed the standards and requirements set under the regulations adopted under this subtitle.

(c) A vehicle may not be operated unless at all times it is appropriately registered and the owner is in compliance with this section.

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§ 23-303

(a) (1) In cooperation with the Department of State Police, the Administration shall adopt rules and regulations required for purposes of implementation, administration, regulation, and enforcement of the provisions of this subtitle.

(2) The following shall be subject to the rules and regulations adopted under this section:

(i) Every vehicle;

(ii) Every person that owns, operates, maintains, or repairs a vehicle;

(iii) Every motor carrier and its officers and employees; and

(iv) Every person employed under contract by a motor carrier.

(b) (1) The Department of State Police shall enforce this subtitle in each of the counties of the State.

(2) During regular business hours, a State Police officer, a hazardous materials inspector, or a Public Service Commission inspector may enter the premises and inspect equipment and review and copy records related to a preventive maintenance program.

(c) This subtitle does not limit or supersede any other provision of law concerning vehicle equipment or the means of enforcing the laws relating to that equipment.

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§ 23-304

The Department of Transportation and the Department of State Police shall conduct public education and awareness programs to inform and assist owners of vehicles in the preventive maintenance program.

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§ 23-305

The Administration may suspend the registration of any vehicle that does not meet the requirements established under this subtitle.

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§ 23-401

(a) In this subtitle the following words have the meanings indicated.

(b) "Diesel vehicle" means a motor vehicle that:

(1) Is powered by a compression ignition engine; and

- (2) Has a manufacturer's gross vehicle weight rating or gross combination weight rating over 10,000 pounds.
- (c) "Emissions inspector" means a person who is certified by the Department of State Police to perform an emissions test.
- (d) "Emissions standard" means a measurement of acceptable diesel emissions.
- (e) "Emissions test" means the sampling and measurement of certain components of diesel vehicle exhaust to determine if the diesel vehicle complies with an emissions standard.
- (f) "Police officer" means any uniformed law enforcement officer.

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§ 23-402

- (a) (1) The Secretary of the Environment, the Secretary of State Police, and the Secretary of Transportation shall jointly establish, by regulation, a Diesel Vehicle Emissions Control Program.
- (2) The Secretary of the Environment, the Secretary of State Police, and the Secretary of Transportation shall jointly adopt regulations to implement, administer, regulate, and enforce the provisions of this subtitle.
- (b) Regulations adopted under this subtitle shall establish requirements for:
 - (1) Establishing diesel vehicle emissions standards;
 - (2) Emissions tests for diesel vehicles that may include direct emissions measurements;
 - (3) Emissions test equipment;
 - (4) Subject to § 23-403 of this subtitle, establishing emissions test procedures, based on information available from the U.S. Environmental Protection Agency and information regarding standards issued by the Society of Automotive Engineers, that provide for conducting an emissions test; and
 - (5) Establishing certification requirements for emissions inspectors.

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§ 23-403

- (a) The operation of a diesel vehicle on any highway in this State constitutes the consent of the driver and owner of the diesel vehicle to be subject to an emissions test established under this subtitle.
- (b) The driver of a diesel vehicle shall obey any sign or direction of a police officer to stop the diesel vehicle and submit it to an emissions test administered by an emissions inspector:
 - (1) When a diesel vehicle is required to submit to:
 - (i) Weighing and measuring under § 24-111 of this article; or
 - (ii) A motor carrier safety inspection under § 25-111 of this article; or
 - (2) At any location or time, when a police officer has reasonable cause to believe that an individual diesel vehicle is violating emissions standards established under this subtitle.
- (c) A person convicted of a violation of subsection (b) of this section is subject to:
 - (1) For a first offense, a fine not exceeding \$1,000;
 - (2) For a second offense, a fine not exceeding \$2,000; and
 - (3) For a third or subsequent offense, a fine not exceeding \$3,000.

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§ 23-404

- (a) If a diesel vehicle fails an emissions test established and administered under this subtitle, the driver of the diesel vehicle at the time of testing shall be issued:
 - (1) If the diesel vehicle is registered under this article, a safety equipment repair order that directs the registered owner of the vehicle to repair the vehicle to comply with emissions standards; or

(2) If the diesel vehicle is a foreign registered vehicle, notice indicating that the vehicle is not in compliance with emissions standards in this State.

(b) (1) A driver of a diesel vehicle who is issued a safety equipment repair order under subsection (a) of this section shall forward the order to the registered owner of the vehicle.

(2) A registered owner of a diesel vehicle who receives a safety equipment repair order under this section shall repair the vehicle to comply with emissions standards established under this subtitle and shall be retested for emissions standards in accordance with regulations adopted under this subtitle.

(3) (i) If a registered owner fails to comply with the requirements of paragraph (2) of this subsection within 30 days of the issuance of the safety equipment repair order, the registration of the diesel vehicle may be suspended by the Administration.

(ii) The registration of a diesel vehicle that is suspended under this paragraph may be reinstated by the Administration if the vehicle is retested for emissions standards in accordance with regulations adopted under this subtitle and complies with emissions standards.

(iii) If the registration of a diesel vehicle is suspended under this paragraph, the owner of the diesel vehicle is subject to a fine not exceeding \$1,000 for a violation of paragraph (2) of this subsection.

(4) (i) The owner of a foreign registered diesel vehicle who receives notice indicating that the diesel vehicle has failed to comply with emissions standards in this State shall repair the vehicle to comply with emissions standards established under this subtitle and shall provide evidence required under regulations adopted under this subtitle that demonstrates compliance with emissions standards.

(ii) If the owner fails to comply with the requirements of subparagraph (i) of this paragraph within 30 days of the issuance of the notice:

1. The Department of State Police shall provide notice to the Federal Highway Administration of the United States Department of Transportation that the owner has violated State law in violation of 49 C.F.R. § 392.2; and

2. The owner of the diesel vehicle is subject to a fine not exceeding \$1,000.

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Title 24 — Abandoned Vehicles

§ 24-101

(a) The provisions of this subtitle governing size, weight, and load do not apply to:

(1) Emergency vehicles;

(2) Farm equipment temporarily moved on a highway;

(3) Vehicles owned by or under contract with the State or a political subdivision of the State when engaged in emergency operations or in snow or ice removal consistent with federal law; or

(4) Any other vehicle driven under the terms and conditions of a permit issued under this subtitle.

(b) A person may not drive on any publicly maintained highway any vehicle or combination of vehicles with a gross weight that exceeds:

(1) The maximum registered weight limit for which the vehicle or combination is registered under § 24–110 of this subtitle; or

(2) Any other weight limit established under the Maryland Vehicle Law.

(c) A person may not permit to be driven on any publicly maintained highway any vehicle or combination of vehicles with a gross weight that exceeds:

(1) The maximum registered weight limit for which the vehicle or combination is registered under § 24–110 of this subtitle; or

(2) Any other weight limit established under the Maryland Vehicle Law.

(d) A violation of the maximum weight provisions of this subtitle is not a moving violation for purposes of Title 16, Subtitle 4 of this article.

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§ 24-102

(a) (1) Except as provided in paragraph (2) of this subsection, for purposes of this section, the width of a vehicle includes any load that it carries and shall be exclusive of safety and energy conservation devices, such as side mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and spray suppressant devices, and load-induced tire bulges; providing the equipment or device, other than mirrors, does not extend more than 3 inches on each side of the vehicle beyond the statutory width limitation.

(2) For purposes of this section, the width of a motor home or travel trailer shall be exclusive of retractable awnings installed by the vehicle manufacturer or dealer, provided that the awnings do not extend more than 6 inches from each side of the vehicle.

(b) This section does not apply to any:

(1) Farm equipment;

(2) Vehicle transporting farm equipment; or

(3) Vehicle carrying a load of forage crops in connection with harvesting operations, if the distance traveled with the load on the highways in this State is less than 5 miles.

(c) (1) Except as provided in paragraph (2) of this subsection, a vehicle may not be driven on any highway if the width of the vehicle exceeds 102 inches unless:

(i) It has a permit issued by the State Highway Administration under § 24-112 of this subtitle; or

(ii) As to a highway under the jurisdiction of a local authority, it has special permission from the local authority.

(2) (i) Notwithstanding paragraph (1) of this subsection, the State Highway Administration or a local authority may prohibit the use of a highway or part of a highway under its jurisdiction by a vehicle exceeding a certain width if it finds that a vehicle exceeding a certain width likely would:

1. Endanger road users;

2. Cause excessive deterioration to the highway; or

3. Harm property adjacent to the highway.

(ii) If the State Highway Administration or a local authority imposes a vehicle width restriction under subparagraph (i) of this paragraph, it shall place and maintain a sign providing notice of the restriction before the affected location.

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§ 24-103

(a) A passenger-type vehicle may not be driven on any highway while carrying any load that extends beyond the line of the fenders on the left side of the vehicle.

(b) A passenger-type vehicle may not be driven on any highway while carrying any load that extends more than 6 inches beyond the line of the fenders on the right side of the vehicle.

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§ 24-104

(a) Except as provided in subsection (c) of this section, the height of any vehicle and its load may not exceed 13 feet 6 inches.

(b) Except as provided in subsection (c) of this section, any person responsible for the operation of a vehicle that collides with any bridge having a clearance of less than 13 feet 6 inches shall save the owner of the bridge harmless from any liability for damages proximately caused by the low clearance.

(c) (1) While a vehicle combination is transporting farm equipment, the overall height of the vehicle combination and its load may extend up to 16 feet if:

(i) The vehicle combination is traveling on a highway for a distance not exceeding 75 miles; and

(ii) The load cannot readily be reduced in height.

(2) Any person responsible for the operation of a vehicle combination described in paragraph (1) of this subsection that collides with any bridge, overhead wire, traffic control device, or light, having a clearance of less than 16 feet, shall save the owner of the bridge, wire, traffic control device, or light harmless from any liability for damages proximately caused by the low clearance.

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§ 24-105

(a) This section does not apply to:

(1) Any vehicle carrying wooden prefabricated roof trusses in an inverted position, if the trusses do not extend more than 10 feet beyond the rear of the bed or body of the vehicle;

(2) A combination of vehicles carrying an indivisible load if the load is not over 70 feet long, and the load is being transported during daylight hours;

(3) Any vehicle carrying:

(i) Piling, poles, or mill logs;

(ii) Nursery stock; or

(iii) Crew or racing shells; or

(4) Any combination of vehicles carrying:

(i) Piling, poles, or mill logs that do not exceed 75 feet in length;

(ii) Nursery stock; or

(iii) Crew or racing shells.

(b) Subject to the maximum length limits of § 24–104.1 of this subtitle, the load on any vehicle operated alone or the load on the front vehicle of a combination of vehicles:

(1) Except as provided in items (2) and (3) of this subsection, may not extend more than 3 feet beyond the foremost part of the vehicle;

(2) May extend more than 3 feet beyond the foremost part of a vehicle equipped with front–end loading attachments and containers used in collecting garbage, rubbish, refuse, or recyclable materials when the vehicle is actively engaged in collecting garbage, rubbish, refuse, or recyclable materials; and

(3) May not extend more than 4 feet beyond the foremost part of a stinger–steered automobile transporter.

(c) (1) Except as provided in paragraph (2) of this subsection, and subject to the maximum length limits of § 24–104.1 of this subtitle, the load on any vehicle operated alone or the load on the rear vehicle of a combination of vehicles, including a stinger–steered automobile transporter, may not extend more than 6 feet beyond the rear of the bed or body of the vehicle.

(2) (i) 1. This subparagraph does not apply to a stinger–steered automobile transporter.

2. The load on the rear of an automobile or boat transporter, including any retractable device on the rear of a combination of vehicles engaged in the transportation of automobiles in use to support a transported vehicle, may not extend more than 4 feet beyond the rear of the permanent bed or body of the vehicle; and

(ii) A red or orange fluorescent warning flag made of a reflective material at least 18 inches square shall be displayed on the rearmost portion of the overhanging transported vehicle.

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§ 24-106

(a) This section and § 24-106.1 of this subtitle do not prohibit:

(1) Dropping sand, abrasives, chemicals, or other materials to improve traction;

- (2) Spreading water or other substance to construct, clean or maintain a highway; or
- (3) Dropping asphalt or other materials for highway, bridge, storm drain, or utility construction or repair.
- (b) A vehicle with any load may not be driven on any highway unless the vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking, or otherwise escaping.
- (c) A vehicle with any load may not be driven on any highway unless the load and any covering on the load are fastened securely to prevent the load or covering from becoming loose or detached or from in any way endangering other users of the highway.
- (d) This section does not apply to agricultural products in their natural state or residue developed from processing vegetable agricultural products that can be used as feed for animals and that are being transported to a farm. This provision, however, does not prevent the enforcement of any rule or regulation promulgated by the Department of the Environment for the control of air pollution.
- (e) The owner of a vehicle from which dirt, debris, or agricultural products has fallen on any highway is responsible for removing that dirt, debris, or agricultural products within a reasonable time.

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§ 24-107

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Primary connecting system" means the combination of devices and their attaching structures that are used to connect a towed vehicle to a towing vehicle.
- (3) "Safety chain" means a flexible tension member connected from the front of the towed vehicle to the rear of the towing vehicle for the purpose of retaining the connection between the towed and towing vehicles if the connection provided by the primary connecting system fails.
- (4) "Tow dolly" means a vehicle having a tongue or towbar attachment designed to tow other vehicles and used to tow:
 - (i) Another vehicle when the front or rear wheels of the towed vehicle are placed in a cradle-like device that lifts the wheels from the highway; or
 - (ii) A trailer or semitrailer when the towing vehicle has a fifth-wheel attachment device.
- (5) "Towbar" means a strut or column-like device temporarily attached between the rear of a towing vehicle and the front of the towed vehicle.
- (b) When towing another vehicle, the driver shall ensure that:
 - (1) The towed vehicle is securely attached to the towing vehicle by a primary connecting system;
 - (2) The connection used is:
 - (i) Structurally adequate for the weight drawn; and
 - (ii) Mounted properly and securely, without excessive slack, but with enough slack to allow for articulation of the connection;
 - (3) The locking device that prevents separation of the towed and towing vehicles is working properly and is locked in place; and
 - (4) One or more safety chains are attached to the towed vehicle and the frame of the towing vehicle and have no more slack than is necessary for proper turning.
- (c) Attachment of the safety chains to the pintle hook does not satisfy the requirements of this section.
- (d) Except for the connection between any two vehicles carrying poles, pipes, machinery, or other objects that cannot be readily dismembered, the connection between vehicles may not exceed 15 feet.
- (e) A connection made with a fifth-wheel connection device is not required to use safety chains or cables as additional securing devices.
- (f) If a vehicle is towed by a rope, chain, or cable, a driver must be in and capable of steering the towed vehicle.

(g) A primary connecting system used in a combination of vehicles shall be designed, constructed, and installed to insure that a towed vehicle does not shift or swerve more than 6 inches to either side of the path of the towing vehicle while the towing vehicle is moving in a straight line on a level, smooth, paved surface.

(h) While one vehicle is towing another and the connection is a chain, rope, or cable, a white, red, or orange-fluorescent warning flag or cloth at least 18 inches square shall be displayed on the connection.

(i) Except as otherwise provided in this title, or when one tow dolly is used to tow one other vehicle, a vehicle may not be operated in combination with more than one other vehicle.

(j) (1) The Administration may adopt regulations that establish standards for hitching devices and towing procedures for towing and towed vehicles.

(2) Except as otherwise provided in this section, this subsection applies to tractor-trailer combinations, semitrailer combinations, and any other vehicle combinations designed and used for carrying freight or merchandise in furtherance of any commercial enterprise.

(k) A person convicted of a violation of this section that results in the death or, as defined in § 20-102(c) of this article, serious bodily injury of another person is subject to a fine not exceeding \$1,000.

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§ 24-108

(a) (1) Subject to paragraph (2) of this subsection and except as otherwise provided in this section, the gross weight imposed on the ground surface by the wheels of an axle of a vehicle may not exceed the following limits:

Single Axle Weight

Registered Gross Weight of Vehicle Maximum (in Pounds) Weight (in Pounds)

Single axle 73,000 or less 22,400 Single axle More than 73,000 20,000

(2) Except for vehicles operated under a permit issued under § 24-112 of this subtitle, the gross weight imposed on the ground surface by the wheels of a front axle of a vehicle combination may not exceed either the lesser of:

(i) The sum of the rated load capacities for each tire on the axle, except as provided in subsection (b) of this section; or

(ii) The sum of the rated load capacities indicated by the manufacturer as to each tire on the axle with which the vehicle is currently equipped.

(3) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, any vehicle with a gross maximum weight in excess of 73,000 pounds may travel only on State highways, except while making a delivery or pickup, and then only when traveling by the shortest available legal route to or from the State highway for the purpose of making such delivery or pickup. In Baltimore City, the shortest available legal route shall be only on designated truck routes.

(ii) If approved by the local governing body and the State Highway Administration, in Dorchester County, a vehicle with a gross maximum weight in excess of 73,000 pounds may use the Linkwood Road when traveling between East New Market and Linkwood.

(iii) 1. The County Commissioners of Garrett County may, by ordinance, establish the authorized gross maximum weight of a vehicle that:

A. Has at least 6 axles;

B. Is a truck tractor and semitrailer combination; and

C. Is using any part of Table Rock Road and Wilson Run Road in Garrett County that is owned and maintained by the county.

2. The gross maximum weight established under this subparagraph may not exceed 87,000 pounds.

(iv) In Washington County, if approved by the county governing body, a vehicle with a gross maximum weight not exceeding 95,000 pounds may use Warfordsburg Road from the Lanco-Pennland Dairy Cooperative cheese factory located at 14738 Warfordsburg Road to the Maryland-Pennsylvania border.

(b) Except on interstate highways, a vehicle carrying farm products as defined under § 10-601 of the Agriculture Article or forest products that have been loaded in fields or other off-highway locations is permitted an axle load limit tolerance of

10 percent.

(c) (1) In Anne Arundel County and Baltimore County, garbage and refuse trucks that make collections on a fixed route and are owned by or doing business with any governmental entity in the respective county are permitted rear axle load limit tolerances of 10 percent if:

- (i) The overweight is due to bad weather; and
- (ii) The truck does not exceed its registered gross weight limit.

(2) A privately owned truck is permitted this tolerance only while actually engaged in the business of the governmental entity.

(d) Any over-the-road bus or any vehicle that is regularly and exclusively used as an intrastate public agency transit passenger bus may not exceed:

- (1) A single axle weight limit of 24,000 pounds; or
- (2) The tire manufacturer's rated load capacity for any tire on the vehicle.

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§ 24-109

(a) (1) In this section the following words have the meanings indicated.

(2) "Single axle weight" means the total weight transmitted by all wheels whose centers may be included between 2 parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.

(3) "Tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches apart but not more than 96 inches apart extending across the full width of the vehicle.

(b) An over-the-road bus or any vehicle that is regularly and exclusively used as an intrastate public agency passenger bus:

- (1) Is exempt from tandem axle weight limits provided in this section; but
- (2) Shall comply with the vehicle and combination of vehicles weight limits provided in this section that are not tandem axle weight limits.

(c) Notwithstanding any other provisions of this title, the overall gross weight on a group of 2 or more consecutive axles may not exceed an amount produced by application of the following formula:

$$(LN)W = 500 \left(\frac{L}{N} + 12N + 36 \right) (N - 1)$$

where "W" = overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" = distance in feet measured horizontally between the vertical centerlines of the extreme of any group of 2 or more consecutive axles, and "N" = number of axles in group under consideration, except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed eighty thousand (80,000) pounds, including any enforcement or statutory tolerances.

(d) The following table indicates the permissible overall gross weights based upon the above formula:

Distance in feet between the extremes of any group of 2 or more consecutive axles

2 axles	3 axles	4 axles	5 axles	6 axles		
7 axles	4 34,000	5 34,000	6 34,000	7 34,000	8 and less 34,000	34,000

More than 8	38,000	42,000	75,000	39,000	42,500	10	40,000	43,500	11	44,000	12	45,000	50,000	13	45,500	50,500	14	46,500	51,500	15	47,000	52,000	16	48,000	52,500	58,000	17	48,500	53,500	58,500	18	49,500	54,000	59,000	19	50,000	54,500	60,000	20	51,000	55,500	60,500	66,000	21	51,500	56,000	61,000	66,500	22	52,500	56,500	61,500	67,000	23	53,000	57,500	62,500	68,000	24	54,000	58,000	63,000	68,500	74,000	25	54,500	58,500	63,500	69,000	74,500	26	55,500	59,500	64,000	69,500	27	56,000	60,000	65,000	70,000	75,500	28	57,000	60,500	65,500	71,000	76,500	29	57,500	61,500	66,000	71,500	77,000	30	58,500	62,000	66,500	72,000	77,500	31	59,000	62,500	67,500	72,500	78,000	32	60,000	63,500	68,000	72,500	78,500	33	64,000	68,500	74,000	79,000	34	64,500	69,000	74,500	80,000	35	65,500	70,000	75,000	36	Exception See subsection (c), This section (66,000)	70,500	75,500	37	(66,500)	71,000	76,000	38

(67,500) 72,000 77,000 39 68,000 72,500 77,500 40 68,500 73,000 78,000 41 69,500 73,500 78,500 42 70,000 74,000 79,000 43 70,500 75,000 80,000 44 71,500 75,500 45 72,000 76,000 46 72,500 76,500 47 73,500 77,500 48 74,000 78,000 49 74,500 78,500 50 75,500 79,000 51 76,000 80,000 52 76,500 53 77,500 54 78,000 55 78,500 56 79,500 57 80,000

(e) The gross weight of any vehicle or combination of vehicles may not exceed the following limits:

Gross Number of weight axles (in pounds) Three or less 55,000 Four 66,000 Five as provided for in § 13–916 or § 13–923 of this article 80,000

(f) A trailer with metal tires and a gross weight of more than 6,000 pounds may not be moved on a highway.

(g) (1) Except on interstate highways, a single unit vehicle with 3 axles, or a combination of vehicles with a trailer less than 32 feet long or a semitrailer less than 45 feet long, either registered as a farm vehicle or carrying farm products as defined under § 10–601 of the Agriculture Article that were loaded in fields or other off-highway locations, is permitted an axle load limit tolerance of 5% from subsections (c) and (d) of this section, except during harvest time when an axle load limit tolerance of 15% or, subject to paragraph (2) of this subsection, a gross vehicle weight tolerance of 5% from subsections (c) and (d) of this section is permitted for a vehicle carrying the following agricultural products:

(i) Wheat, for the period from June 1 to August 15;

(ii) Corn, for the period from July 1 to December 1;

(iii) Soybeans, for the period from September 1 to December 31; and

(iv) Vegetable crops, for the period from June 1 to October 31.

(2) The harvest time gross vehicle weight limit tolerance of 5% under paragraph (1) of this subsection applies only to a vehicle traveling within 100 miles of the field or other off-highway location where the vehicle was loaded.

(3) (i) Except on interstate highways, a single unit vehicle with at least 3 axles or a combination of vehicles with a trailer length of less than 32 feet carrying forest products that have been loaded in forests or other similar off-highway locations is permitted an axle load limit tolerance of 10% from subsections (c) and (d) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15% from subsections (c) and (d) of this section is permitted.

(ii) Except on interstate highways, a combination of vehicles with a semitrailer length of 45 feet or less carrying forest products that have been loaded in forests or other similar off-highway locations is permitted an axle load limit tolerance of 5% from subsections (c) and (d) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15% from subsections (c) and (d) of this section is permitted.

(h) (1) Any vehicle that uses an auxiliary power unit or an idle-reduction technology unit in order to promote reduction of fuel use and emissions from engine idling shall be allowed up to an additional 550 pounds total in gross, axle, tandem, or bridge formula weight limits.

(2) To be eligible for the additional weight limit allowed under paragraph (1) of this subsection, the vehicle operator must:

(i) Obtain and make available to law enforcement officers written certification of the weight of the auxiliary power unit or idle-reduction technology unit; and

(ii) By demonstration or certification, prove that the idle-reduction technology unit is fully functional at all times.

(3) The additional weight limit allowed under paragraph (1) of this subsection may not exceed the certified weight of the auxiliary power unit or idle-reduction technology unit.

(i) Notwithstanding any other provision of this section, the gross vehicle weight of a vehicle for which a permit is issued under § 24–113.3 of this subtitle for traveling along a designated heavy weight port corridor may not exceed 100,000 pounds.

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§ 24-110

(a) (1) Before registering any bus, truck, truck tractor, trailer, or semitrailer, the Administration may require any information and make any investigations or tests necessary to determine whether the vehicle may be operated safely on the highways in compliance with this subtitle.

(2) The Administration shall register the vehicle for a maximum permissible gross weight within the limitations set forth in this subtitle.

(b) (1) The registration card for each vehicle specified in subsection (a) of this section shall show the gross weight for which the vehicle is registered. If the registered vehicle is a motor vehicle to be used in combination with other vehicles, the registration card also shall show separately the total permissible gross weight of the combination of vehicles.

(2) The Administration may issue a special plate that shows the gross weight or weights for which a vehicle or combination of vehicles is registered. If issued, the plate shall be attached to and displayed at all times on the vehicle.

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§ 24-111

(a) (1) In this section and in § 24–111.1 of this subtitle the following words have the meanings indicated.

(2) “CVISN” means the Commercial Vehicle Information Systems and Network, a motor carrier program managed by the Department, together with other State agencies.

(3) “CVISN transponder” means an electronic device acquired by motor carriers to allow electronic signaling through CVISN.

(4) “Police officer” means:

(i) Any uniformed police officer;

(ii) Any civilian employee of the Department of State Police or the Maryland Transportation Authority Police assigned to enforce this subtitle, but only while acting under written authorization of the Secretary of State Police; or

(iii) Any civilian employee of a local government who is:

1. Acting under the immediate direction and control of a uniformed police officer;

2. Acting under written authorization of the Secretary of State Police; and

3. Certified by the Department of State Police to perform the weighing and measurement authorized under this section.

(b) (1) The driver of a vehicle must stop and submit the vehicle to a measurement or weighing:

(i) When directed by a police officer who has reason to believe that the size or weight of a vehicle being driven on a highway violates this subtitle; or

(ii) When directed by an electronic signal to a CVISN transponder.

(2) The weighing authorized by this subsection:

(i) May be done with either portable or stationary scales; and

(ii) In either case, shall be done by methods established by experts in the field of weights and measures and adopted by rule or regulation of the Department of State Police.

(3) If more than 1 statutory weight limit tolerance applies to a vehicle being weighed under this section, the police officer shall grant only the greatest applicable tolerance.

(c) The operation of a vehicle on any highway in this State constitutes the consent of the driver and the owner of the vehicle to the measurement and weighing provided for in this section.

(d) (1) The driver of a vehicle shall obey every sign and every direction of a police officer or an electronic signal to a CVISN transponder to stop the vehicle and submit it to measurement or weighing.

(2) If a driver fails or refuses to comply with the direction of a police officer or an electronic signal to a CVISN transponder to submit a vehicle to measurement or weighing, the police officer shall have the authority to take the vehicle and its load into temporary custody for the purpose of weighing and measuring.

(3) The police officer may utilize resources specified in § 16–303.1(b) of this article to conduct the weighing or measuring.

(4) In addition to any fine or penalty attributable to the weighing and measuring, or other offense, the driver is responsible for any actual costs incurred in weighing and measuring the vehicle and its load because of the driver's failure or refusal to comply with the direction of a police officer or an electronic signal to a CVISN transponder.

(e) A sign used to direct vehicles under this section may be displayed only by a police officer who is assigned to enforce this title.

(f) A person convicted of a violation of subsection (d) or (e) of this section is subject to:

- (1) For a first offense, a fine not exceeding \$1,000;
- (2) For a second offense, a fine not exceeding \$2,000; and
- (3) For a third or subsequent offense, a fine not exceeding \$3,000.

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§ 24-112

(a) (1) The State Highway Administration may issue a permit allowing an oversized vehicle to use the highways in this State.

(2) For each permit issued under this subsection, the State Highway Administration shall charge a fee of not less than \$30.

(b) (1) The State Highway Administration may issue a permit allowing an overweight vehicle to use the highways in this State.

(2) For each permit issued under this subsection, the State Highway Administration shall charge a fee of not less than:

- (i) \$30 for the first 45 tons (90,000 pounds) or less of gross weight of the vehicle; and
- (ii) \$5 for each additional ton (2,000 pounds) or part of a ton in excess of 45 tons.

(c) The Secretary is authorized to promulgate rules and regulations for the purpose of establishing a schedule of fees for permits issued under this section using dollar amounts that will recover but not exceed the administrative costs associated with issuance and use of the permits, including compliance monitoring.

(d) Each permit issued under this section shall specify:

- (1) The maximum size or weight permitted;
- (2) The route to be followed; and
- (3) The date and hour on which the trip is to be made.

(e) (1) A person may not violate any condition of a permit issued under this section.

(2) A person may not move an oversized or overweight load which requires a permit under this section without first obtaining the permit and having the permit in the person's possession.

(f) A person convicted of a violation of this section is subject to:

- (1) For the first offense, a fine not exceeding \$1,000;
- (2) For a second offense, a fine not exceeding \$2,000; and
- (3) For a third or subsequent offense, a fine not exceeding \$3,000.

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§ 24-113

(a) The purpose of this section is to:

- (1) Facilitate the obtaining of permits;
- (2) Eliminate undue hardships to political subdivisions, contractors, and the movers of heavy or large equipment; and
- (3) Make possible, when circumstances justify, the issuing of permits under which more than one move can be made.

(b) The State Highway Administration and the Department of State Police jointly may formulate rules and regulations that:

- (1) Implement the statutes on the movement of oversize and overweight vehicles; and
- (2) Establish fees and charges under these statutes.

(c) (1) Before a rule or regulation may be adopted or amended under this section, the State Highway Administration shall hold a public hearing on it.

(2) After the hearing, the State Highway Administration may adopt the proposed rule, regulation, or amendment or any appropriate modification to it.

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§ 24-114

As to violations relating to vehicle weights and the imposition of fines allowed for these violations, if either party is aggrieved by the judgment of a District Court, the party has a right of appeal under §§ 12-401 and 12-403 of the Courts Article.

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§ 24-201

(a) In this subtitle the following words have the meanings indicated.

(b) "County road" has the meaning stated in § 8-101 of this article.

(c) "State highway" has the meaning stated in § 8-101 of this article.

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§ 24-202

A person may not drive or move any vehicle or other object on or across any State highway or county road if the vehicle or object is constructed or equipped so that it might do unusual damage to the highway or road.

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§ 24-203

(a) (1) The State Highway Administration may adopt rules, regulations, and orders necessary for the preservation of State highways.

(2) These rules, regulations, and orders may include provisions to regulate:

(i) The use of State highways by vehicles or other objects that cause more than ordinary wear and tear of the highways; or

(ii) The use of any State highway that is in danger.

(b) Before any rule, regulation, or order may be adopted under this section, it shall be published once a week for 3 successive weeks in a newspaper of general circulation in the county in which the affected highway lies.

(c) A person may not knowingly violate any rule, regulation, or order adopted under this section.

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§ 24-204

(a) If the State Highway Administration or a local authority finds that a highway under its jurisdiction or maintenance is in danger of serious damage from deterioration, rain, snow, or any other condition, the State Highway Administration or, by a resolution adopted by its governing body, the local authority may:

(1) Prohibit the operation of vehicles on the highway;

(2) Restrict the weight of vehicles permitted to drive on the highway; or

(3) Reduce the maximum speed limit for vehicles operating on the highway.

(b) (1) In this subsection, "vehicles supplying emergency service" means any vehicle designated by the local authority as a vehicle supplying emergency service, such as supplying fuel, fuel/oil, or milk.

(2) Notwithstanding any resolution adopted by a local authority under subsection (a) of this section, vehicles supplying emergency service may use the highway if written permission is obtained from the local authority.

(c) A restriction imposed by the State Highway Administration or a local authority under this section may not restrict the right to use a highway for:

- (1) More than 60 consecutive days; or
- (2) More than 90 days during any one calendar year.

(d) (1) If the State Highway Administration or a local authority imposes a restriction under this section, it shall place and maintain signs at each end of that part of the highway affected by the restriction. The signs shall state the restriction imposed on the use of the highway.

(2) A restriction adopted under this section is not effective unless the required signs are posted.

(e) (1) Unless the person has a written permit from the State Highway Administration or the appropriate local authority, a person, whether the owner of the vehicle, the person having charge and control over the vehicle, or an employee or agent of either, may not drive or cause to be driven any vehicle on any highway in violation of any restriction imposed under this section.

(2) In addition to any other penalty provided by law, any owner or person in control of a vehicle that is in violation of any restriction imposed under this section is liable to the State Highway Administration or the appropriate local authority for all damages sustained by a highway as a result of the violation.

(3) In the trial of a person charged with a violation of this section, oral testimony of the existence and contents of signs posted as required by this section is prima facie evidence of the validity of the restrictions stated on them.

(4) This section applies regardless of any public general or public local law to the contrary.

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§ 24-205

If necessary for public safety, the State Highway Administration may prohibit the use of any highway bridge in this State by any person, vehicle, or class of vehicles.

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§ 24-206

(a) The State Highway Administration or a local authority may regulate the weight and speed of any vehicle passing over any bridge or culvert under its jurisdiction, by placing and maintaining signs at each end of the bridge or culvert as provided in this section.

(b) (1) Except as provided in paragraph (2) of this subsection, a local authority may not impose any restriction under this section without approval of the State Highway Administration.

(2) The following local authorities do not require the approval of the State Highway Administration, if they submit to that Administration, at the time of placing any sign under this section, a statement that a structural analysis has shown the necessity for the particular restriction:

- (i) Allegany County;
- (ii) Anne Arundel County;
- (iii) Baltimore City;
- (iv) Baltimore County;
- (v) Carroll County;
- (vi) Frederick County;
- (vii) Harford County;
- (viii) Howard County;
- (ix) Montgomery County;
- (x) Prince George's County;
- (xi) St. Mary's County; and

(xii) Washington County.

(3) The required statement shall recite that the analysis has been performed by a professional engineer experienced in the area of bridge design and shall include the engineer's name, professional engineer's license number, the date the computations were performed, and the date of the last inspection on which the computations were based.

(c) The signs required under subsection (a) of this section shall be those set forth as standard applications for vehicle weight and speed restrictions in the manual on uniform traffic control devices adopted by the State Highway Administration pursuant to the provisions of § 25–104 of this article.

(d) (1) Unless the person has a written permit from the State Highway Administration or the appropriate local authority, a person, whether the owner of the vehicle, the person having charge and control over the vehicle, or an employee or agent of either, may not drive or cause to be driven any vehicle over a bridge or culvert in violation of any restriction imposed under this section.

(2) In addition to any other penalty provided by law, any owner or person in control of a vehicle that is in violation of any restriction imposed under this section is liable to the State Highway Administration or the appropriate local authority for all damages sustained by a bridge, culvert, or highway as a result of the violation.

(3) In the trial of a person charged with a violation of this section, oral testimony of the existence and contents of signs posted as required by this section is prima facie evidence of the validity of the restrictions stated on them.

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§ 24-207

(a) Unless the person has a written permit from the State Highway Administration, a person, whether the owner of the vehicle, the person having charge and control over the vehicle, or an employee or agent of either, may not use any State highway to test any truck, whether for durability, speed, fuel consumption, or otherwise.

(b) The State Highway Administration may issue a permit if, in its judgment:

(1) The highway over which the test will be conducted will not be unduly damaged; and

(2) The safety of the traveling public will not be materially adversely affected by the test.

(c) The State Highway Administration:

(1) Shall designate in the permit the route on which and the day and hour during which the tests may be conducted; and

(2) May impose additional regulations and limitations to promote the safety of the traveling public and prevent undue damage to the highway under its jurisdiction.

(d) For each vehicle to be tested, the permit fee is \$25.

(e) A permit is not required for the testing of trucks serviced or repaired by a garage licensed under Title 17, Subtitle 8 of the Business Regulation Article if:

(1) All laws of this article are observed by a garage owner in regard to size, weight, and speed restrictions of the particular type of truck tested; and

(2) All local motor vehicle traffic, speed, and safety ordinances are complied with.

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§ 24-208

(a) Any person who drives or moves any vehicle or any other object on any State, county, or municipal highway is liable for all damage that the State, county, or municipal highway sustains as a result of:

(1) Any illegal driving or moving of the vehicle or object;

(2) The driving or moving of any vehicle or object that weighs more than the maximum statutory weight specified in this title, unless the overweight is authorized by a permit issued under this title and the vehicle is operated in accordance with the terms and conditions of the permit; or

(3) The driving or moving of any vehicle or object that exceeds the maximum statutory height or width specified in this title, unless the oversize is authorized by a permit issued under this title and the vehicle is operated in accordance with

the terms and conditions of the permit.

(b) Any person liable for damages in excess of \$25,000 under subsection (a)(3) of this section is also liable for a civil penalty not to exceed \$10,000.

(c) If the driver is not the owner of the vehicle or object, but is driving or moving it with the express or implied permission of the owner, the owner and driver are jointly and severally liable for the damage to the State, county, or municipal highway and any civil penalty assessed under this section.

(d) A civil action for damages to a State, county, or municipal highway and any civil penalty under this section may be brought by the authority in control of it.

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§ 24-209

(a) The State Highway Administration may conduct appropriate studies to determine whether the safety and general welfare of a residential community are threatened by noise, vibration, or incidence of truck traffic on any State highway. In determining whether or not to conduct such a study, the Administration shall consider the number of complaints about truck traffic received, if any, from residents of an area.

(b) If the State Highway Administration determines that a threat exists and that the safety and general welfare of the residential community would be promoted by the adoption of restrictions on the use of the State highway by trucks, the Administration may establish routes, speed limits, time restrictions, weight restrictions, or other measures with respect to truck traffic on the State highway, which will minimize the adverse effects of that traffic on the residential area or cause that traffic to avoid the residential area entirely.

(c) Under this section, truck traffic may be prohibited entirely on any State highway or part of a State highway, if an adequately functional alternate route is available to carry the truck traffic, taking into consideration the amount of additional fuel that would be required over the alternate route and the economic impact on the citizens of this State caused by the alternate route.

(d) The provisions of this section:

(1) Do not apply to any Class E (truck) vehicles of 10,000 pounds or less gross vehicle weight; and

(2) Do not preclude the making of local deliveries of supplies or services in any residential communities.

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§ 24-301

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Established place of business" means any permanent building or structure from which a permanent business is conducted during normal business hours throughout the year.

(2) "Established place of business" does not include a tent, temporary stand or other temporary quarters, or permanent quarters occupied under a temporary arrangement.

(c) "Mobile seafood or produce vendor" means a person who sells or offers for sale any seafood or produce:

(1) While outdoors on foot;

(2) From any vehicle or conveyance, whether or not the vehicle or conveyance is in operating condition; or

(3) From any tent, temporary stand, roadside stand, roadside market, or other quarters that is not an established place of business.

(d) (1) "Produce" means any fruit or vegetable product of the soil that is intended for human consumption.

(2) "Produce" does not include a canned, frozen, dried, or pickled product.

(e) "Right-of-way" includes any highway area or highway structure and any property adjacent to a highway acquired for the operation or use of the highway.

(f) "Seafood" means any finfish, crustacean, or mollusk, live or dead, or any part, egg, offspring, or body of any finfish, crustacean, or mollusk, that is intended for human consumption.

(g) "Shopping center" means any 5 or more contiguous established places of business which share common parking facilities of 25 parking spaces or more.

(h) "State highway" means any public highway owned by this State.

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§ 24-302

This subtitle does not:

- (1) Diminish any authority of Anne Arundel County, Howard County, or a municipal corporation to license and regulate mobile seafood vendors;
- (2) Apply to charitable or nonprofit vendors who sell seafood at short-term festivals or other short-term events;
- (3) Apply in Calvert County and in St. Mary's County for those persons selling their own seafood catch; or
- (4) Diminish the authority of a county to license and regulate mobile produce vendors.

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§ 24-303

(a) (1) When located on the right-of-way of any State highway, a mobile seafood or produce vendor may not sell, or offer for sale, any seafood or produce, unless the vendor has a lease from the State that allows the vendor to sell, or offer for sale, seafood or produce.

(2) The State may require a mobile seafood or produce vendor to submit an application and pay a reasonable fee to be applied to administrative costs.

(3) The State may not enter into a lease with a mobile produce vendor unless the applicable county licenses mobile produce vendors.

(b) A mobile seafood or produce vendor may not sell, or offer for sale, any seafood or produce, when located:

(1) Within 50 yards of any vehicular entrance to or exit from a school or place of worship, unless the vendor has written permission of the applicable school board or person who is responsible for the buildings and grounds of the place of worship;

(2) Within 100 yards of any vehicular entrance to or exit from any shopping center;

(3) In the parking lot of any shopping center, unless the vendor has written permission of the owner of the shopping center and conforms to applicable local laws and ordinances;

(4) Within an unsafe distance, as determined by the local authorities, from the edge of any roadway;

(5) On any roadway; or

(6) On private property adjoining a State highway, unless the vendor owns or leases the property or has written permission from the property owner.

(c) The State Highway Administration may adopt regulations to implement this section.

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§ 24-304

(a) The charging of a person with a violation of this subtitle shall be by means of a traffic citation in the form determined under § 1-605(d) of the Courts Article.

(b) The charging of a person with a violation of this section may be performed by any State or local police officer.

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§ 24-401

(a) (1) This section applies to a person who violates the Maryland Vehicle Law by exceeding, as to any vehicle or combination of vehicles:

(i) The maximum weight limit for which the vehicle or combination of vehicles is registered;

(ii) A statutory weight limit; or

(iii) Subject to paragraph (2)(i) of this subsection, the maximum weight limit imposed by signs that have been placed to regulate the weight of a vehicle passing over a bridge or culvert under § 24–206 of this title.

(2) This section does not apply to a person who:

(i) Violates a weight limit imposed by signs if there are no signs posting the weight limit located:

1. At the bridge or culvert; and

2. Before the last available alternate route that bypasses the bridge or culvert; or

(ii) Is operating an emergency vehicle when responding to an emergency.

(b) Except on an interstate highway, a tolerance of 1,000 pounds over a weight limit to which this section applies is allowed, and only weight in excess of this tolerance is a violation, if:

(1) The overall gross weight does not exceed 80,000 pounds, including any enforcement or statutory tolerances; or

(2) The vehicle is being operated under a valid permit for gross weight exceeding 80,000 pounds.

(c) Except as provided in subsection (d) of this section, a person convicted of a weight violation to which this section applies on any highway in the State, including an interstate highway, is subject to the following fines:

(1) 1 cent for each pound for the first 1,000 pounds of weight over any allowable weight;

(2) 5 cents for each pound of excess weight over 1,000 pounds but less than 5,001 pounds;

(3) 12 cents for each additional pound of excess weight over 5,000 pounds but less than 10,001 pounds;

(4) 20 cents for each additional pound of excess weight over 10,000 pounds but less than 20,001 pounds; and

(5) 40 cents for each additional pound of excess weight over 20,000 pounds.

(d) A person convicted of a weight violation to which this section applies on the William Preston Lane, Jr. Memorial (Chesapeake Bay) Bridge, or its appurtenant approaches that are under the jurisdiction of the Maryland Transportation Authority, is subject to the following fines:

(1) 1 cent for each pound for the first 1,000 pounds over any allowable weight;

(2) 5 cents for each additional pound of excess weight over 1,000 pounds but less than 2,001 pounds;

(3) 10 cents for each additional pound of excess weight over 2,000 pounds but less than 5,001 pounds;

(4) 24 cents for each additional pound of excess weight over 5,000 pounds but less than 10,001 pounds;

(5) 40 cents for each additional pound of excess weight over 10,000 pounds but less than 20,001 pounds; and

(6) 80 cents for each additional pound of excess weight over 20,000 pounds.

(e) In computing a fine under this section, a credit for any excess weight caused by an accumulation of cinders, snow, or ice shall be granted.

(f) Notwithstanding any other law, a court may not suspend or reduce a fine imposed for a conviction for a weight violation.

(g) (1) If an out-of-state vehicle is subject to a weight violation or an out-of-state person is responsible for or operating a vehicle subject to a weight violation:

(i) The person is subject to a citation and further proceedings under Title 26 of this article; or

(ii) The vehicle shall be impounded until the fine is paid or acceptable collateral is posted.

(2) Cargo contained in the vehicle may not be impounded.

(3) If the fine has not been paid or acceptable collateral has not been posted within 90 days after the date of impoundment, the vehicle may be sold at public auction under the jurisdiction of the court to satisfy the fine, accrued interest, and costs.

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Title 25 — Tow Truck Operators

§ 25-101

A word used in this subtitle, unless the context requires otherwise, has the same meaning as is indicated by a definition of the word in § 21-101 of this article.

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§ 25-102

(a) The provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising the following powers as to highways under its jurisdiction:

- (1) Subject to the provisions of § 21–1003.1 of this article, regulating or prohibiting the stopping, standing, or parking of vehicles;
- (2) Regulating traffic by means of police officers or traffic control devices;
- (3) Regulating or prohibiting processions or assemblies on highways;
- (4) Designating particular highways or separate roadways as one–way highways and requiring that all vehicles on them move in one specified direction;
- (5) Regulating the speed and weight of vehicles in public parks;
- (6) Designating any highway as a through highway or designating any intersection as a stop intersection or a yield intersection;
- (7) Restricting the use of highways as provided in Title 24 of this article;
- (8) Regulating the operation of bicycles, requiring them to be registered, and imposing a registration fee;
- (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
- (10) Altering speed limits as provided in Title 21, Subtitle 8 of this article;
- (11) Regulating through truck traffic and prohibiting trucks from using any highway or alley that is not designated or maintained as a part or extension of the State or federal highway system, provided the local authority has designated an adequate alternate route for diverted truck traffic;
- (12) Adopting any other traffic regulations as specifically authorized in the Maryland Vehicle Law;
- (13) Regulating taxi stands, including taxi stands in the middle of a block;
- (14) (i) In this paragraph, “all–terrain vehicle” includes an off–highway motorcycle.
 - (ii) 1. Subject to item 2 of this item, except in Allegany County and Garrett County, designating a certain portion of highways upon which snowmobiles may travel for the sole purpose of gaining access to snowmobile trails; but
 2. Designating only those highways which divide snowmobile trails and which would otherwise obstruct direct access between snowmobile trails; and
 - (iii) In Allegany County and Garrett County:
 1. Authorizing a person to:
 - A. Cross a highway on an all–terrain vehicle or a snowmobile at a right angle at a speed of not more than 25 miles per hour; or
 - B. Operate an all–terrain vehicle or a snowmobile on not more than 5 miles of highway at a speed of not more than 25 miles per hour; and
 2. Designating a certain portion of highways upon which all–terrain vehicles and snowmobiles may travel at a speed of not more than 25 miles per hour for the sole purpose of gaining access to:
 - A. Trails on which the operation of an all–terrain vehicle or a snowmobile is authorized;
 - B. Fields; or
 - C. Another area where the operation of an all–terrain vehicle or a snowmobile is authorized;

- (15) Requiring a motorized minibike to be permitted by the local authority, and imposing a permit fee;
- (16) In Allegany County, designating crossings on county highways where a person operating a golf cart may cross the highway for continued access to any portion of a golf course;
- (17) Restricting use of a low speed vehicle on a highway;
- (18) Authorizing an emergency vehicle not subject to registration to operate on a highway while performing an emergency service as defined in § 19–103 of this article;
- (19) Authorizing a person to cross a highway on an all–terrain vehicle at a right angle to access a farm or to move from one part of a farm to another part of the same farm; and
- (20) In Charles County:
- (i) Regulating the operation of off–highway recreational vehicles;
 - (ii) Requiring off–highway recreational vehicles to be registered by the county and imposing a registration fee;
 - (iii) Imposing age restrictions on the operation of off–highway recreational vehicles; and
 - (iv) Authorizing the impoundment of an off–highway recreational vehicle that is the subject of an alleged violation of:
 - 1. Title 21, Subtitle 9 of this article;
 - 2. § 6–404 of the Criminal Law Article; or
 - 3. § 6–405 of the Criminal Law Article.
- (b) (1) Unless it first obtains written approval from the State Highway Administration, a local authority may not place or maintain any stop sign or traffic control signal that requires the traffic on any State highway to stop before entering or crossing any intersecting highway.
- (2) Unless it first obtains written permission from the State Highway Administration, a local authority may not place or maintain lighting along or at an intersection with a State highway.
- (c) An ordinance or regulation adopted under subsection (a)(4), (5), (6), (7), or (10) of this section is not effective until a traffic control device giving notice of the local traffic regulations is placed on or at the entrances to the highway or its affected part.

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§ 25-104

The State Highway Administration shall adopt a manual and specifications for a uniform system of traffic control devices, consistent with the provisions of the Maryland Vehicle Law, for use on highways in this State. This uniform system shall correlate with and, as far as possible, conform to the system set forth in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.

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§ 25-105

- (a) On every highway under its jurisdiction, the State Highway Administration shall place and maintain those traffic control devices that it considers necessary to carry out the provisions of the Maryland Vehicle Law or to regulate, warn, or guide traffic. Each of these traffic control devices shall conform to the manual and specifications of the State Highway Administration.
- (b) A local authority may place or maintain a traffic control device on a highway under the jurisdiction of the State Highway Administration only with the permission and under the direction of the State Highway Administration.

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§ 25-106

On every highway under its jurisdiction, a local authority shall place and maintain those traffic control devices that it considers necessary to carry out the provisions of the Maryland Vehicle Law or local traffic ordinances or to regulate, warn, or guide traffic. Each of these traffic control devices shall conform to the manual and specifications of the State Highway Administration.

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§ 25-107

As to any highway under its jurisdiction, a local authority may:

- (1) Require pedestrians to obey strictly any traffic control signal; and
- (2) Prohibit pedestrians from crossing, except in a crosswalk:
 - (i) Any roadway in a business district; or
 - (ii) Any designated highway.

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§ 25-109

The State Highway Administration, as to both State and county highways, and any local authority, as to any other highways under its jurisdiction, may:

- (1) Designate through highways and place stop signs or yield signs at specified entrances to them; or
- (2) Designate any intersection as a stop intersection or as a yield intersection and place stop signs or yield signs at one or more entrances to the intersection.

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§ 25-110

(a) (1) With the advice of the State Department of Education, the Motor Vehicle Administration shall adopt and enforce rules and regulations not inconsistent with the Maryland Vehicle Law to govern the safe operation of all school vehicles.

(2) The following shall be subject to the rules and regulations adopted under this section:

- (i) Every school or school district and its officers and employees;
- (ii) Every person employed under contract by a school or school district; and
- (iii) Every person that owns or operates a school vehicle.

(b) (1) Any officer or employee of any school or school district who violates any rule or regulation adopted under this section or fails to include the obligation to comply with these rules and regulations in any contract executed by him on behalf of a school or school district is guilty of misconduct and subject to removal from office or employment.

(2) (i) A person that owns or operates a school vehicle may not violate any rule or regulation adopted under this section.

(ii) A vehicle involved in a violation under subparagraph (i) of this paragraph is subject to suspension or revocation of its registration.

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§ 25-111

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Direct assistance" means the provision of transportation and other relief services by a motor carrier or its drivers for the immediate restoration of essential services or the delivery of essential supplies.

(ii) "Direct assistance" does not include:

1. Transportation related to the long-term rehabilitation of damaged physical infrastructure; or
2. Routine commercial deliveries made after the initial threat to life or property caused by a transportation emergency has passed.

(3) "Emergency relief" means an operation for which a motor carrier or driver of a commercial motor vehicle, in response to a transportation emergency, provides direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health or safety.

(4) "Essential services" includes electric or natural gas service, medical care, sewer service, water service, telecommunications service, or telecommunication transmissions.

(5) "Essential supplies" includes food or fuel.

(6) "Hazardous materials inspector" means a person who is assigned by the Department of the Environment and certified by the Department of State Police to perform an inspection authorized under this section.

(7) "Natural or man-made emergency" means a hurricane, a tornado, a thunderstorm, a snowstorm, an ice storm, a blizzard, a flood, wind-driven water, a tidal wave, a tsunami, an earthquake, a volcanic eruption, a mud slide, a drought, a forest fire, an explosion, an electricity blackout, or any other similar occurrence.

(8) "Police officer" means:

(i) Any uniformed law enforcement officer who is certified or under the direction of a law enforcement officer who is certified by the Department of State Police to perform an inspection authorized under this section;

(ii) Any civilian employee of the Department of State Police assigned to enforce any regulation adopted under this section, but only while acting under written authorization of the Secretary of State Police;

(iii) Any civilian employee of the Maryland Transportation Authority Police who is:

1. Acting under the immediate direction and control of a uniformed police officer;
2. Acting under the written authorization of the Secretary of State Police; and
3. Certified by the Department of State Police to perform an inspection authorized under this section; or

(iv) Any civilian employee of a local government who is:

1. Acting under the immediate direction and control of a uniformed police officer;
2. Acting under the written authorization of the Secretary of State Police; and
3. Certified by the Department of State Police to perform an inspection authorized under this section.

(9) "Public Service Commission inspector" means a person who is assigned by the Public Service Commission and certified by the Department of State Police to perform an inspection authorized under this section.

(10) "Transportation emergency" means any natural or man-made emergency that interrupts or may interrupt the delivery of essential services or essential supplies or otherwise immediately threatens human life or public welfare.

(b) (1) Upon direction by a police officer or by an electronic signal to vehicles equipped with a CVISN transponder, the driver of any vehicle that is subject to any regulation adopted under this section shall stop and submit to an inspection:

(i) All applicable driver records, including driver's license, driver hours of service record and certificate of physical examination;

(ii) All load manifests, including bills of lading or other shipping documents; and

(iii) All cargo and cargo areas.

(2) A police officer who is certified by the Department of State Police to perform an inspection authorized under this section, a Public Service Commission inspector, or a hazardous materials inspector may conduct a safety inspection of the vehicle that is subject to a regulation adopted under this section or § 22-409 of this article.

(c) The operation of a vehicle on any highway in this State constitutes the consent of the driver and the owner of the vehicle to the inspection provided for in this section.

(d) (1) The driver of a vehicle shall obey every sign and every direction of a police officer or an electronic signal to a CVISN transponder to stop the vehicle and submit to the required inspection.

(2) If a driver fails or refuses to comply with the direction of a police officer or an electronic signal to a CVISN transponder to submit a vehicle to the required inspection, the police officer shall have the authority to take the vehicle and its load into temporary custody for the purpose of inspecting the vehicle, load, its equipment, or documents.

(3) The police officer may utilize resources as specified in § 16-303.1(b) of this article to conduct the safety inspection.

(4) In addition to any fine or penalty attributable to the inspection, or other offense, the driver is responsible for any additional costs incurred in inspecting the vehicle and its load because of the driver's failure or refusal to comply with the direction of a police officer or an electronic signal to a CVISN transponder.

(e) A sign used to direct vehicles under this section may be displayed only by a police officer who is assigned to enforce this section.

(f) (1) Except as provided in subsection (i) of this section, the Administration may adopt regulations as are necessary for the safe operation of vehicles that:

- (i) Exceed a gross vehicle weight rating of 10,000 pounds;
- (ii) Are required to be marked or placarded for the transportation of hazardous materials; or
- (iii) Are designed to transport 16 or more passengers including the driver over the highways of this State.

(2) Any regulation adopted pursuant to this subsection shall:

(i) Be formulated jointly by the Administration and the Department of State Police;

(ii) Duplicate or be consistent with the Federal Motor Carrier Safety Regulations contained in:

1. 49 C.F.R., Part 40 ("Procedures for Transportation Workplace Drug and Alcohol Testing Programs") and Part 382 ("Controlled Substances and Alcohol Use and Testing"), with respect to drug and alcohol testing regulations applicable to drivers required by regulation to possess a commercial driver's license;
2. 49 C.F.R., Part 385, Subparts A, C, and D ("New Entrant Safety Assurance Program");
3. 49 C.F.R., Part 386, Subparts F and G ("Injunctions and Imminent Hazards; Penalties"); and
4. 49 C.F.R., Parts 390 through 399 ("General Safety Requirements");

(iii) Apply to all vehicles with a gross vehicle weight rating or gross combination weight rating over 10,000 pounds that are subject to the Federal Motor Carrier Safety Regulations; and

(iv) Apply to vehicles with a gross vehicle weight rating or gross combination weight rating over 10,000 pounds that are not subject to the Federal Motor Carrier Safety Regulations, if the regulation adopted by the Motor Vehicle Administration specifically states that it applies to the vehicle.

(3) The regulations adopted under this subsection may require that registrants of motor vehicles subject to this subsection have knowledge of applicable federal and State motor carrier safety regulations.

(g) Any motor carrier or driver operating a vehicle that is subject to the regulations adopted under this section shall, at all times when operating the vehicle on a highway in this State, comply with the regulations adopted under this section.

(h) (1) During normal business hours, a police officer, a hazardous materials inspector, or a Public Service Commission inspector may enter the premises and inspect equipment and review and copy records of motor carriers subject to the regulations adopted under § 22–409 or § 23–302 of this article, Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations, or Public Service Commission laws and regulations.

(2) During normal business hours, trained personnel from the Commercial Vehicle Enforcement Division of the Department of State Police may enter the premises and inspect, review, and copy records of motor carriers subject to the regulations adopted under this section, § 22–409 of this article, or § 23–302 of this article, including:

(i) Any record required by this section;

(ii) Driver qualification files;

(iii) Hours of service records;

(iv) Drug and alcohol testing records of drivers required to be tested under this section; and

(v) Insurance records.

(i) (1) Except as provided in paragraph (2) of this subsection, regulations adopted under this section for intrastate motor carrier transportation may not:

(i) Apply the provisions of § 391.21, § 391.23, § 391.31, or § 391.35 of the Federal Motor Carrier Safety Regulations to:

1. A driver who is a regularly employed driver of a motor carrier for a continuous period that began before July 1, 1986, if the driver continues to be a regularly employed driver of the motor carrier; or
2. The motor carrier, with regard to a driver described under item 1 of this item, if the motor carrier continues to employ the driver;

(ii) Limit a driver's time or hours on duty if:

1. The driver operates only within a 150 air mile radius of the driver's normal work reporting location;
2. The driver returns to the driver's normal work reporting location;
3. The driver is released from work within a period of 16 consecutive hours, not more than 12 of which are dedicated to driving, and is given at least 8 consecutive hours off duty; and
4. Regardless of the number of motor carriers using the driver's services, the driver:
 - A. If the employing motor carrier does not operate motor vehicles every day of the week, has been on duty no more than 70 hours in a period of 7 consecutive days; or
 - B. If the employing motor carrier operates motor vehicles every day of the week, has been on duty no more than 80 hours in a period of 8 consecutive days;

(iii) Require a driver to maintain a record of duty status if the driver is not subject to item (ii) of this paragraph, except that, if a driver is on duty for a period of more than 12 hours, the driver shall maintain a record of the driver's duty status that:

1. For the first 12 hours of time on duty, accounts for all time dedicated to driving; and
2. For all time on duty in excess of 12 hours, conforms to the recording requirements provided in federal regulations; or

(iv) Except in the case of bus drivers, apply the provisions of § 391.41(b)(1) through (11) of the Federal Motor Carrier Safety Regulations before October 1, 2023 to any person who:

1. On October 1, 2003, was otherwise qualified to operate and operated a vehicle or vehicle combination used in intrastate commerce with a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more and, after October 1, 2003, remained qualified to operate and continued to operate such a vehicle;
2. Operates only in intrastate commerce; and
3. Has a mental or physical condition which would disqualify the person under the Federal Motor Carrier Safety Regulations and:

A. The condition existed on October 1, 2003 or at the time of the first physical examination after that date to which the person submitted as required by regulations adopted by the Administration under subsection (k) of this section; and

B. A physician who has examined the person has determined that the condition has not substantially worsened and that no other disqualifying medical or physical condition has developed since October 1, 2003 or the time of the first required physical examination after that date.

(2) Nothing contained in this subsection limits regulation of the qualifications or hours of service of a driver of a vehicle:

(i) In interstate commerce;

(ii) Transporting hazardous materials of a type and quantity requiring placarding under Federal Hazardous Materials Regulations; or

(iii) Designed to transport 16 or more passengers, including the driver.

(j) (1) Notwithstanding the provisions of § 14–107 of the Public Safety Article, the Governor may delegate the power to declare a transportation emergency to the Secretary or the Secretary's designee.

(2) (i) The Secretary or the Secretary's designee may declare a transportation emergency.

(ii) 1. During the time in which a transportation emergency declared under this subsection exists, the Secretary or the Secretary's designee may waive all or part of the Federal Motor Carrier Safety Regulations contained in 49 C.F.R. Parts 390–399 that have been adopted for intrastate motor carrier transportation under this section if the Secretary or the Secretary's designee reasonably expects that the waiver will facilitate emergency relief efforts.

2. A. This waiver shall apply only to motor carriers and drivers operating commercial motor vehicles while providing emergency relief.

B. When a transportation emergency terminates, an empty motor carrier or the driver of an empty motor carrier may return to the motor carrier's terminal or the driver's normal work reporting location.

- (3) (i) All declarations issued under this subsection shall indicate the nature of the transportation emergency, the area or areas threatened, and the conditions which have brought it about.
- (ii) A declaration shall be disseminated by a means calculated to bring its contents to the attention of the general public, in the areas affected by the declaration.
- (4) Within 10 days of the issuance of any declaration issued under this subsection, the Secretary or the Secretary's designee shall notify the Governor of the nature of the declaration.
- (5) (i) A transportation emergency declared by the Secretary or the Secretary's designee lasts for the lesser of 5 days from the date of the initial declaration or for the duration of the emergency conditions.
- (ii) If conditions warrant, the Secretary or the Secretary's designee may renew a transportation emergency beyond the initial 5-day period for up to three renewal periods of 5 days each.
- (iii) 1. A transportation emergency may not extend for more than 20 days.
2. If the duration of the transportation emergency conditions extends for more than 20 days, the Governor may take any action authorized under this subsection to facilitate emergency relief efforts through a declaration of a state of emergency under § 14–107 of the Public Safety Article.
- (k) For the purposes of subsection (i) of this section, the Administration shall adopt regulations requiring physical examinations for intrastate commercial motor vehicle drivers.
- (l) A person convicted of a violation of this section is subject to:
- (1) For a first offense, a fine not exceeding \$1,000;
 - (2) For a second offense, a fine not exceeding \$2,000; and
 - (3) For a third or subsequent offense, a fine not exceeding \$3,000.

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§ 25-112

- (a) (1) In this section and in § 25–111 of this subtitle the following words have the meanings indicated.
- (2) “Cloned CVISN transponder” means a CVISN transponder or other electronic device that has been converted with the electronic serial number or other proprietary information obtained without the consent of the State.
- (3) “CVISN” means the Commercial Vehicle Information Systems and Network, a motor carrier program managed by the Department, together with other State agencies.
- (4) “CVISN transponder” means an electronic device acquired by motor carriers to allow electronic signaling through CVISN.
- (5) “Manufacture” means to produce, assemble, modify, alter, program, reprogram, or tamper with a CVISN transponder without the consent of the State.
- (6) “Sell” means to sell, exchange, give, or dispose of to another, or to offer or agree to do the same.
- (b) (1) A person may not knowingly possess or use a cloned CVISN transponder or possess a CVISN transponder with the intent to manufacture a cloned CVISN transponder.
- (2) A person may not knowingly distribute or possess with intent to distribute, manufacture, or sell a cloned CVISN transponder.
- (3) A person may not knowingly remove a CVISN transponder from the commercial vehicle to which it is registered and place it in another vehicle.
- (c) (1) Except as provided in paragraph (2) of this subsection, if the operator of a motor vehicle is in possession of a cloned CVISN transponder or a CVISN transponder placed in a commercial vehicle to which it is not registered, the registered owner of the motor vehicle shall be liable for the violation under this section.
- (2) A registered owner is not liable for a violation under this section if:
- (i) The operator of the vehicle has been adjudicated to be solely responsible for the violation;
 - (ii) A person other than the registered owner has been adjudicated to be responsible for the violation; or

- (iii) 1. The registered owner is a lessor of the motor vehicle;
2. At the time of the violation, the motor vehicle involved was in the possession of a lessee; and
3. The lessor, within 30 days of the issuance of the citation, provides the Department or its authorized agent with a copy of the lease agreement identifying the lessee.
- (d) (1) In addition to any other penalty provided by law, including being disqualified from driving a commercial motor vehicle under § 16–812 of this article, a driver or an owner convicted of a violation of this section is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.
- (2) The Administration may not register or transfer the registration of any vehicle involved in a violation of this section until final disposition of the violation.

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§ 25-113

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Law enforcement agency” means an agency that is listed in § 3–101(e) of the Public Safety Article.
- (3) “Law enforcement officer” means any person who, in an official capacity, is authorized by law to make arrests and who is an employee of a law enforcement agency.
- (4) “Maryland Police Training and Standards Commission” means the unit within the Department of Public Safety and Correctional Services established under § 3–202 of the Public Safety Article.
- (5) “Maryland Statistical Analysis Center” means the research, development, and evaluation component of the Governor’s Office of Crime Prevention and Policy.
- (6) (i) “Traffic stop” means any instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle Law.
- (ii) “Traffic stop” does not include:
1. A checkpoint or roadblock stop;
 2. A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes;
 3. A stop based on the use of radar, laser, or vascar technology; or
 4. A stop based on the use of license plate reader technology.
- (b) The Maryland Police Training and Standards Commission, in consultation with the Maryland Statistical Analysis Center, shall develop:
- (1) A model format for the efficient recording of data required under subsection (d) of this section on an electronic device, or by any other means, for use by a law enforcement agency;
 - (2) Guidelines that each law enforcement agency may use as a management tool to evaluate data collected by its officers for use in counseling and improved training;
 - (3) A standardized format that each law enforcement agency shall use in reporting data to the Maryland Statistical Analysis Center under subsection (e) of this section; and
 - (4) A model policy against race–based traffic stops that a law enforcement agency may use in developing its policy in accordance with subsection (g) of this section.
- (c) (1) Subject to paragraph (2) of this subsection, this section applies to each law enforcement agency that has one or more law enforcement officers.
- (2) Except as provided in subsection (e)(2) of this section, this section does not apply to a law enforcement agency that is subject to an agreement with the United States Department of Justice that requires the law enforcement agency to collect data on the race or ethnicity of the drivers of motor vehicles stopped.
- (d) Each time a law enforcement officer makes a traffic stop, that officer shall report the following information to the law enforcement agency that employs the officer using the format developed under subsection (b)(1) of this section:

- (1) The date, location, and time of the stop;
 - (2) The approximate duration of the stop;
 - (3) The traffic violation or violations alleged to have been committed that led to the stop;
 - (4) Whether a search was conducted as a result of the stop;
 - (5) If a search was conducted, the reason for the search, whether the search was consensual or nonconsensual, whether a person was searched, and whether a person's property was searched;
 - (6) Whether any contraband or other property was seized in the course of the search;
 - (7) Whether a warning, safety equipment repair order, or citation was issued as a result of the stop;
 - (8) If a warning, safety equipment repair order, or citation was issued, the basis for issuing the warning, safety equipment repair order, or citation;
 - (9) Whether an arrest was made as a result of either the stop or the search;
 - (10) If an arrest was made, the crime charged;
 - (11) The state in which the stopped vehicle is registered;
 - (12) The gender of the driver;
 - (13) The date of birth of the driver;
 - (14) The state and, if available on the driver's license, the county of residence of the driver; and
 - (15) The race or ethnicity of the driver as:
 - (i) Asian;
 - (ii) Black;
 - (iii) Hispanic;
 - (iv) White; or
 - (v) Other.
- (e) (1) A law enforcement agency shall:
- (i) Compile the data described in subsection (d) of this section for the calendar year as a report in the format required under subsection (b)(3) of this section; and
 - (ii) Submit the report to the Maryland Statistical Analysis Center no later than March 1 of the following calendar year.
- (2) A law enforcement agency that is exempt under subsection (c)(2) of this section shall submit to the Maryland Statistical Analysis Center copies of reports it submits to the United States Department of Justice in lieu of the report required under paragraph (1) of this subsection.
- (f) (1) The Maryland Statistical Analysis Center shall analyze the annual reports of law enforcement agencies submitted under subsection (e) of this section based on a methodology developed in consultation with the Maryland Police Training and Standards Commission.
- (2) (i) On or before September 1 each year, the Maryland Statistical Analysis Center shall post on its website in a location that is easily accessible to the public a filterable data display showing all data collected under this section for the previous calendar year.
- (ii) A filterable data display under this paragraph shall allow a person to:
1. Filter the traffic stop data by county or municipality or law enforcement agency; and
 2. Review various visuals associated with data items reported under subsection (d) of this section.
- (iii) Beginning with data collected for calendar year 2018, the Maryland Statistical Analysis Center shall include and maintain data from all prior years in the filterable data display.
- (iv) When the Maryland Statistical Analysis Center updates a filterable data display under this section, the Governor's Office of Crime Prevention and Policy shall provide electronic and written notice of the update to the General Assembly in accordance with § 2–1257 of the State Government Article.

(g) (1) A law enforcement agency shall adopt a policy against race-based traffic stops that is to be used as a management tool to promote nondiscriminatory law enforcement and in the training and counseling of its officers.

(2) (i) The policy shall prohibit the practice of using an individual's race or ethnicity as the sole justification to initiate a traffic stop.

(ii) The policy shall make clear that it may not be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

(3) The policy shall provide for the law enforcement agency to periodically review data collected by its officers under subsection (d) of this section and to review the annual report of the Maryland Statistical Analysis Center for purposes of paragraph (1) of this subsection.

(h) (1) If a law enforcement agency fails to comply with the reporting provisions of this section, the Maryland Statistical Analysis Center shall report the noncompliance to the Maryland Police Training and Standards Commission.

(2) The Maryland Police Training and Standards Commission shall contact the law enforcement agency and request that the agency comply with the required reporting provisions.

(3) If the law enforcement agency fails to comply with the required reporting provisions within 30 days after being contacted by the Maryland Police Training and Standards Commission, the Maryland Statistical Analysis Center and the Maryland Police Training and Standards Commission jointly shall report the noncompliance to the Governor and the Legislative Policy Committee of the General Assembly.

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§ 25-114

(a) In this section, "checkpoint" means a predetermined fixed location at which a police officer stops a motor vehicle or a specific sequence of motor vehicles to conduct safety inspections, inspect drivers' licenses or registrations, or evaluate drivers for impairment.

(b) Except as provided in subsection (c) of this section, a police officer at a motor vehicle checkpoint may not target only motorcycles for inspection or evaluation.

(c) A police officer at a motor vehicle checkpoint established as part of a police search or investigation may target motorcycles as appropriate.

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§ 25-115

(a) In this section, "police department" has the meaning stated in § 25-201(e)(5) of this title.

(b) Neither the governing body of Prince George's County nor the police department may use other persons, equipment, or facilities for removing, preserving, and storing vehicles under § 16-303.1 of this article, § 25-203 of this title, or any other State or local law unless the services of the person or the equipment or facilities are selected from an open procurement administered by the Prince George's County Office of Central Services.

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§ 25-201

(a) In this subtitle the following words have the meanings indicated.

(b) "Abandoned vehicle" means any motor vehicle, trailer, or semitrailer:

(1) That is inoperable and left unattended on public property for more than 48 hours;

(2) That has remained illegally on public property for more than 48 hours;

(3) That has remained on private property for more than 48 hours without the consent of the owner or person in control of the property;

(4) That has remained in a garage for more than 10 days after the garage keeper has given the owner of the vehicle notice by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to remove the vehicle;

(5) That has remained in a garage for more than 10 days after the period when, by contract, the vehicle was to remain in the garage;

(6) That was left for more than 10 days in a garage by:

(i) Someone other than its registered owner; or

(ii) A person authorized to have possession of the vehicle under a contract of use, service, storage, or repair;

(7) That has remained on public property for more than 48 hours and:

(i) Is not displaying currently valid registration plates; or

(ii) Is displaying registration plates of another vehicle;

(8) That has been left unattended on any portion of a "controlled access highway" as defined in § 8–101(f) of this article for more than 24 hours;

(9) That has been left unattended on any portion of a primary or secondary highway or controlled access highway, as defined in § 8–101 of this article, and is in violation of any of the provisions of § 22–408 of this article; or

(10) That is not reclaimed as provided under § 16–303.1 of this article.

(c) "Garage" means any of the following, if operated for commercial purposes:

(1) A parking place or establishment;

(2) A vehicle storage facility; or

(3) An establishment for the servicing, repair, or maintenance of vehicles.

(d) (1) "Lessor" means a person who regularly leases or offers to lease motor vehicles.

(2) "Lessor" includes:

(i) An assignee of leases; and

(ii) A person who during any 12-month period offers to lease 5 or more motor vehicles or who is assigned 5 or more leases.

(e) "Police department" means:

(1) The Department of State Police;

(2) The police department of any political subdivision of this State;

(3) In Baltimore City, the appropriate agency designated by the Board of Estimates;

(4) The police forces of public colleges and universities;

(5) In Prince George's County, an appropriate agency or department designated by the County Executive;

(6) In any municipality in Prince George's County or Montgomery County, an appropriate agency or department designated by the governing body of the municipality; and

(7) The police force of any State government agency.

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§ 25-202

(a) A person may not abandon a vehicle:

(1) On any public property; or

(2) On any property other than his own without the permission of the owner or lessee of the property.

(b) The last known registered owner of an abandoned vehicle is considered to be the prima facie owner of the vehicle at the time it was abandoned and the person who abandoned it.

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§ 25-203

(a) A police department may take any abandoned vehicle into custody. For this purpose, the police department may use its own personnel, equipment, and facilities or, subject to the provisions of subsection (b) of this section and except as provided in § 25–115 of this title, use other persons, equipment, and facilities for removing, preserving, and storing abandoned vehicles.

(b) A police department may not authorize the use of a tow truck under subsection (a) of this section unless the tow truck is registered under § 13–920 of this article.

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§ 25-204

(a) (1) As soon as reasonably possible and within 7 days at most after it takes an abandoned vehicle into custody, a police department shall send a notice, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:

- (i) Subject to paragraph (2) of this subsection, the last known registered owner of the vehicle; and
- (ii) Subject to paragraph (3) of this subsection, each secured party, as shown on the records of the Administration.

(2) A police department may notify the last known registered owner electronically through the Administration if:

- (i) The Administration sends the notice to the owner using the e-mail address the owner provided to the Administration, as shown in the records of the Administration; and
- (ii) The police department sends the owner notice by certified mail, return receipt requested, and first-class mail, if the owner does not respond within 7 days after the electronic notice was sent by the Administration.

(3) A police department may send notice to any secured party electronically, if that form of notice is agreed to by the police department, the owner, and the secured party in writing or by electronic communication.

(b) The notice shall:

(1) State that the abandoned vehicle has been taken into custody;

(2) Describe the year, make, model, and vehicle identification number of the vehicle;

(3) Give the location of the facility where the vehicle is held;

(4) (i) Inform the owner and secured party of the owner's and secured party's right to reclaim the vehicle within 3 weeks after the date of the notice, on payment of all towing, preservation, and storage charges resulting from taking or placing the vehicle in custody; or

(ii) In Baltimore City and Montgomery County, subject to subsection (a)(2) and (3) of this section, be sent by certified mail, return receipt requested, and inform the owner and secured party of the owner's and secured party's right to reclaim the vehicle within 11 working days after the receipt of the notice, on payment of all towing, preservation, and storage charges resulting from taking or placing the vehicle in custody; and

(5) State that the failure of the owner or secured party to exercise this right in the time provided is:

(i) A waiver by the owner or secured party of all of the owner's or secured party's right, title, and interest in the vehicle;

(ii) A consent to the sale of the vehicle at public auction; and

(iii) A consent by the owner other than a lessor to the retention of the vehicle for public purposes as provided in § 25–207 of this subtitle.

(c) In Baltimore City, Prince George's County, and Montgomery County, a police department or its agent may seek to recover costs of impoundment, storage, and sale of a vehicle as provided by §§ 25–206.1 and 25–206.2 of this subtitle. If a police department or its agent seeks to apply the provisions of §§ 25–206.1 and 25–206.2 of this subtitle, the notice required by this section shall also state that the failure of the owner or secured party to exercise the right to reclaim the vehicle in the time provided may cause:

(1) Continuing liability of the owner for costs of:

(i) Impoundment;

(ii) Storage within the chargeable limit for storage as provided in § 25–206.1(b) of this subtitle; and

(iii) Sale of the vehicle; and

(2) Denial of any application by the owner to renew the registration of any vehicle as required by § 25–206.2 of this subtitle.

(d) The Administration shall adopt regulations to allow for electronic notification to the last known registered owner of a vehicle under subsection (a)(2) of this section.

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§ 25-205

(a) This section applies if:

(1) The identity of the last registered owner of an abandoned vehicle cannot be determined;

(2) The registration of the vehicle gives no address for the owner;

(3) It is impossible to determine with reasonable certainty the identity and address of each secured party;

(4) The certified mail notice required by § 25–204 of this subtitle is returned as undeliverable; or

(5) The electronic notices authorized under § 25–204(a)(2) or (3) of this subtitle are not acknowledged or are returned as undeliverable.

(b) Under one of the conditions described in subsection (a) of this section, a police department that takes an abandoned vehicle into custody shall give the required notice by posting a notice complying with the provisions of subsection (c) of this section in the circuit court of the county where the abandoned vehicle was found.

(c) The notice:

(1) May contain multiple listings of abandoned vehicles;

(2) Shall contain the information required by § 25–204 of this subtitle; and

(3) Shall be posted:

(i) Within 15 days of the taking into custody of the vehicle; or

(ii) If the notice by posting under this section is made because of the return as undeliverable of a prior notice by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, within 7 days of the return of that prior notice.

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§ 25-206

(a) If the owner or secured party fails to reclaim an abandoned vehicle within 3 weeks after notice is given under this subtitle, the owner or secured party is deemed to have waived all of the owner's or secured party's right, title, and interest in the vehicle and to have consented to the sale of the vehicle at public auction, and the owner other than a lessor is deemed to have consented to the retention of the vehicle for public purposes as provided in § 25-207 of this subtitle.

(b) In Baltimore City and Montgomery County, if the owner or secured party fails to reclaim an abandoned vehicle within 11 working days after receipt of notice given under § 25-204(b)(4)(ii) of this subtitle, the owner or secured party is deemed to have waived all of the owner's or secured party's right, title, and interest in the vehicle and to have consented to the sale of the vehicle at public auction, and the owner other than a lessor is deemed to have consented to the retention of the vehicle for public purposes as provided in § 25-207 of this subtitle.

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§ 25-207

(a) Except as provided in subsection (e) of this section, if an abandoned vehicle is not reclaimed as provided for in this subtitle, the police department shall sell the vehicle at public auction.

(b) The buyer of the vehicle at auction:

(1) Takes ownership of the vehicle free and clear of any claim of ownership or lien of any other person;

(2) Is entitled to a sales receipt, on a form that is approved by the Administration, from the police department;

(3) Is entitled to obtain a salvage certificate for the vehicle; and

(4) May obtain a certificate of title under § 13-507 of this article.

(c) The sales receipt, on a form that is approved by the Administration, is sufficient title for transferring the vehicle to an automotive dismantler and recycler or scrap processor for dismantling, destroying, or scrapping, in which case, a certificate of title is not required.

(d) Except as otherwise provided in this subtitle:

(1) From the proceeds of the sale of an abandoned vehicle, the police department shall reimburse itself for the costs of towing, preserving, and storing the vehicle and the expenses of the auction, including all notice and publication costs incurred under this subtitle; and

(2) Any remaining proceeds of the sale shall be held for 90 days for the owner of the vehicle and any entitled secured party, after which the remaining proceeds revert to:

(i) The treasury of the county in which the sale was made; or

(ii) In the case of a municipality that conducts the sale, the treasury of the municipality.

(e) (1) After satisfying the requirements for obtaining a certificate of title for an abandoned vehicle under § 25-207.1 of this subtitle, a police department may retain and use the vehicle for public purposes without any further notice or consent of the owner other than a lessor as provided in paragraph (2) of this subsection.

(2) (i) If there is a secured party with an interest in the vehicle as shown on the records of the Administration, the police department may not retain the vehicle for public purposes without the written consent of the secured party.

(ii) If the vehicle is owned by a lessor under a lease not intended as security, the police department may not retain the vehicle for public purposes without the written consent of the lessor.

(f) A vehicle retained for public purposes under subsection (e) of this section:

(1) May be dismantled or disassembled for the purpose of using its component parts; and

(2) When no longer usable for public purposes, may at the discretion of the police department, without further notice, be sold at public auction as provided in this subtitle or transferred by the police department to a scrap processor licensed under § 15-502 of this article.

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§ 25-208

(a) In this section, “abandoned” means abandoned in a garage, as described in § 25-201(b)(4), (5), or (6) of this subtitle.

(b) (1) A garage keeper shall report any vehicle abandoned in the garage to the appropriate police department.

(2) Any garage keeper who fails to report the vehicle within 10 days after it becomes abandoned no longer has any claim for servicing, storage, or repair of the vehicle.

(c) The police department may take the abandoned vehicle into custody and sell it in accordance with the procedures set forth in this subtitle, unless:

(1) The vehicle is reclaimed by the owner or secured party; and

(2) The garage keeper is paid.

(d) As to the proceeds of the sale:

(1) They shall be applied, first, to the garage keeper’s charges for servicing, storage, or repair; and

(2) Any surplus proceeds shall be distributed in accordance with § 25-207(d) of this subtitle.

(e) This section does not impair any:

(1) Lien of a garage keeper under the laws of this State; or

(2) The right of any secured party to foreclose.

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§ 25-209

(a) A person who owns a vehicle, on whose property is found an abandoned vehicle, or who has lawful, documented possession of a vehicle for which the certificate of title is defective, lost, or destroyed, may apply to a law enforcement agency for the jurisdiction in which the vehicle is located for authority to transfer the vehicle to an automotive dismantler and recycler or scrap processor.

(b) The application shall be made under penalty of perjury and shall include:

(1) The name and address of the applicant;

(2) The year, make, model, and vehicle identification number of the vehicle, if ascertainable, and any other identifying features of the vehicle;

(3) A concise statement of the facts about the abandonment of the vehicle or the loss, destruction, or defect of the certificate of title of the vehicle; and

(4) An affidavit stating that the facts alleged in the application are true and that no material fact has been withheld.

(c) If a law enforcement agency finds that the application is executed in proper form and shows either that the vehicle has been abandoned on the property of the applicant or, if the vehicle is not abandoned, that the applicant appears to be the rightful owner, the law enforcement agency may:

(i) If the applicant appears to be the rightful owner, approve the request on verification of the information in the application; or

(ii) If the application is made by a person other than the rightful owner, follow the notification procedures of §§ 25–204 and 25–205 of this subtitle.

(c–1) If the applicant submits with the application documentary proof that the notification procedures of §§ 25–204 and 25–205 of this subtitle already have been complied with, the law enforcement agency shall accept the document as proof of compliance and the agency is not required to provide this notification.

(d) (1) If an abandoned vehicle is not reclaimed in the time required by this subtitle or notice has already been provided to the owner and any secured party, the law enforcement agency shall give the applicant a certificate of authority to transfer the vehicle to:

(i) Any automotive dismantler and recycler for:

1. Dismantling, destroying, or scrapping; or

2. Salvaging as authorized under § 13–506 of this article; or

(ii) Any scrap processor for dismantling, destroying, or scrapping.

(2) The automotive dismantler and recycler or scrap processor shall accept the certificate of authority instead of the certificate of title of the vehicle.

(3) The automotive dismantler and recycler may apply for a salvage certificate as provided in § 13–506 of this article.

(e) A person may not knowingly make a false statement on an application for a certificate of authority under this section.

(f) A person who violates subsection (e) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$1,000 or both.

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§ 25-301

Article I

Parties and Title

This agreement shall be known as the Potomac River Bridges Towing Compact and the parties to this agreement are the Commonwealth of Virginia, the State of Maryland, and the District of Columbia.

Article II

Findings and Purpose

The Woodrow Wilson Memorial Bridge, Rochambeau Memorial Bridge, George Mason Memorial Bridge, Theodore Roosevelt Memorial Bridge, Francis Scott Key Bridge, Chain Bridge, Arland D. Williams, Jr. Memorial Bridge, and American Legion Bridge all pass through the territorial jurisdiction of two or more of the three parties. Experience has shown that traffic back ups often prevent state troopers, state police officers, or police officers of the appropriate jurisdiction from arriving at the scene of a disabled or abandoned vehicle to take corrective action. The purpose of this Compact is to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving all three parties jurisdiction to exercise appropriate authority anywhere on the bridges.

Article III

Authority to Direct Traffic and Authorize Removal of Vehicle

The parties hereby give one another all necessary power and authority to have their respective state troopers, state police officers, or local law enforcement officers direct traffic and authorize the removal of disabled or abandoned vehicles, trailers, semitrailers, or the parts or contents thereof, from any part of the Potomac River bridges, to the same extent and in the same manner that such state troopers, state police officers, and law enforcement officers may exercise such authority in their own jurisdictions. However, no party, acting through its state troopers, state police officers, or local law enforcement officers, shall have the authority to direct or authorize the towing or removal of any vehicle or other thing to a destination outside its own jurisdiction, unless the consent of a state trooper, state police officer, or law enforcement officer of the destination jurisdiction has been first obtained.

Article IV

Disposition of Towed Vehicles

All vehicles and their contents towed or removed from the Potomac River bridges pursuant to this Compact shall be subject to the exclusive jurisdiction of the place to which such vehicle and its contents are taken, and the handling and disposition of such vehicle and its contents shall be governed by the laws and procedures of that jurisdiction.

Article V

No Agency Relationship

Each of the parties shall act solely on its own authority within the jurisdiction granted. This Compact shall not be construed as creating any agency relationship between the parties.

Article VI

Effective Date

The provisions of this Compact shall take effect thirty days after the legislative bodies of parties having jurisdiction over one or several of the bridges identified in Article II have enacted compacts substantially identical to this Compact.

Article VII

Termination

The Governor of the Commonwealth of Virginia or the State of Maryland, or the Mayor of the District of Columbia may withdraw from this Compact at any time upon thirty days written notice to the other parties.

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Title 26 — Unauthorized Use of Vehicles

§ 26-101

- (a) Any person who commits a violation of the Maryland Vehicle Law, whether as a principal, agent, or accessory, is guilty of the violation.
- (b) Any person who attempts to commit a violation of the Maryland Vehicle Law, whether as a principal, agent, or accessory, is guilty of the violation.
- (c) Any person who conspires to commit a violation of the Maryland Vehicle Law, whether as a principal, agent, or accessory, is guilty of the violation.

- (d) Any person who aids another in the commission of a violation of the Maryland Vehicle Law, whether as a principal, agent, or accessory, is guilty of the violation.
- (e) Any person who abets another in the commission of a violation of the Maryland Vehicle Law, whether as a principal, agent, or accessory, is guilty of the violation.
- (f) Any person who intentionally induces another to commit a violation of the Maryland Vehicle Law is guilty of the violation.
- (g) Any person who intentionally causes another to commit a violation of the Maryland Vehicle Law is guilty of the violation.
- (h) Any person who intentionally coerces another to commit a violation of the Maryland Vehicle Law is guilty of the violation.
- (i) Any person who intentionally permits another to commit a violation of the Maryland Vehicle Law is guilty of the violation.
- (j) Any person who intentionally directs another to commit a violation of the Maryland Vehicle Law is guilty of the violation.

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§ 26-102

- (a) A person who owns a vehicle may not require or knowingly permit the operation of the vehicle on a highway in any manner contrary to law.
- (b) A person who employs or otherwise directs the driver of a vehicle may not require or knowingly permit the operation of the vehicle on a highway in any manner contrary to law.

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§ 26-103

Subject to the exemptions specified in the Maryland Vehicle Law, the following titles of this article apply to the driver of any vehicle owned or operated by the United States, this State, or any political subdivision of this State:

- (1) Title 20, "Accidents and Accident Reports";
- (2) Title 21, "Rules of the Road";
- (3) Title 22, "Equipment of Vehicles";
- (4) Title 23, "Inspection of Used Vehicles and Warnings for Defective Equipment"; and
- (5) Title 24, "Size, Weight, and Load; Highway Preservation".

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§ 26-201

(a) A police officer may charge a person with a violation of any of the following, if the officer has probable cause to believe that the person has committed or is committing the violation:

- (1) The Maryland Vehicle Law, including any regulation adopted under any of its provisions;
- (2) A traffic law or ordinance of any local authority;
- (3) Title 9, Subtitle 2 of the Tax – General Article;
- (4) Title 9, Subtitle 3 of the Tax – General Article;
- (5) Title 10, Subtitle 4 of the Business Regulation Article;
- (6) § 10–323 of the Business Regulation Article; or
- (7) § 10–323.2 of the Business Regulation Article.

(b) A police officer who charges a person under this section shall issue a traffic citation, and provide a copy, to the person charged.

(c) A traffic citation issued to a person under this section shall contain:

(1) (i) A notice in boldface type that, if the citation is a payable violation:

1. The person must comply with one of the following within 30 days after receipt of the citation:

A. Pay the full amount of the preset fine;

B. Enter into a payment plan under § 7–504.1 of the Courts Article, if the defendant has at least \$150 in total outstanding fines and is otherwise qualified to enter into a payment plan;

C. Request a hearing regarding sentencing and disposition in lieu of a trial as provided in § 26–204(b)(2) of this subtitle; or

D. Request a trial date at the date, time, and place established by the District Court by writ or trial notice; and

2. A. If the person fails to comply within 30 days after receipt of the citation, the Administration will be notified and may take action to suspend the person's driver's license; and

B. Driving on a suspended license is a criminal offense for which the person could be incarcerated; or

(ii) If the citation is for a must–appear violation, a notice that:

1. The citation is a summons to appear as notified by a circuit court or the District Court through a trial notice setting the date, time, and place for the person to appear; or

2. A circuit court or the District Court will issue a writ setting the date, time, and place for the person to appear;

(2) The name and address of the person;

(3) The number of the person's license to drive, if applicable;

(4) The State registration number of the vehicle, if applicable;

(5) The violation or violations charged;

(6) An acknowledgment of receipt of the citation, to be executed by the person as required under § 1–605 of the Courts Article;

(7) Near the acknowledgment, a clear and conspicuous statement that:

(i) Acknowledgment of the citation by the person does not constitute an admission of guilt; and

(ii) The failure to acknowledge receipt of the citation may subject the person to arrest; and

(8) Any other necessary information.

(d) If a citation is marked “you have the right to stand trial”:

(1) The form of the defendant's copy of the citation shall include in boldface type a description of the following options:

(i) Payment of the fine;

(ii) Enter into a payment plan under § 7–504.1 of the Courts Article, if the defendant has at least \$150 in total outstanding fines and is otherwise qualified to enter into a payment plan;

(iii) Request a trial; and

(iv) Request a “guilty with an explanation” hearing regarding sentencing and disposition in lieu of a trial; and

(2) The form of the “return to court” copy of the citation shall include in boldface type a check–off box for each of the options described in item (1) of this subsection.

(e) A police officer who discovers a vehicle stopped, standing, or parked in violation of § 21–1003 or § 21–1010 of this article shall:

(1) Deliver a copy of a citation to the driver or, if the vehicle is unattended, attach a copy of a citation to the vehicle in a conspicuous place; and

(2) Keep a written or electronic copy of the citation, bearing the police officer's certification under penalty of perjury that the facts stated in the citation are true.

(f) (1) A police officer who discovers a motor vehicle parked in violation of § 13–402 of this article shall:

(i) Deliver a copy of a citation to the driver or, if the motor vehicle is unattended, attach a copy of a citation to the motor vehicle in a conspicuous place; and

(ii) Keep a written or electronic copy of the citation, bearing the law enforcement officer's certification under penalty of perjury that the facts stated in the citation are true.

(2) In the absence of the driver, the owner of the motor vehicle is presumed to be the person receiving the copy of a citation or warning.

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§ 26-202

(a) A police officer may arrest without a warrant a person for a violation of the Maryland Vehicle Law, including any rule or regulation adopted under it, or for a violation of any traffic law or ordinance of any local authority of this State, if:

(1) The person has committed or is committing the violation within the view or presence of the officer, and the violation is any of the following:

(i) A violation of § 21-1411 or § 22-409 of this article, relating to vehicles transporting hazardous materials; or

(ii) A violation of § 24-111 or § 24-111.1 of this article, relating to the failure or refusal to submit a vehicle to a weighing or to remove excess weight from it;

(2) The person has committed or is committing the violation within the view or presence of the officer, and either:

(i) The person does not furnish satisfactory evidence of identity; or

(ii) The officer has reasonable grounds to believe that the person will disregard a traffic citation;

(3) The officer has probable cause to believe that the person has committed the violation, and the violation is any of the following offenses:

(i) Driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, or in violation of an alcohol restriction;

(ii) Driving or attempting to drive while impaired by any drug, any combination of drugs, or any combination of one or more drugs and alcohol or while impaired by any controlled dangerous substance;

(iii) Failure to stop, give information, or render reasonable assistance, as required by §§ 20-102 and 20-104 of this article, in the event of an accident resulting in bodily injury to or death of any person;

(iv) Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked;

(v) Failure to stop or give information, as required by §§ 20-103 through 20-105 of this article, in the event of an accident resulting in damage to a vehicle or other property;

(vi) Any offense that caused or contributed to an accident resulting in bodily injury to or death of any person;

(vii) Fleeing or attempting to elude a police officer;

(viii) Driving or attempting to drive a vehicle in violation of § 16-101 of this article;

(ix) A violation of § 14-110(b), (c), (d), or (e) of this article; or

(x) A violation of § 21-1116(a) of this article that results in serious bodily injury to another person;

(4) The person is a nonresident and the officer has probable cause to believe that:

(i) The person has committed the violation; and

(ii) The violation contributed to an accident; or

(5) The officer has probable cause to believe that the person has committed the violation, and, subject to the procedures set forth in § 26-203 of this subtitle, the person is issued a traffic citation and refuses to acknowledge its receipt by signature.

(b) An arrest under this section shall be made in the same manner as, and without more force than, in misdemeanor cases.

(c) A person arrested under this section shall be taken without unnecessary delay before a District Court commissioner, as specified in § 26-401 of this title, unless the arresting officer in his discretion releases the individual upon the individual's written promise to appear for trial.

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§ 26-203

(a) This section applies to all traffic citations issued under this subtitle, unless:

- (1) The person otherwise is being arrested under § 26-202(a)(1), (2), (3), or (4) of this subtitle;
- (2) The person is incapacitated or otherwise unable to comply with the provisions of this section;
- (3) The citation is being issued to an unattended vehicle in violation of § 21-1003 of this article; or
- (4) The citation is being issued to an unattended motor vehicle in violation of § 13-402 of this article.

(b) On issuing a traffic citation, the police officer:

(1) Shall ask the person to acknowledge receipt of a copy of the citation, as required under § 1-605 of the Courts Article; and

(2) If the person refuses to do so, shall advise the person that failure to acknowledge receipt may lead to the person's arrest.

(c) (1) On being advised that failure to acknowledge receipt of a copy of a citation may lead to arrest, the person may not refuse to acknowledge receipt.

(2) If the person continues to refuse to do so, the police officer may arrest the person for violation of this section or, as provided in § 26-202(a)(5) of this subtitle, for the original charge, or both.

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§ 26-204

(a) (1) A person shall comply with the notice to appear contained in a writ or a trial notice issued by either the District Court or a circuit court in an action on a traffic citation.

(2) Unless the person charged demands an earlier hearing, a time specified to appear shall be at least 5 days after the alleged violation.

(b) (1) For purposes of this section, the person may comply with the notice to appear by:

(i) Appearance in person;

(ii) Appearance by counsel;

(iii) Payment of the fine for a particular offense, if provided for in the citation for that offense; or

(iv) Entering into a payment plan under § 7-504.1 of the Courts Article, if applicable.

(2) (i) Subject to the provisions of subparagraph (iii) of this paragraph, a person who intends to comply with the notice to appear contained in a traffic citation by appearance in person or by counsel may return a copy of the citation to the District Court within the time allowed for payment of the fine indicating in the appropriate space on the citation that the person:

1. Does not dispute the truth of the facts as alleged in the citation; and

2. Requests, in lieu of a trial, a hearing before the Court regarding sentencing and disposition.

(ii) A person who requests a hearing under the provisions of subparagraph (i) of this paragraph waives:

1. Any right to a trial of the facts as alleged in the citation; and

2. Any right to compel the appearance of the police officer who issued the citation.

(iii) A person may request a hearing under the provisions of subparagraph (i) of this paragraph only if the traffic citation is for an offense that is not punishable by incarceration.

(c) If a person fails to comply with a notice under § 26-201(c)(1) of this subtitle, a notice for a hearing date issued in accordance with a request made under § 26-201(c)(1)(i)3 of this subtitle, a writ or trial notice issued in accordance with a request made under § 26-201(c)(1)(i)4 of this subtitle, or a notice to appear under § 26-201(c)(2) of this subtitle, the

District Court or a circuit court may:

(1) Except as provided in subsection (f) of this section, issue a warrant for the person's arrest; or

(2) After 5 days, notify the Administration of the person's noncompliance.

(d) On receipt of a notice of noncompliance from the District Court or a circuit court, the Administration shall notify the person that the person's driving privileges shall be suspended unless, by the end of the 15th day after the date on which the notice is mailed, the person:

(1) Pays the fine on the original charge as provided for in the original citations;

(2) Enters into a payment plan under § 7-504.1 of the Courts Article, if applicable; or

(3) Requests a new date for a trial or a hearing on sentencing and disposition.

(e) (1) If a person fails to pay the fine, enter into a payment plan, or request a new date for a trial or hearing under subsection (d) of this section, the Administration may suspend the driving privileges of the person.

(2) On notice from the District Court or a circuit court that a person has paid the fine, entered into a payment plan, or requested a new date for a trial or hearing, the Administration shall withdraw the suspension of the driver's license or driving privileges of the person.

(3) On notice from the District Court or a circuit court that a person who requested a new date for a trial or a hearing under paragraph (2) of this subsection failed to attend the new trial or hearing, the Administration shall suspend the driver's license or driving privileges of the person until the person:

(i) Appears before the court at a trial or hearing;

(ii) Pays the fine, if provided for in the original charge; or

(iii) Enters into a payment plan under § 5-504.1 of the Courts Article, if applicable.

(f) When the offense is not punishable by incarceration, if the court notifies the Administration of the person's noncompliance under subsection (c) of this section, a warrant may not be issued for the person under this section until 20 days after:

(1) The expiration of the time period required to comply with § 26-201(c)(1)(i) of this subtitle, if the person has not requested a hearing regarding sentencing and disposition or a trial date; or

(2) The original trial date if a trial has been scheduled in response to a request under § 26-201(c)(1)(i)4 of this subtitle.

(g) With the cooperation of the District Court and circuit courts, the Administration shall develop procedures to carry out this section.

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§ 26-206

(a) If a person fails to comply with a notice to appear in U.S. District Court contained in a traffic citation issued to him under federal traffic laws or regulations for a violation occurring in Maryland, the U.S. District Court may notify the Administration of the noncompliance.

(b) On receipt of a notice of noncompliance from the U.S. District Court, and after giving the person 10 days' written notice, the Administration may suspend the driving privileges of the person.

(c) With the cooperation of the U.S. District Court, the Administration shall develop procedures to carry out the provisions of this section that relate to the suspension of driving privileges.

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§ 26-207

(a) If a person holding a commercial driver's license fails to comply with a notice to appear in court or a notice for failure to pay a fine for a traffic citation issued to the person under the laws or regulations of another state, and the other state's driver licensing authority notified the Administration of the noncompliance, on receipt of the notice of noncompliance and after giving the person 10 days' written notice, the Administration shall suspend the driving privileges of the person until receipt of a notice of compliance from the other state.

(b) In cooperation with other states' driver licensing authorities, the Administration shall develop procedures to carry out the provisions of this section that relate to the suspension of driving privileges.

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§ 26-301

(a) In this subtitle, "officer" means a police officer or a person other than a police officer who is authorized to issue a citation for a violation of an ordinance or regulation that is adopted under this section.

(b) Subject to subsection (c) of this section, any State agency authorized by law and any political subdivision of this State may adopt ordinances or regulations that:

- (1) Regulate the parking of vehicles;
- (2) Provide for the impounding of vehicles parked in violation of the ordinances or regulations;
- (3) Regulate the towing of vehicles from publicly owned and privately owned parking lots; and
- (4) Provide for the issuance of a citation by an officer for a violation of an ordinance or regulation that is adopted under this section.

(c) A political subdivision may not adopt or enforce an ordinance or regulation that prohibits the parking of more than one motorcycle within a space served by a single parking meter.

(d) (1) In this subsection, "rental vehicle" means a vehicle that is rented or leased for a period not exceeding 180 days.

(2) If a parking citation is issued for a rental vehicle, the owner is not liable for any penalty in excess of the original fine for a parking violation unless the owner fails to pay the fine or file a notice of intention to stand trial for the violation within the time specified in a notice of the infraction mailed to the business address of the owner.

(3) If a political subdivision or State agency receives payment for a parking violation from both the owner of the vehicle and the person who had possession of the rental vehicle at the time the parking citation was issued, the political subdivision or State agency shall reimburse the owner of the vehicle for the amount paid by the owner for the violation.

(e) Any State agency authorized by law and any political subdivision of the State may establish public outreach efforts to educate law enforcement officers, businesses, medical practitioners, and the general public as to parking laws and regulations, including:

- (1) The authority of law enforcement officers to enter private parking lots used by the public; and
- (2) Specific eligibility criteria for, and requirements for the lawful use of, special registration plates and placards issued under Title 13, Subtitle 6 of this article for individuals with disabilities.

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§ 26-302

(a) An officer who discovers a vehicle parked in violation of an ordinance or regulation adopted under this subtitle shall:

- (1) Deliver a citation to the driver or, if the vehicle is unattended, attach a citation to the vehicle in a conspicuous place; and
- (2) Keep a copy of the citation, bearing his certification under penalty of perjury that the facts stated in the citation are true.

(b) In the absence of the driver, the registered owner of the vehicle is presumed to be the person receiving the citation.

(c) (1) A citation issued under this section shall include a box that the person issued the citation may check to indicate that the registration plates cited were not issued for the vehicle described in the citation.

(2) A political subdivision, State agency, or third-party contractor authorized to conduct parking enforcement on behalf of a political subdivision or State agency that issues a citation under this section to a person who returns the citation with the box checked as described in paragraph (1) of this subsection:

- (i) Shall verify through the Administration whether the person issued the citation should be held liable for the violation; and
- (ii) May contact the person issued the citation as part of the verification process.

(3) After the verification process initiated under paragraph (2) of this subsection, if the political subdivision, State agency, or third-party contractor finds that the person issued the citation should not be held liable for the citation, the political subdivision, State agency, or third-party contractor shall dismiss the citation.

(4) A person may not submit a citation with the box checked as indicated in paragraph (1) of this subsection to a political subdivision, State agency, or third-party contractor if the registration plates cited were issued for the vehicle described in the citation.

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§ 26-303

(a) (1) The person receiving a citation under this subtitle shall:

- (i) Pay for the parking violation directly to the political subdivision or State agency serving the citation; or
- (ii) Elect to stand trial for the violation.

(2) An election to stand trial shall be made by sending a notice of intention to stand trial to the political subdivision or State agency at least 5 days before the payment date specified in the citation.

(b) (1) If a person elects to stand trial and desires the presence at trial of the officer who issued the citation, he shall so notify the political subdivision or State agency at the time the notice of intention to stand trial is given.

(2) If proper notification is not given, the officer need not appear at the trial, and the copy of the citation bearing the certification of the officer is prima facie evidence of the facts stated in it.

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§ 26-304

(a) The Chief Judge of the District Court shall adopt procedures for the trial of parking violations under this subtitle.

(b) The procedures adopted under this section shall include provisions for notifying the person receiving a citation of:

- (1) The date of trial, which may not be less than 15 days from the date on which the notice of intention of the person to stand trial is received;
- (2) The place of trial; and
- (3) The time of trial.

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§ 26-305

(a) The Administration may not register or transfer the registration of any vehicle involved in a parking violation under this subtitle, a violation under any federal parking regulation that applies to property in this State under the jurisdiction of the U.S. government, a violation of § 21-202(h) of this article as determined under § 21-202.1 of this article or Title 21, Subtitle 8 of this article as determined under § 21-809 or § 21-810 of this article, or a violation of the Illegal Dumping and Litter Control Law under § 10-110 of the Criminal Law Article or a local law or ordinance adopted by Baltimore City relating to the unlawful disposal of litter as determined under § 10-112 of the Criminal Law Article, if:

(1) It is notified by a political subdivision or authorized State agency that the person cited for the violation under this subtitle, § 21-202.1, § 21-809, or § 21-810 of this article, or § 10-110 or § 10-112 of the Criminal Law Article has failed to either:

- (i) Pay the fine for the violation by the date specified in the citation; or
- (ii) File a notice of his intention to stand trial for the violation;

(2) It is notified by the District Court that a person who has elected to stand trial for the violation under this subtitle, under § 21-202.1, § 21-809, or § 21-810 of this article, or under § 10-110 or § 10-112 of the Criminal Law Article has failed to appear for trial; or

(3) It is notified by a U.S. District Court that a person cited for a violation under a federal parking regulation:

- (i) Has failed to pay the fine for the violation by the date specified in the federal citation; or

(ii) Either has failed to file a notice of the person's intention to stand trial for the violation, or, if electing to stand trial, has failed to appear for trial.

(b) (1) Notwithstanding the provisions of subsection (a) of this section, the Administration may suspend the registration of a vehicle involved in a parking violation under this subtitle or a violation under any federal parking regulation that applies to property in this State under the jurisdiction of the U.S. government if notified in accordance with subsection (a) of this section that the violator is a chronic offender.

(2) The Administration may adopt rules and regulations to define chronic offender and develop procedures to carry out the suspension of registration as authorized by this subsection.

(c) The Administration shall continue the suspension and refusal to register or transfer a registration of the vehicle until:

(1) If the suspension or refusal was required under subsection (a)(1) or (b)(1) of this section, the political subdivision or State agency notifies the Administration that the charge has been satisfied;

(2) If the suspension or refusal was required under subsection (a)(2) or (b)(1) of this section, the District Court notifies the Administration that the person cited has appeared for trial or has pleaded guilty and paid the fine for the violation; or

(3) If the suspension or refusal was required under subsection (a)(3) or (b)(1) of this section, the U.S. District Court notifies the Administration that the charge has been satisfied.

(d) If the registration of the vehicle has been suspended in accordance with subsection (b)(1) of this section, a person may not drive the vehicle on any highway in this State.

(e) The procedures specified in this section are in addition to any other penalty provided by law for the failure to pay a fine or stand trial for a parking violation.

(f) The Administration shall adopt procedures by which the political subdivisions, State agencies, the District Court, and the U.S. District Court shall notify it of any restrictions and any rescission of restrictions placed on the registration of vehicles under this section.

(g) (1) In addition to any other fee or penalty provided by law, an owner of a vehicle who is denied registration of the vehicle under the provisions of this section shall pay a fee established by the Administration before renewal of the registration of the vehicle.

(2) The fee described under paragraph (1) of this subsection:

(i) May be distributed in part to a political subdivision acting as an agent of the Administration in the registration of a vehicle under § 13–404 of this article if, based upon information provided to the Administration by the political subdivision under this section, the vehicle's prior registration was suspended or the vehicle's registration renewal was denied; and

(ii) Except as provided under item (i) of this paragraph, shall be retained by the Administration and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.

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§ 26-306

Any State, county, or municipal corporation, or any of its agencies, which mistakenly or otherwise wrongfully authorizes the towing, impoundment, or storage of a privately owned motor vehicle shall reimburse the owner of the vehicle for all reasonable towing and storage costs incurred by the owner as a result of the mistaken or wrongful action.

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§ 26-401

If a person is taken before a District Court commissioner or is given a traffic citation or a civil citation under § 21–202.1, § 21–809, § 21–810, § 21–1414, or § 24–111.3 of this article containing a notice to appear in court, the commissioner or court shall be one that sits within the county in which the offense allegedly was committed.

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§ 26-402

(a) This section does not apply if the alleged offense is any of the offenses enumerated in § 26–202(a)(3)(i), (ii), (iii), and (iv) of this title.

(b) If a police officer arrests a person and takes the person before a District Court commissioner as provided in this title, the person shall be released on issuance of a citation if:

- (1) A commissioner is not available;
- (2) A judge, clerk, or other public officer, authorized to accept bail for the court is not available; and
- (3) The person charged gives the person's written promise to appear in court.

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§ 26-403

A District Court commissioner may not set bail in an amount greater than the maximum allowed as a fine for the alleged offense.

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§ 26-404

(a) (1) In this section the following words have the meanings indicated.

(2) "Guaranteed arrest bond certificate" means any certificate that is issued under this section by an insurance company or motor club to provide bail bond services to any of its insureds or members.

(3) "Insurance company" means an insurance company that is authorized to write automobile liability insurance in this State.

(4) "Motor club" has the meaning stated in § 26-101 of the Insurance Article.

(5) "Surety company" means any company designated as a surety company under Title 21 of the Insurance Article.

(b) Within the limitations of this section, the following persons may issue a guaranteed arrest bond certificate:

- (1) Any insurance company that is also a surety company; or
- (2) If acting in conjunction with a surety company, any other insurance company or any motor club.

(c) A guaranteed arrest bond certificate shall:

- (1) Specify its expiration date; and
- (2) Contain printed statements that:
 - (i) The issuer and surety company guarantee the court appearance of the person to whom the certificate is issued; and
 - (ii) If the person fails to appear in court at the time of the trial, it will pay any fine or forfeiture that is imposed on the person and does not exceed \$1,000.

(d) Any surety company may become surety for persons posting guaranteed arrest bond certificates by filing an undertaking to become surety with the Insurance Administration.

(e) (1) A guaranteed arrest bond certificate may not be delivered or issued for delivery in this State unless the form has been filed with and approved by the Insurance Commissioner.

(2) Unless the Insurance Commissioner affirmatively approves or disapproves the form within 30 days after it is filed with him, he is considered to have approved it.

(3) An order of the Insurance Commissioner disapproving the form or withdrawing a previous approval shall state the reasons for the action taken.

(f) A guaranteed arrest bond certificate may not be accepted:

- (1) As a part of a surety undertaking or bail bond requirement of more than \$1,000; or
- (2) To guarantee the appearance of any person in a court of this State, if the offense charged is:
 - (i) Driving or attempting to drive while under the influence of alcohol or while impaired by alcohol;
 - (ii) Driving or attempting to drive while impaired by any drug, any combination of drugs, or any combination of one or more drugs and alcohol or while impaired by any controlled dangerous substance; or
 - (iii) Any felony.■

(g) (1) Except as provided in subsection (f) of this section, if the offense allegedly was committed before the expiration date of the certificate, the posting of a guaranteed arrest bond certificate by the person to whom it was issued shall be accepted, instead of cash bail or other bond, to guarantee the appearance in any court in this State, at a time designated by the court, of any person arrested for a violation of:

(i) Any provision of the Maryland Vehicle Law; or

(ii) Any traffic law or ordinance of any political subdivision of this State.

(2) A guaranteed arrest bond certificate posted as bail bond is subject to forfeiture if the person who posted it fails to appear in court at the time of the trial.

(3) The provisions of this section apply to both residents and nonresidents of this State.

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§ 26-405

If a person is charged with a violation of § 21-901.1 of this article ("Reckless and negligent driving") or § 21-902 of this article ("Driving while under the influence of alcohol, while under the influence of alcohol per se, while impaired by alcohol, or while impaired by a drug, a combination of drugs, a combination of one or more drugs and alcohol, or while impaired by a controlled dangerous substance"), the court may find the person guilty of any lesser included offense under any subsection of the respective section.

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§ 26-407

(a) This section does not affect or modify the procedures established under Subtitle 3 of this title as to violations of parking ordinances or regulations adopted under that subtitle.

(b) Each police officer who issues a traffic citation to an alleged violator of any State or local law:

(1) Shall file an electronic or written copy of the citation promptly with the District Court;

(2) If the person charged acknowledges receipt on a written copy of the citation, shall keep that copy to produce as evidence in court if required; and

(3) Shall dispose of the other copies of the citation in accordance with the regulations adopted by the Administration.

(c) After the copy of a traffic citation is filed with the District Court, the citation may be disposed of only by:

(1) Trial, dismissal of the charges, or other official action by a judge of the court;

(2) Forfeiture of the collateral, if authorized by the court; or

(3) Payment of a fine by the person to whom the traffic citation has been issued.

(d) This section does not prohibit the entry of a "nol pros" or "stet".

(e) For each traffic citation issued by a police officer under the police officer's jurisdiction, the chief executive officer of each traffic enforcement agency shall keep a record of the disposition of the charge by the District Court.

(f) (1) Subject to the requirements of this section and in consultation with the Chief Judge of the District Court, the Administration shall adopt regulations:

(i) To govern the distribution and disposition of written and electronic traffic citation forms; and

(ii) To specify the records and reports required to be made of the disposition of charges.

(2) These regulations apply to each traffic enforcement agency and police officer with authority to issue traffic citations for a violation of a State or local law.

(3) Each police officer and the chief executive officer of each traffic enforcement agency shall make the records and reports required by these regulations.

(g) (1) No police officer or other public employee may dispose of a traffic citation, its copies, or the record of the issuance of a traffic citation in any manner other than as required by this section and the regulations adopted by the Administration.

(2) In addition to being unlawful, a violation of this subsection constitutes official misconduct.

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§ 26-408

(a) A person may not cancel a traffic citation in any manner other than as provided in this subtitle.

(b) A person may not solicit another person to cancel a traffic citation in any manner other than as provided in this subtitle.

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§ 26-409

(a) The form of traffic citation provided for under § 1–605 of the Courts Article is a sufficient charging document for the prosecution of any offense for which a traffic citation may be issued under this title if:

(1) It includes the information required under the laws of this State;

(2) It is executed by the police officer issuing the citation as required under § 1–605 of the Courts Article; and

(3) It is filed with the District Court as required under § 1–605 of the Courts Article.

(b) The trial court may try a case for which a charge is made under this title only on:

(1) A traffic citation that meets the requirements of a charging document under subsection (a) of this section;

(2) A warrant, information, or indictment; or

(3) Any other charging document authorized by a rule adopted by the Supreme Court of Maryland with the concurrence of the Administration.

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§ 26-410

Notwithstanding any local law to the contrary, a sheriff is not entitled to any fee for services rendered in connection with a prosecution under the vehicle laws of this State in excess of the fees prescribed for sheriffs by § 7-402 of the Courts Article.

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§ 26-411

A constable or police officer is not entitled to any fee for testifying as a witness in any case involving a violation of the vehicle laws of this State.

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§ 26-412

If a provision of this title and a provision of Title 4 of the Courts Article conflict, the provision in the Courts Article prevails.

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Title 27 — Garage Keepers' Liens

§ 27-101

(a) A person who violates a provision of the Maryland Vehicle Law is guilty of a misdemeanor unless the violation:

(1) Is a felony under the Maryland Vehicle Law; or

(2) Is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law.

(b) Except as otherwise provided in the Maryland Vehicle Law, a person convicted of a misdemeanor for a violation of a provision of the Maryland Vehicle Law is subject to a fine not exceeding \$500.

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§ 27-102

Except as provided in § 21–1207.1 of this article, a person who violates a restriction imposed on any license under the Maryland Vehicle Law or who violates a regulation adopted under the Maryland Vehicle Law is guilty of a misdemeanor and on conviction, in addition to any administrative penalty provided in the Maryland Vehicle Law, is subject to the greater of:

- (1) The penalty provided in § 27–101(b) of this title;
- (2) The penalty provided for a violation of § 16–113(j) of this article; or
- (3) The penalty provided for a violation of the statute under which the restriction is imposed or the regulation adopted.

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§ 27-103

(a) If a person fined under the Maryland Vehicle Law does not pay the fine or enter into a payment plan under § 7–504.1 of the Courts Article, the court may:

- (1) Refer the amount of the unpaid outstanding fine to the Central Collection Unit of the Department of Budget and Management; or
 - (2) Process the unpaid outstanding fine as it would otherwise process outstanding fines owed the court.
- (b) The court shall provide notice to the person of the disposition of the unpaid outstanding fine under subsection (a) of this section in the same manner required for other outstanding fines processed in the same manner.

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§ 27-104

(a) If a defendant is found not guilty of the offense charged, the Comptroller shall reimburse the defendant for any forfeited bond or collateral received by the Comptroller after a District Court judge has stricken the forfeiture.

(b) If a defendant is found guilty of the offense charged, but the fine is less than the amount of the forfeited bond or collateral, the Comptroller shall reimburse the defendant for any amount received by the Comptroller that exceeds the fine.

Alcoholic Beverages and Cannabis

Title 1 — Definitions

§ 1-101

(a) In this article the following words have the meanings indicated.

(b) (1) "Alcoholic beverage" means a spirituous, vinous, malt, or fermented liquor, liquid, or compound that:

(i) contains at least one-half of 1% of alcohol by volume; and

(ii) is suitable for beverage purposes.

(2) "Alcoholic beverage" includes alcohol, brandy, whiskey, rum, gin, cordial, beer, and wine.

(3) "Alcoholic beverage" does not include a confectionery food product that contains up to 5% of alcohol by volume and is regulated by the Maryland Department of Health under § 21–209 of the Health – General Article.

(c) (1) "Beer" means a brewed alcoholic beverage.

(2) "Beer" includes:

(i) ale;

(ii) porter;

(iii) stout;

(iv) hard cider that:

1. is derived primarily from apples, apple concentrate and water, pears, or pear concentrate and water; and

2. contains no other fruit product but contains at least one-half of 1% and less than 8.5% of alcohol by volume;

(v) an alcoholic beverage that contains:

1. 6% or less alcohol by volume, derived primarily from the fermentation of grain, with not more than 49% of the alcoholic beverage's overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol; or

2. more than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5% of the alcoholic beverage's overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol; and

(vi) mead.

(d) (1) "Cannabis" means the plant *Cannabis sativa* L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis.

(2) "Cannabis" includes cannabis products, seeds, seedlings, immature plants, and clones.

(3) "Cannabis" does not include hemp or hemp products, as defined in § 14–101 of the Agriculture Article.

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

(f) "Club" means an association or a corporation that is:

(1) organized and operated exclusively for educational, social, fraternal, patriotic, political, or athletic purposes; and

(2) nonprofit.

(g) "Commission" means the Alcohol, Tobacco, and Cannabis Commission.

(h) (1) "Comptroller" means the Comptroller of the State.

(2) "Comptroller" includes a deputy, an inspector, a clerk, or any other individual authorized to act by the Comptroller.

- (i) "Consumer" means an individual at least 21 years old or a corporation not otherwise prohibited by this article or any other State law, that buys, possesses, keeps, or transports alcoholic beverages on which the taxes under Title 5 of the Tax – General Article have been paid, for the individual's or corporation's own use and not for sale.
- (j) "County" means a county of the State or Baltimore City.
- (k) (1) "Executive Director" means the Executive Director of the Commission.
- (2) "Executive Director" includes a deputy, an inspector, a clerk, or any other individual authorized to act by the Executive Director.
- (l) (1) "Family beer" means homemade beer produced for home consumption and not for sale.
- (2) "Family beer" includes beer produced at a family beer and wine facility that has been granted a permit under § 2–138 of this article.
- (m) (1) "Family wine" means homemade wine produced for home consumption and not for sale.
- (2) "Family wine" includes wine produced at a family beer and wine facility that has been granted a permit under § 2–138 of this article.
- (n) (1) Subject to paragraph (2) of this subsection, "hotel" means an establishment that:
- (i) accommodates the public;
 - (ii) is equipped with at least 10 bedrooms and a dining room with facilities for preparing and serving regular meals; and
 - (iii) has average daily receipts from the rental of rooms and sale of food that exceed the average daily receipts from the sale of alcoholic beverages.
- (2) By regulation, a local licensing board may set a different standard as to what constitutes a hotel.
- (o) "Illicit alcoholic beverage" means an alcoholic beverage that has been manufactured, bottled, or rectified:
- (1) in the State at a location not licensed under this article; or
 - (2) outside the State at a location not licensed under the United States Internal Revenue Code or the laws of a foreign country.
- (p) "Jurisdiction" means a county or the City of Annapolis.
- (q) "License" means an alcoholic beverages license issued under this article.
- (r) (1) "License holder" means the holder of an alcoholic beverages license issued or a permit granted under this article.
- (2) "License holder" includes:
- (i) a county liquor control board and a county dispensary; and
 - (ii) for the delivery and billing purposes of Title 2, Subtitle 3 and §§ 2–213 and 2–314 of this article, a corporation on behalf of which an individual has obtained a license.
- (s) "Liquor" has the same meaning as "distilled spirits" under § 5–101(g) of the Tax – General Article.
- (t) (1) "Local collecting agent" means:
- (i) in the City of Annapolis, the city clerk;
 - (ii) in Allegany County, Baltimore County, Howard County, Prince George's County, or Wicomico County, the director of finance;
 - (iii) in Calvert County, Dorchester County, St. Mary's County, or Somerset County, the treasurer of the county; or
 - (iv) in each other county, the board of license commissioners unless another governmental unit is expressly authorized to collect fees under this article.
- (2) "Local collecting agent" does not include a clerk of a circuit court.
- (u) "Local licensing board" means a board of license commissioners or other governmental unit of a jurisdiction that issues licenses.
- (v) "Manufacturer's license" means a license issued under Title 2, Subtitle 2 of this article that is:

- (1) a Class 1 distillery license;
 - (2) a Class 2 rectifying license;
 - (3) a Class 3 winery license;
 - (4) a Class 4 limited winery license;
 - (5) a Class 5 brewery license;
 - (6) a Class 6 pub–brewery license;
 - (7) a Class 7 micro–brewery license;
 - (8) a Class 8 farm brewery license; or
 - (9) a Class 9 limited distillery license.
- (w) “Mead” means a fermented alcoholic beverage consisting primarily of honey and water.
- (x) “Off–sale” means the sale of alcoholic beverages that are to be consumed off the licensed premises.
- (y) “On–sale” means the sale of alcoholic beverages that are to be consumed on the licensed premises.
- (z) “Person” means:
- (1) an individual;
 - (2) an association, a partnership, a corporation, a trust, or any other entity, and the officers, directors, and other individuals in active control of the activities of the association, partnership, corporation, trust, or other entity; or
 - (3) (i) the State or a political subdivision of the State, or a unit or an instrumentality of the State or a political subdivision of the State; or
 - (ii) another state or a political subdivision of that state.
- (aa) “Political subdivision” means a county or a municipality.
- (bb) “Pomace brandy” means brandy that is distilled from the pulpy residue of wine pressing, including the skins, pips, and stalks of grapes.
- (cc) (1) Subject to paragraph (2) of this subsection, “restaurant” means an establishment that:
- (i) accommodates the public;
 - (ii) is equipped with a dining room with facilities for preparing and serving regular meals; and
 - (iii) has average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages.
- (2) By regulation, a local licensing board may set a different standard as to what constitutes a restaurant.
- (dd) (1) “Retail dealer” means a person that sells an alcoholic beverage to any person other than a license holder.
- (2) “Retail dealer” includes a county dispensary.
- (ee) “7–day license” means a license that is in effect every day of the week.
- (ff) “6–day license” means a license that is in effect Monday through Saturday.
- (gg) (1) Except as provided in paragraph (2) of this subsection, “state” means:
- (i) a state, possession, territory, or commonwealth of the United States; or
 - (ii) the District of Columbia.
- (2) When capitalized, “State” means Maryland.
- (hh) “Tobacco” includes cigarettes regulated under Title 16 of the Business Regulation Article and other tobacco and related products regulated under Title 16.5, 16.7, or 16.9 of the Business Regulation Article.
- (ii) (1) “Wholesaler” means:
- (i) a person that purchases or imports an alcoholic beverage for sale to wholesale dealers or retail dealers only; or
 - (ii) a limited winery that sells wine to retail dealers.

(2) "Wholesaler" includes:

- (i) a county liquor control board; and
- (ii) a county wholesale dispensary.

(jj) "Wholesaler's license" means a license issued under Title 2, Subtitle 3 of this article that is:

- (1) a Class 1 beer, wine, and liquor license;
- (2) a Class 2 wine and liquor license;
- (3) a Class 3 beer and wine license;
- (4) a Class 4 beer license;
- (5) a Class 5 wine license;
- (6) a Class 6 limited wine license; or
- (7) a Class 7 limited beer license.

(kk) (1) "Wine" means a fermented beverage.

(2) "Wine" includes:

- (i) light wine;
- (ii) sparkling wine that is naturally or artificially carbonated; and
- (iii) fortified wine to which alcohol, spirits, or other ingredients are added.

§ 1-201

(a) (1) (i) To obtain respect and obedience to law and to foster and promote temperance, it is the policy of the State to regulate and control:

- 1. the manufacture, sale, distribution, transportation, and storage of alcoholic beverages in the State; and
- 2. the transportation and distribution of alcoholic beverages into and out of the State.

(ii) To carry out this policy in the best public interest, it is the intent of the General Assembly that the Commission, Executive Director, local licensing boards, liquor control boards, enforcement officers, and judges of the courts of the State be empowered to administer and enforce this article.

(2) It is also the policy of the State to:

- (i) tax alcoholic beverages as provided in the Tax – General Article; and
 - (ii) deny to a political subdivision in the State, by public general or public local law, the power to impose a tax on distilled spirits, beer, wine, and all other alcoholic beverages.
- (3) The restrictions, regulations, provisions, and penalties contained in this article are for the protection, health, welfare, and safety of the people of the State.

(b) (1) It continues to be the policy of the State to authorize the exercise of the powers provided by this article to displace or limit economic competition by regulating and engaging in the sale or distribution of alcoholic beverages to:

- (i) obtain respect and obedience to law;
- (ii) foster and promote temperance;
- (iii) prevent deceptive, destructive, and unethical business practices; and
- (iv) promote the general welfare of its residents by controlling the sale and distribution of alcoholic beverages.

(2) The officials and units granted powers by this article to regulate and engage in the alcoholic beverages industry may:

- (i) displace or limit economic competition by regulating and engaging in the sale or distribution of alcoholic beverages on an exclusive basis as provided in this article; and
 - (ii) adopt and enforce regulations authorized by this article notwithstanding any anticompetitive effect.
- (3) The powers granted to an official or a unit in accordance with this subsection do not:

- (i) grant to the official or unit powers in any substantive area not otherwise granted to the official or unit by other public general or public local law;
- (ii) restrict the official or unit from exercising any power granted to the official or unit by other public general or public local law or otherwise;
- (iii) authorize the official or unit or officers of the unit to engage in any activity that is beyond their power under a public general or public local law or otherwise; or
- (iv) preempt or supersede the regulatory authority of a State unit under a public general law.

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§ 1-202

- (a) To the extent that a statement of a general rule of law conflicts or is inconsistent with an exception or a qualification applicable to a special area, particular person, or set of circumstances, the exception or qualification prevails.
- (b) A provision in Division II of this article prevails over a conflicting or inconsistent provision in Division I of this article or a provision in the Tax – General Article relating to alcoholic beverages.
- (c) A provision in Division III of this article prevails over a conflicting or inconsistent provision in Division I or Division II of this article or a provision in the Tax – General Article relating to cannabis.

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§ 1-203

A municipality may not impose an additional license fee or tax other than the usual property tax on alcoholic beverages or the exercise of a privilege conferred by a license.

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§ 1-301

In this subtitle, “Division director” means the director of the Field Enforcement Division of the Office of the Executive Director.

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§ 1-302

There is an Alcohol, Tobacco, and Cannabis Commission.

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§ 1-303

- (a) (1) The Commission consists of five members to be appointed by the Governor with the advice and consent of the Senate.
- (2) The presiding officer of either House of the General Assembly may recommend to the Governor a list of individuals for appointment to the Commission.
- (3) Of the Commission members:
 - (i) one shall be knowledgeable and experienced in public health matters;
 - (ii) one shall be knowledgeable and experienced in law enforcement matters;
 - (iii) one shall be knowledgeable and experienced in the alcoholic beverages industry; and
 - (iv) two shall be members of the public who are knowledgeable and experienced in fiscal matters and shall have substantial experience:
 - 1. as an executive with fiduciary responsibilities in charge of a large organization or foundation;
 - 2. in an academic field relating to finance or economics; or
 - 3. as an accountant, an economist, or a financial analyst.

(4) In addition to the members appointed under paragraph (3) of this subsection, the Secretary of Health and the Secretary of State Police, or their designees, may participate in the Commission as ex officio nonvoting members.

(b) At the time of appointment, each member of the Commission shall be:

(1) at least 25 years old;

(2) a resident of the State who has resided in the State for at least 5 years;

(3) a qualified voter of the State; and

(4) an individual who has not been convicted of or granted probation before judgment for a serious crime or a crime that involves moral turpitude.

(c) (1) The term of a member is 5 years.

(2) The terms of members are staggered as required by the terms provided for members of the Commission on June 30, 2020.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve for more than two full terms.

(d) (1) Subject to the hearing requirements of this subsection, the Governor may remove a member for cause.

(2) Before the Governor removes a member, the Governor shall give the member notice and an opportunity for a public hearing.

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§ 1-304

(a) A member of the Commission may not:

(1) have a direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests, in the alcohol, tobacco, or cannabis industries;

(2) have an official relationship to a person who holds a license or permit under this article or Title 16, Title 16.5, Title 16.7, or Title 16.9 of the Business Regulation Article;

(3) be an elected official;

(4) receive or share in, directly or indirectly, the receipts or proceeds of any activities conducted in the alcohol, tobacco, or cannabis industries;

(5) have a beneficial interest in any contract for the manufacture or sale of any device or product or the provision of any independent consulting services in connection with a holder of a license or permit issued under this article or Title 16, Title 16.5, Title 16.7, or Title 16.9 of the Business Regulation Article; or

(6) accept a contribution of money or property worth at least \$100 from an entity or individual associated with the alcohol, tobacco, or cannabis industries with respect to the regulation of alcohol, tobacco, or cannabis.

(b) A member of the Commission shall file a financial disclosure statement with the State Ethics Commission in accordance with Title 5, Subtitle 6 of the General Provisions Article.

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§ 1-305

From among its members, the Commission annually shall elect a chair.

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§ 1-306

(a) A majority of the full authorized membership of the Commission is a quorum.

(b) The Commission shall meet monthly at the times and places that the Commission determines.

(c) (1) The secretary of the Commission promptly shall send the Governor a certified copy of the minutes of each meeting of the Commission.

(2) The minutes shall include a copy of each regulation that is adopted.

(d) Each member of the Commission is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the budget of the Commission.

(e) (1) With the advice of the Commission, the Executive Director may employ staff in accordance with the State budget.

(2) The staff of the Commission is in the State Personnel Management System.

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§ 1-307

(a) The Commission has the powers and duties set forth in this section.

(b) The Commission shall:

(1) educate the public, by resource sharing and serving as an information clearinghouse, on such topics as:

(i) recent increases in alcohol content for popular beer and other beverages;

(ii) the proper limits of drinking for adults;

(iii) the adverse consequences of surpassing those limits;

(iv) parental or adult responsibility for serving alcohol to underage individuals; and

(v) comparable topics relating to smoking, vaping, tobacco, other tobacco products, electronic nicotine delivery systems, cannabis, and cannabis products; and

(2) subject to federal approval, ensure that all alcoholic beverages sold in the State with an alcohol content exceeding 4.5% by volume bear a large and conspicuous label stating the percentage of alcohol content.

(c) (1) The Commission shall conduct studies of:

(i) the operation and administration of similar laws in other states or countries; and

(ii) federal laws that may affect the operation of the alcohol, tobacco, or cannabis industries, the literature on those industries, and the reaction of residents of the State to existing and potential features of those industries.

(2) The Commission shall submit to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly the studies required under this subsection.

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§ 1-308

The Commission shall develop best practices for:

(1) the dedication of a minimum effective portion of the budget of a local licensing board to administrative enforcement activities, such as inspections, compliance checks, overservice, operations, and trade practice violations;

(2) the carrying out of compliance checks for alcoholic beverages licenses, in which each license is checked at least once a year;

(3) the development of guidelines for the minimum capacity of inspections carried out by inspectors of local licensing boards, based on the number and type of licensed outlets in the licensing jurisdiction;

(4) ensuring that alcoholic beverages inspections be based on data such as the violation history of the license holder, and calls for emergency assistance, emergency medical service, or nonemergency service, so that resources are being allocated based on where the greatest need is;

(5) the reporting of aggregate data between local police and local licensing boards;

(6) the development of mandatory State-provided training for liquor inspectors;

(7) reporting by the State to the affected local licensing board of a State-issued license or permit within 10 days after the State receives an application;

- (8) the development of a public health impact statement for all changes to the State alcoholic beverages laws; and
- (9) ensuring that:
 - (i) all license holders, managers, and servers receive certification from an approved alcohol awareness program; and
 - (ii) at least one employee who is certified in an alcohol awareness program be on the licensed premises at all times when alcoholic beverages are served.

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§ 1-309

- (a) With the advice and consent of the Senate, the Governor shall appoint an Executive Director of the Commission.
- (b) The Executive Director serves at the pleasure of the Governor.
- (c) The Executive Director shall:
 - (1) have the training and experience, including knowledge of the Maryland alcohol, tobacco, and cannabis regulatory system, that is needed to direct the work of the Commission; and
 - (2) devote full time to the duties of office and may not engage in another profession or occupation.
- (d) The Executive Director may be a sworn police officer with the powers granted to an officer or employee of the Field Enforcement Division under § 1–313 of this subtitle.
- (e) The Executive Director is entitled to the salary provided in the State budget.

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§ 1-310

The Executive Director and all employees in the Office of the Executive Director may not accept a contribution of money or property worth at least \$100 from an entity or individual associated with the alcohol, tobacco, or cannabis industries with respect to regulation of alcohol, tobacco, or cannabis.

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§ 1-311

- (a) The Executive Director shall adopt regulations to discharge the duties under:
 - (1) this article; and
 - (2) Titles 16, 16.5, 16.7, and 16.9 of the Business Regulation Article.
- (b) The Executive Director may adopt regulations regarding:
 - (1) labeling and advertising similar to the regulations adopted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury;
 - (2) nature, form, and capacity of containers;
 - (3) credit sales;
 - (4) records to be kept by license holders and others engaged in the business;
 - (5) the amount of deposit on returnable beer containers that manufacturers and wholesalers of beer charge and collect; and
 - (6) any other subject the Executive Director considers necessary for the proper administration of the duties of the Executive Director under this article, Title 16, Title 16.5, Title 16.7, or Title 16.9 of the Business Regulation Article, or the provisions of the Tax – General Article relating to the alcoholic beverage tax or the tobacco tax.
- (c)
 - (1) Any violation of a regulation adopted by the Executive Director under this article, Title 16, Title 16.5, Title 16.7, or Title 16.9 of the Business Regulation Article, or the provisions of the Tax – General Article relating to the alcoholic beverage tax or the tobacco tax is grounds to revoke or suspend a license.
 - (2) The violator is subject to the penalties provided under § 6–402(a) of this article.

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§ 1-312

By regulation, the Executive Director may:

- (1) establish or prohibit the maximum discounts that may be allowed by a manufacturer, wholesaler, or nonresident winery permit holder in the sale and distribution of wine and liquor; or
- (2) prohibit the giving of discounts by a manufacturer, wholesaler, or nonresident winery permit holder in the sale and distribution of wine and liquor.

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§ 1-313

(a) There is a Field Enforcement Division in the Office of the Executive Director.

(b) (1) The Field Enforcement Division may employ officers and employees as provided in the State budget.

(2) The officers and employees of the Field Enforcement Division:

(i) shall be sworn police officers;

(ii) shall have the powers, duties, and responsibilities of peace officers to enforce the provisions of this article relating to:

1. the unlawful importation of alcoholic beverages, tobacco, and cannabis into the State;
2. the unlawful manufacture of alcoholic beverages, tobacco, and cannabis in the State;
3. the transportation and distribution throughout the State of alcoholic beverages, tobacco, and cannabis that are manufactured illegally and on which any alcoholic beverages taxes, tobacco taxes, or cannabis taxes imposed by the State are due and unpaid; and
4. the manufacture, sale, barter, transportation, distribution, or other form of owning, handling, or dispersing alcoholic beverages, tobacco, or cannabis by any person not licensed or authorized under this article, provisions of the Tax – General Article relating to alcoholic beverages, tobacco, or cannabis, or provisions of the Business Regulation Article relating to alcoholic beverages, tobacco, or cannabis;

(iii) may issue a citation or other charging document to a person who has committed a violation of § 10–108 of the Criminal Law Article; and

(iv) may make cooperative arrangements for and work and cooperate with the Office of the Comptroller, local State's Attorneys, sheriffs, bailiffs, police, and other prosecuting and peace officers to enforce this article.

(c) The Field Enforcement Division:

(1) shall consult with and advise the local State's Attorneys and other law enforcement officials and police officers regarding enforcement problems in their respective jurisdictions; and

(2) may recommend changes to improve the administration of this article, provisions of the Tax – General Article relating to alcoholic beverages, tobacco, and cannabis, and provisions of the Business Regulation Article relating to tobacco.

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§ 1-314

The Executive Director may delegate authority under this article, provisions of the Tax – General Article relating to alcoholic beverages and tobacco, and provisions of the Business Regulation Article relating to tobacco to the Division director or a designee to issue or refuse to issue licenses and permits.

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§ 1-315

(a) Except as provided in subsection (b) of this section, the Executive Director may delegate authority to conduct hearings on violations of this article or of any regulations adopted under this article, the provisions of the Tax – General Article relating to alcoholic beverages or tobacco, or the provisions of the Business Regulation Article relating to tobacco to the Division director or any other employee of the Executive Director's office.

(b) The Division director or any other employee of the Executive Director's office delegated authority to conduct hearings under subsection (a) of this section:

(1) may not impose a penalty provided for under this article or a provision of the Tax – General Article relating to alcoholic beverages; and

(2) shall report the findings and recommendations to the Executive Director to take the action that the Executive Director considers appropriate.

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§ 1-316

To provide a basis for annual comparison of the scope of the alcoholic beverages industry in the State and the consumption habits of residents of the State, the Executive Director shall submit to the Governor and, in accordance with § 2–1257 of the State Government Article, to the General Assembly, an annual report on or before December 1 of each year that includes statistical information on the alcoholic beverages business in the State that the Executive Director believes to be of interest to the public and the industry.

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§ 1-317

(a) The Executive Director shall:

(1) maintain a record of:

(i) each license issued or approved under this article and Titles 16, 16.5, 16.7, and 16.9 of the Business Regulation Article; and

(ii) any revocation, suspension, or cancellation of a license and any restriction imposed on a license with a brief explanation of the reason for the action; and

(2) allow any person to inspect the records at the Office of the Executive Director during regular business hours.

(b) The records of licenses required under subsection (a) of this section and any indices or dockets created to maintain the records:

(1) shall be retained for the later to occur of:

(i) 3 years after the date of the last record entry; or

(ii) the date on which all audit requirements have been complied with; and

(2) may be destroyed after:

(i) the retention period in item (1) of this subsection has expired; and

(ii) Title 10, Subtitle 6, Part III of the State Government Article has been complied with.

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§ 1-318

The Executive Director may:

(1) under § 6–202 of this article, inspect and search a building, vehicle, or premises where alcoholic beverages are authorized to be kept, transported, manufactured, or sold;

(2) under § 6–203 of this article, use certain equipment and other means to measure the quantity and quality of alcoholic beverages; and

(3) under § 6–204 of this article, issue summonses for witnesses for hearings and inquiries.

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§ 1-319

The Executive Director shall enforce the provisions of this article and provisions of the Tax – General Article relating to alcoholic beverages applicable to:

(1) the purchase or importation of alcoholic beverages by a department of liquor control, a liquor control board, or the Alcohol Beverage Services for Montgomery County; and

(2) the sale of alcoholic beverages to a wholesaler or retail dealer by a department of liquor control, a liquor control board, or the Alcohol Beverage Services for Montgomery County.

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§ 1-320

The Executive Director may:

- (1) investigate the manufacture, sale, purchase, use, and transportation of industrial alcohol unfit for beverage use to the extent reasonably necessary to prevent conversion into an alcoholic beverage fit for consumption; and
- (2) request information and assistance from other administrative units of the State, county, and municipal governments, county and municipal police departments, and all prosecuting officers as considered necessary by the Executive Director to carry out this article and provisions of the Tax – General Article relating to alcoholic beverages.

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§ 1-321

(a) In order to increase efficiency and accuracy in the performance of their respective duties and responsibilities under this article and other laws relating to alcohol and tobacco, the Commission and the Comptroller shall:

- (1) cooperate and share information and personnel in investigations of licensed premises and other locations and materials relating to the enforcement of the alcohol and tobacco laws of the State;
 - (2) cooperate and share information and personnel in other matters relating to the manufacture, processing, importation, taxation, sale, and service of alcohol and tobacco in the State; and
 - (3) enter into a memorandum of understanding for cooperative activities in inspections and other enforcement activities relating to the alcohol and tobacco laws of the State.
- (b) (1) The Commission may enter into memoranda of understanding and other cooperative arrangements with federal, State, and local governmental units in carrying out this article and other alcohol and tobacco laws of the State in the interest of reducing duplication of efforts and reducing the overall costs of administration of inspection and enforcement programs to the State.
- (2) The Executive Director may also enter into memoranda of understanding and other cooperative arrangements with federal, State, and local governmental units to address operational matters and efficiencies in carrying out this article and other alcohol and tobacco laws of the State.

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§ 1-322

(a) (1) In this section the following words have the meanings indicated.

- (2) "Administration" has the meaning stated in § 36–101 of this article.
- (3) "Cannabis licensee" has the meaning stated in § 36–101 of this article.
- (4) "Grant Program" means the Social Equity Partnership Grant Program.
- (5) "Office" means the Office of Social Equity.

(6) (i) "Qualifying partnership" means a meaningful partnership between an operational cannabis licensee and a social equity licensee that:

1. supports or advises the social equity licensee; and
2. is authorized by the Administration.

(ii) "Qualifying partnership" includes a partnership through which the operational cannabis licensee provides any of the following to a social equity licensee:

1. training;
2. mentorship; or
3. shared commercial space or equipment.

- (7) "Social equity licensee" has the meaning stated in § 36–101 of this article.
- (b) (1) There is a Social Equity Partnership Grant Program in the Office.
- (2) The purpose of the Grant Program is to promote qualifying partnerships between operational cannabis licensees and social equity licensees.
- (c) (1) The Office shall implement and administer the Grant Program, including by clearly defining the parameters of a qualifying partnership.
- (2) Subject to paragraph (3) of this subsection, the Office has discretion to approve, deny, or revoke qualifying partnerships.
- (3) (i) The Office may approve qualifying partnerships where a cost or other fee is imposed by an operational cannabis licensee on a social equity licensee if the cost or other fee is substantially reduced from the market value.
- (ii) Costs or other fees under subparagraph (i) of this paragraph may include charges for the rent of facilities or equipment.
- (d) (1) The Office shall award grants to operational cannabis licensees that have qualifying partnerships with a social equity licensee.
- (2) Grant amounts shall be based on the nature of the qualifying partnership between the social equity licensee and the operational cannabis licensee.
- (3) If an operational cannabis licensee has a license that was converted by the Administration under § 36–401(b)(1)(ii) of this article, the total amount of grants issued by the Office under this section to the licensee may not exceed:
- (i) the cost of the license conversion fee that was paid by the licensee; or
- (ii) \$250,000 per year per qualifying partnership.
- (e) The Office may require a grant recipient that fails to fulfill the requirements of the grant to return all or part of the grant to the Grant Program.
- (f) For fiscal year 2025 and each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation of \$5,000,000 for the Grant Program, utilizing the Cannabis Regulation and Enforcement Fund established under § 36–206 of this article.
- (g) The Office shall adopt regulations to:
- (1) implement the provisions of this section;
- (2) administer the Grant Program;
- (3) establish eligibility and grant application requirements;
- (4) establish a process for reviewing grant applications and awarding grants to operational cannabis licensees; and
- (5) specify criteria and procedures to monitor eligibility for the grants authorized under this section.

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§ 1-401

- (a) Unless otherwise provided for in this article or the Tax – General Article, a person may not:
- (1) sell alcoholic beverages;
- (2) allow alcoholic beverages to be sold;
- (3) accept or deliver alcoholic beverages; or
- (4) for the purpose of sale, transport, buy, possess, or keep alcoholic beverages or allow alcoholic beverages to be transported, bought, possessed, or kept:
- (i) in a vehicle, a water vessel, or an aircraft;
- (ii) on any premises; or
- (iii) under the person's charge or control.

(b) (1) Except as provided in paragraph (2) of this subsection, a person may not buy, possess, store, import, transport, or keep alcoholic beverages or allow alcoholic beverages to be bought, possessed, stored, imported, transported, or kept:

(i) in a vehicle, a water vessel, or an aircraft;

(ii) on any premises; or

(iii) under the person's charge or control.

(2) A person may perform an activity listed in paragraph (1) of this subsection if the person is:

(i) a consumer;

(ii) subject to the requirements under this article, a license holder; or

(iii) an individual under the age of 21 years who possesses or is transporting alcoholic beverages for a lawful purpose:

1. with the knowledge and consent of the individual's parent or guardian; or

2. incident to the lawful employment of the individual under this article.

(c) Except as provided in § 1–411 of this subtitle, an individual under the age of 21 years may not:

(1) buy, consume, possess, store, import, transport, or keep alcoholic beverages for the individual's own use; or

(2) buy, possess, store, import, transport, or keep alcoholic beverages for any purpose in a jurisdiction where prohibited under State law.

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§ 1-402

(a) A license or permit is not required for:

(1) a county official who sells certain seized alcoholic beverages, as set out in Title 6, Subtitle 1 of this article;

(2) a sheriff, a receiver, an auctioneer, a trustee, an attorney, an executor, or an administrator who sells alcoholic beverages under a court order; or

(3) a common carrier, warehouseman, or other lienholder who sells alcoholic beverages under a lien.

(b) Sales authorized by subsection (a) of this section may be made only to a license holder.

(c) If the purchaser in a sale described in subsection (a) of this section is a retail dealer, the seller shall pay the taxes imposed by § 5–102 of the Tax – General Article before delivery.

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§ 1-403

(a) (1) Unless otherwise provided for in this article, a person may not manufacture, blend, rectify, bottle, or allow to be manufactured, blended, rectified, or bottled any alcoholic beverages except on premises licensed under this article.

(2) A person may not buy, bargain, sell, borrow, loan, manufacture, possess, transport, or allow to be bought, bargained, sold, loaned, manufactured, possessed, or transported any personal property designed, used, or intended for use directly or immediately in connection with the unlawful manufacture of alcoholic beverages.

(b) In addition to any other fine or penalty under this article, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

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§ 1-404

Before a license or alcoholic beverages permit may be issued to an employer to engage in an activity in which the employer may employ a covered employee, as defined in § 9–101 of the Labor and Employment Article, the employer shall file with the Executive Director or local licensing board:

(1) a certificate of compliance with the Maryland Workers' Compensation Act; or

(2) the number of a workers' compensation insurance policy or binder.

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§ 1-405

(a) A license may not be issued for a premises unless the premises conforms to all requirements set out in this article or the Tax – General Article.

(b) A license or an alcoholic beverages permit may not be issued for a premises unless the premises conforms with all zoning laws, regulations, or ordinances passed in accordance with Division I of the Land Use Article.

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§ 1-406

(a) Warehouse receipts covering alcoholic beverages stored in public warehouses in the State, including government controlled warehouses, may be purchased or sold without a license or permit.

(b) Alcoholic beverages covered under subsection (a) of this section may be withdrawn or delivered in the State only to a licensed manufacturer or licensed wholesaler.

(c) The Executive Director may adopt regulations covering warehouse receipt transactions.

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§ 1-407

(a) (1) This article and the Tax – General Article do not prohibit a manufacturer or wholesaler from selling and delivering to a federally authorized purchaser:

(i) subject to paragraph (2) of this subsection, wine and liquor without payment of taxes, if the wine and liquor are used only on the federal reservation in the State where the purchaser is assigned; and

(ii) beer.

(2) The Comptroller may require that each order of wine or liquor be approved before purchase or delivery.

(b) A tax on beer that is paid when the beer is purchased shall be refunded if:

(1) a proper application is filed with the Comptroller within 90 days after the purchase; and

(2) the Comptroller approves.

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§ 1-408

(a) A person who manufactures, rectifies, blends, imports, distributes, transports, stores, warehouses, sells, or offers for sale alcoholic beverages or who holds a license to do those activities shall:

(1) keep complete and accurate records of all alcoholic beverages purchased, sold, manufactured, rectified, blended, improved, brewed, fermented, distilled, produced, stored, warehoused, withdrawn from storage, imported, or transferred;

(2) on written request of the Comptroller, report on the form that the Comptroller requires information relating to the alcoholic beverages that are the subject of the records required to be kept; and

(3) on request of the Comptroller, make the report under oath.

(b) (1) Except as provided in paragraph (2) of this subsection, each license holder shall keep records at the location designated in the license.

(2) If the license holder is allowed to have more than one location, the license holder may keep the records at the principal location.

(3) The records shall:

(i) meet form and content requirements of the Comptroller;

(ii) be preserved for at least 2 years in a manner that ensures permanency; and

(iii) be made available for audit or inspection during regular business hours by the Comptroller or an authorized employee of the Comptroller.

(c) (1) The Comptroller may without a hearing immediately suspend for a maximum of 30 days the license of a license holder who fails to comply with this section.

(2) A license suspended under this section is subject to an additional period of suspension or revocation after a hearing.

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§ 1-409

(a) A local licensing board shall:

(1) maintain a record of:

(i) each license that the local licensing board issues; and

(ii) any revocation, suspension, or cancellation of a license and any restriction imposed on a license with a brief explanation of the reason for the action; and

(2) submit the record to the Executive Director; and

(3) allow any individual to inspect the records at the office of the local licensing board during regular business hours.

(b) The records of licenses required under subsection (a) of this section and any indices or dockets created to maintain the records:

(1) shall be retained for the later to occur of:

(i) 3 years after the date of the last record entry; or

(ii) the date on which all audit requirements have been complied with; and

(2) may be destroyed after:

(i) the retention period in item (1) of this subsection has expired; and

(ii) Title 10, Subtitle 6, Part III of the State Government Article has been complied with.

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§ 1-410

(a) (1) On written request of the Executive Director, each person, including a common carrier, that transports alcoholic beverages in the State in interstate or intrastate commerce shall report all consignments or deliveries of alcoholic beverages for the period that the Executive Director specifies.

(2) The reports shall be under oath and on the form that the Executive Director requires.

(b) If required by the Executive Director, the reports shall state:

(1) the name and address of the person to whom the delivery has been made;

(2) the name and address of the original consignee, if alcoholic beverages have been delivered to any person other than the originally named consignee;

(3) the point of origin;

(4) the point of delivery;

(5) the date of delivery;

(6) (i) the number and initials of each car, if the alcoholic beverages are shipped by rail;

(ii) the name of the water vessel, if the alcoholic beverages are shipped by water;

(iii) the license number of each truck, if the alcoholic beverages are shipped by truck; or

(iv) the manner in which the delivery was made, if the delivery is by other means;

(7) each kind of alcoholic beverages contained in the shipment and the number of gallons of each kind; and

(8) any other information relative to shipments that the Executive Director requires.

(c) This section does not authorize:

(1) the consignment of alcoholic beverages from outside the State to a person within the State other than:

(i) the holder of a permit, manufacturer's license, or wholesaler's license; or

(ii) a consumer under Title 2, Subtitle 1, Part V of this article; or

(2) the consignment of alcoholic beverages from within the State to a person outside the State not authorized to receive the consignment under the law governing the point of destination.

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§ 1-411

(a) (1) In this section the following words have the meanings indicated.

(2) "Authorized instructor" means an instructor at a qualified institution of higher education who:

- (i) teaches a course or program in enology, fermenting, brewing, or hospitality and tourism; and
- (ii) is at least 21 years old.

(3) "Qualified institution of higher education" means an institution of postsecondary education that:

- (i) generally limits enrollment to graduates of secondary schools;
- (ii) awards degrees at the associate, baccalaureate, or graduate level; and
- (iii) offers courses or programs in enology, fermenting, brewing, or hospitality and tourism.

(4) "Qualified student" means a student who is:

- (i) at least 18 years old and under the age of 21 years; and
- (ii) enrolled in a course or program in enology, fermenting, brewing, or hospitality and tourism offered by a qualified institution of higher education.

(5) (i) "Taste" means to draw an alcoholic beverage into the mouth.

(ii) "Taste" does not include swallowing or otherwise consuming an alcoholic beverage.

(b) A qualified student may taste an alcoholic beverage if:

(1) the qualified student:

(i) tastes the alcoholic beverage:

- 1. for educational purposes as part of a course or program in enology, fermenting, brewing, or hospitality and tourism that the qualified student is enrolled in at a qualified institution of higher education; and
- 2. only during the dates and times of the enology, fermenting, brewing, or hospitality and tourism course or program; and
- (ii) spits the alcoholic beverage out after tasting the alcoholic beverage;

(2) an authorized instructor offers the alcoholic beverage only during the dates and times of the enology, fermenting, brewing, or hospitality and tourism course or program; and

(3) the alcoholic beverage remains under the control of an authorized instructor.

(c) A qualified institution of higher education is not required to obtain a permit or license issued under this article to allow a qualified student to taste an alcoholic beverage in accordance with this section if the qualified institution does not impose an extra fee or charge for the alcoholic beverage tasted by a qualified student.

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Title 2 — Licensing

§ 2-101

This part applies statewide and to each permit issued under this subtitle.

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§ 2-102

(a) A person shall apply to the Executive Director for a permit under this subtitle on the form the Executive Director provides.

(b) The Executive Director shall adopt regulations for permits under this subtitle regarding:

- (1) the procedure for issuing permits;
- (2) the purchase of alcoholic beverages; and
- (3) the exercise of the privileges granted under each type of permit.

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§ 2-103

(a) On receipt of an application, the Executive Director shall order an investigation of:

- (1) the applicant;
- (2) the business to be operated; and
- (3) the statements presented in the permit application.

(b) On completion of the investigation, the Executive Director shall deny the permit application if in the judgment of the Executive Director:

- (1) the applicant:
 - (i) is not fit to receive the permit;
 - (ii) made a material false statement in the application; or
 - (iii) committed fraud in connection with the application; or
- (2) there are other reasons that the permit should not be issued.

(c) If the Executive Director does not find cause to deny the permit, the Executive Director shall approve the application and issue the permit.

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§ 2-104

A permit holder may not accept or deliver alcoholic beverages except as provided in this article and the Tax – General Article.

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§ 2-105

Except as otherwise provided in this subtitle, a permit issued under this subtitle is an annual permit that expires on October 31 following the date of its issue.

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§ 2-106

The Executive Director may restrict, suspend, or revoke a permit issued under this subtitle.

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§ 2-107

A license or permit is not required for the manufacture of family wine, beer, or cider that is:

- (1) exclusively for home consumption, competition, or use in a licensed national family wine exhibition; and
- (2) not for sale.

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§ 2-110

This part applies statewide.

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§ 2-111

- (a) There is a bulk transfer permit.
- (b) The Executive Director may issue the permit to a person:
 - (1) whose alcoholic beverage license has expired or otherwise been discontinued; and
 - (2) who applies for a permit within 60 days after the last day on which the license was effective.
- (c) (1) The permit authorizes the holder, with or without consideration, to transfer to a license holder the alcoholic beverages stock on hand on the day of the transfer by sale, gift, inheritance, assignment, or otherwise.
- (2) The transfer of the alcoholic beverages stock to the license holder shall be completed in the period covered by the permit.
- (d) (1) The permit:
 - (i) covers only a specific transaction; and
 - (ii) expires 10 days after it is issued.
- (2) If the permit holder shows an undue burden, the Executive Director may grant a reasonable extension of the permit.
- (e) The permit fee is \$200.

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§ 2-112

- (a) There is a change of domicile permit.
- (b) Subject to subsection (c) of this section, the permit authorizes the holder, when changing domicile to the State, to transport into the State the permit holder's private stock of alcoholic beverages for personal consumption.
- (c) The permit holder may not transport into the State the permit holder's private stock of alcoholic beverages for personal consumption unless the taxes imposed under § 5–102 of the Tax – General Article have been paid.
- (d) The permit fee:
 - (1) is \$5; and
 - (2) covers only a specific transaction.

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§ 2-113

- (a) There is an individual storage permit.
- (b) The permit authorizes the holder to establish a warehouse to store alcoholic beverages in which title to the alcoholic beverages is vested in the permit holder.
- (c) In Anne Arundel County and Baltimore County, a retailer is required to have written approval from the Board of License Commissioners before applying to the Executive Director for the permit.
- (d) The permit fee is \$50.

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§ 2-114

- (a) There is an individual transportation permit.
- (b) The permit authorizes the holder to transport the permit holder's private stock of alcoholic beverages from or en route through the State without payment of excise taxes imposed under § 5–102 of the Tax – General Article if the alcoholic beverages are not for use or delivery in the State.
- (c) (1) The Executive Director shall provide a means of identification for each vehicle authorized under the permit.
- (2) The identification shall be kept in or on the vehicle at all times when the vehicle transports alcoholic beverages.
- (d) (1) The permit fee is \$10.
- (2) The fee for the vehicle identification required under subsection (c) of this section is \$10 for each vehicle.

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§ 2-115

- (a) There is a nonresident storage permit.
- (b) The Executive Director may issue the permit to a nonresident dealer permit holder.
- (c) The permit authorizes the holder to store alcoholic beverages in a licensed public storage warehouse in the State for subsequent shipment to:
 - (1) a holder of a wholesaler's license;
 - (2) a holder of a manufacturer's license; or
 - (3) a person outside the State.
- (d) The permit holder may not ship alcoholic beverages unless:
 - (1) the invoice for the shipment originates from the out-of-state permit address of the permit holder; and
 - (2) the holder:
 - (i) ships the alcoholic beverages from the public storage warehouse in the State to the purchaser; and
 - (ii) concurrently transmits the invoice to the purchaser.
- (e) (1) Each month the permit holder shall file a report of its storage and shipping activities with the Executive Director.
- (2) The report shall be filed in the manner and on the form that the Executive Director provides.
- (f) The permit fee is \$500.

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§ 2-116

- (a) There is a private bulk sales permit.
- (b) The Executive Director may issue the permit to an individual who:
 - (1) is at least 21 years old;
 - (2) is a resident of the State;
 - (3) files with the Executive Director an inventory of all alcoholic beverages to be sold; and
 - (4) certifies that all alcoholic beverages to be sold:
 - (i) have been acquired legally and transported into the State in accordance with this article; and
 - (ii) are owned by the individual at the time of application.
- (c) The permit authorizes the holder to sell the permit holder's private stock of alcoholic beverages to a person in accordance with this section.
- (d) A sale under the permit may:
 - (1) be made by:
 - (i) the permit holder; or
 - (ii) an unlicensed agent or auction company acting on behalf of the permit holder;
 - (2) take place on:
 - (i) a premises not licensed under this article; or
 - (ii) a private room of an on-sale retail license holder; and
 - (3) be made to:
 - (i) a State resident who is at least 21 years old;
 - (ii) a retail dealer who holds the proper class of license; or

(iii) a person outside the State, if the person may ship alcoholic beverages purchased under the permit to the person's home state or state of ultimate destination.

(e) (1) A permit expires 60 days after it is issued.

(2) A person may not be issued more than two permits in a calendar year.

(f) The permit fee:

(1) is \$25; and

(2) covers the sale of a specific inventory of alcoholic beverages.

(g) The Executive Director may adopt regulations regarding any activity relating to the permit, including record-keeping and reporting requirements.

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§ 2-117

(a) There is a public storage permit.

(b) The permit authorizes the holder to operate a warehouse to store alcoholic beverages for the accounts of other persons.

(c) The permit fee is \$75.

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§ 2-118

(a) There is a public storage and transportation permit.

(b) (1) The permit authorizes the holder to operate a warehouse to:

(i) store alcoholic beverages for the accounts of other persons; and

(ii) transport alcoholic beverages for the accounts of other persons into, in, or out of the State.

(2) The permit holder may use the permit for storage or transportation.

(c) (1) The Executive Director shall provide a means of identification for each vehicle authorized under the permit.

(2) The identification shall be kept in or on the vehicle at all times when the vehicle transports alcoholic beverages.

(d) (1) The permit fee is \$200.

(2) The fee for the vehicle identification required under subsection (c) of this section is \$10 for each vehicle.

(e) A license holder or permit holder is not required to have the permit to deliver alcoholic beverages that the license holder or permit holder may otherwise acquire, store, sell, or use.

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§ 2-119

(a) There is a public transportation permit.

(b) The permit authorizes the holder to operate a warehouse to transport alcoholic beverages for the accounts of other persons into, in, or out of the State.

(c) (1) The Executive Director shall provide a means of identification for each vehicle authorized under the permit.

(2) The identification shall be kept in or on the vehicle at all times when the vehicle transports alcoholic beverages.

(d) (1) The permit fee is \$75.

(2) The fee for the vehicle identification required under subsection (c) of this section is \$10 for each vehicle.

(e) A license holder or permit holder is not required to have the permit to deliver alcoholic beverages that the license holder or permit holder may otherwise acquire, store, sell, or use.

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§ 2-122

This part applies statewide.

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§ 2-123

(a) There is an import–export permit.

(b) (1) The permit authorizes the holder to import alcoholic beverages into the State for storage in public warehouses for subsequent shipment outside the State.

(2) The permit holder may not import alcoholic beverages into the State for sale, consignment, or delivery to a person in the State.

(c) A person is not required to have the permit if the alcoholic beverages are:

(1) not for sale, consignment, or delivery to a person in the State;

(2) stored in a warehouse subject to a public bond; and

(3) subject to a customs bond.

(d) The permit fee is \$75.

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§ 2-124

(a) There is a nonresident dealer's permit.

(b) The Executive Director may issue the permit to:

(1) a bottler, brewer, distiller, manufacturer, rectifier, vintner, or winery;

(2) a sales agent of a person described in item (1) of this subsection, on presentation of proof of the sales agency relationship to the Executive Director;

(3) an importer of beer, wine, or distilled spirits produced outside the United States that purchases directly from the brand owner or from a sales agent of a person described in item (1) of this subsection that:

(i) is authorized by the brand owner to sell in the State; and

(ii) provides proof of the sales agency relationship to the Executive Director; or

(4) an American sales agent of an importer described in item (3) of this subsection, on presentation of proof of the sales agency relationship to the Executive Director.

(c) The Executive Director may not issue the permit to a person that:

(1) is a holder of a wholesaler's license or retail license;

(2) has an interest in a wholesaler licensed under this article; or

(3) has an interest in any retail license holder.

(d) The permit authorizes the holder to sell beer, wine, or distilled spirits to license holders authorized to receive the beverages.

(e) The permit holder may sell, consign, or deliver from a location outside the State to a person in the State that is authorized to receive them those beers, wines, or distilled spirits that the permit holder:

(1) bottles, distills, imports, manufactures, produces, or rectifies from outside the United States; or

(2) represents as the designated sales agent.

(f) A person who is a bottler, a brewer, a distiller, an importer, a manufacturer, a rectifier, a vintner, or a winery or the designated agent of the person may not discriminate directly or indirectly in price between license holders.

(g) Notwithstanding any other provision of this subtitle, the permit holder may continue to sell, consign, or deliver a brand of beer in the State from outside the State:

(1) to a person in the State who may receive the beer under this article; and

(2) until the person who is the brewer or importer of that brand of beer or the person's designated sales agent preempts the sales territory by appointing a franchise license holder in accordance with the Beer Franchise Fair Dealing Act under Title 5, Subtitle 1 of this article.

(h) Notwithstanding any other provision of this subtitle, a permit is not required to make direct sales and shipments to a wholesaler in the State from a location outside the continental limits and possessions of the United States.

(i) The permit fee is \$200.

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§ 2-125

(a) There is a resident dealer's permit.

(b) (1) Subject to paragraph (2) of this subsection, the Executive Director may issue the permit to:

(i) an importer of beer, wine, or distilled spirits produced outside the United States that:

1. purchases directly from the brand owner or from a sales agent of a bottler, brewer, distiller, manufacturer, rectifier, vintner, or winery;

2. is authorized by the brand owner to sell in the State; and

3. provides proof of the sales agency relationship to the Executive Director; or

(ii) an American sales agent of an importer under item (i) of this paragraph, on presentation of proof of the sales agency relationship to the Executive Director.

(2) An individual applicant, an applicant qualifying as a resident applicant for a corporation, or each applicant for a partnership is not eligible for the permit unless the individual is a resident of the State at the time the application is filed and remains a resident for the duration of time the permit is in effect.

(c) The Executive Director may not issue the permit to a person that:

(1) is a holder of a wholesaler's license or retail license;

(2) has an interest in a wholesaler licensed under this article; or

(3) has an interest in any retail license holder.

(d) The permit authorizes the holder to sell alcoholic beverages to:

(1) a holder of a wholesaler's license; or

(2) a person outside the State that the Executive Director authorizes to acquire the alcoholic beverages.

(e) The permit holder may not own or operate a warehouse in the State.

(f) The permit fee is \$200.

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§ 2-126

(a) There is a solicitor's permit.

(b) The permit holder may be a resident or a nonresident of the State.

(c) The permit authorizes the holder to promote, sell, or offer for sale beer, wine, or distilled spirits to holders of manufacturer's, wholesaler's, or retail licenses.

(d) (1) The permit holder:

(i) may not contact consumers; and

(ii) subject to paragraph (2) of this subsection, may not sell, promote, or offer for sale alcoholic beverages to retail dealers, if employed by a resident dealer or a nonresident dealer.

(2) The prohibition under paragraph (1)(ii) of this subsection does not apply if the account is for a State wholesaler or manufacturer that is a distributor for the products of the employer of the permit holder.

(e) The permit fee is \$50.

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§ 2-129

This part applies statewide.

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§ 2-130

(a) There is a manufacturer off-site permit.

(b) The Executive Director may issue the permit to a holder of any of the following licenses who meets the requirements of this section:

- (1) Class 1 distillery license;
- (2) Class 3 winery license;
- (3) Class 4 limited winery license;
- (4) Class 5 brewery license;
- (5) Class 7 micro-brewery license;
- (6) Class 8 farm brewery license; or
- (7) Class 9 limited distillery license.

(c) (1) During an event listed in subsection (e) of this section, the permit holder may:

(i) provide samples and sell products to a consumer that are manufactured by the permit holder under the permit holder's license;

(ii) provide to a consumer a sample that may not exceed:

1. 1 fluid ounce for each offering of wine;
2. 1 fluid ounce for each offering of beer; or
3. 0.25 fluid ounce for each offering of liquor;

(iii) sell to a consumer for on-premises consumption; and

(iv) subject to paragraph (2) of this subsection, sell to a consumer for off-premises consumption.

(2) The holder of a Class 5 brewery license, a Class 7 micro-brewery license, or a Class 8 farm brewery license may sell to each consumer at an approved off-site permitted event under the permit up to 288 ounces of beer for off-premises consumption.

(d) The permit holder shall have present at least one individual who is certified by an approved alcohol awareness program while providing samples or selling an alcoholic beverage during an event.

(e) The permit may be used:

(1) at the following events:

- (i) a county agricultural fair;
- (ii) the Maryland State Agricultural Fair;
- (iii) a farmer's market that is listed on the Farmer's Market Directory of the Maryland Department of Agriculture; and
- (iv) a nonprofit beer, wine, and liquor festival under § 2-131 of this subtitle; and

(2) for not more than 32 additional events in 1 year that have an activity:

- (i) that has a primary purpose other than the sale and promotion of alcoholic beverages; or
- (ii) for which the participation of the permit holder is secondary.

(f) The permit may not be used for more than nine events in 1 year at any individual location.

(g) An applicant for a permit shall complete an application on a form that the Executive Director authorizes.

(h) The permit holder shall notify the Executive Director of the permit holder's intention to attend an event within a period of time that the Executive Director determines on the form that the Executive Director authorizes.

(i) The Executive Director may adopt regulations to require the permit holder to notify the local licensing board of the jurisdiction where the event is being held of the permit holder's intention to attend the event.

(j) The annual permit fee is \$100.

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§ 2-131

(a) In this section, "off-site permit" includes:

(1) a manufacturer off-site permit; and

(2) a retail off-site permit.

(b) There is a nonprofit beer, wine, and liquor festival permit.

(c) The Executive Director may issue the permit to a nonprofit organization, as defined by § 501(c) of the Internal Revenue Code, that meets the requirements of this section.

(d) (1) The permit authorizes the permit holder to:

(i) conduct a nonprofit beer, wine, and liquor festival for at least 1 day and not more than 3 consecutive days;

(ii) purchase beer, wine, and liquor at wholesale to:

1. provide to a consumer a sample that may not exceed:

A. for beer, 4 fluid ounces for each offering;

B. for wine, 1 fluid ounce for each offering; and

C. for liquor, four samples of one-quarter of 1 fluid ounce for each offering; and

2. sell to a consumer beer, wine, and liquor for on- and off-premises consumption; and

(iii) contract with a holder of a retail off-site permit to operate a sampling and sales area.

(2) The permit holder shall provide space at a nonprofit beer, wine, and liquor festival for holders of off-site permits.

(3) A holder of an off-site permit that attends a nonprofit beer, wine, and liquor festival may provide beer, wine, and liquor to a consumer in the same manner as the holder of the nonprofit beer, wine, and liquor festival permit.

(4) The permit holder may provide or sell at the nonprofit beer, wine, and liquor festival only alcoholic beverages provided by the permit holder or a holder of an off-site permit that is in attendance.

(e) At all times during the nonprofit beer, wine, and liquor festival, the permit holder shall have present at least two agents, one of whom may be the permit holder, who are certified by an approved alcohol awareness program.

(f) (1) Not less than 30 days before the nonprofit beer, wine, and liquor festival, a person shall submit an application to the Executive Director.

(2) The application shall:

(i) be on a form that the Executive Director provides;

(ii) state that the primary purpose of the nonprofit beer, wine, and liquor festival is to promote Maryland beer, wine, and liquor;

(iii) provide details of the nonprofit beer, wine, and liquor festival, including the location, dates, and times of operation; and

(iv) include appropriate evidence that the applicant has been given permission by the owner of the property where the nonprofit beer, wine, and liquor festival is to be held.

(g) Not less than 15 days before the nonprofit beer, wine, and liquor festival, the permit holder shall provide the Executive Director with a list of off-site permit holders that will attend.

(h) The permit fee is:

(1) \$100, to promote a single product category;

- (2) \$150, to promote two product categories; and
- (3) \$200, to promote three product categories.

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§ 2-132

- (a) There is a nonresident brewery permit.
- (b) The Executive Director may issue the permit to a person that:
 - (1) is licensed outside the State to engage in the manufacture of beer;
 - (2) produces in the aggregate from all of its locations not more than 22,500 barrels of beer annually; and
 - (3) does not hold a nonresident dealer's permit.
- (c) (1) The permit authorizes the permit holder to sell and deliver not more than 3,000 barrels of the permit holder's own beer annually from a location outside the State to a retail license holder or permit holder in the State authorized to acquire the beer.
- (2) The permit holder shall comply with all the requirements of this article, the Tax – General Article, and the regulations of the Comptroller or Executive Director that apply to a holder of a Class 7 limited beer wholesaler's license.
- (d) The annual permit fee is \$50.

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§ 2-135

- (a) There is a nonresident winery permit.
- (b) The Executive Director may issue the permit to a person that:
 - (1) is licensed outside the State to engage in the manufacture of wine;
 - (2) produces not more than 27,500 gallons of its own wine annually; and
 - (3) does not hold a nonresident dealer's permit under § 2–124 of this subtitle.
- (c) The permit authorizes the holder to sell and deliver its own wine from a location outside the State to a holder of a permit or retail license in the State authorized to acquire the wine.
- (d) The permit holder shall comply with requirements that apply to a holder of a Class 6 limited wine wholesaler's license under:
 - (1) this article;
 - (2) the Tax – General Article; and
 - (3) the regulations of the Comptroller or the Executive Director.
- (e) The permit fee is \$50.

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§ 2-136

- (a) There is a retail off-site permit.
- (b) (1) The Executive Director may issue the permit to a holder of a license issued by a local licensing board:
 - (i) that allows the license holder to sell alcoholic beverages to the public for off-premises consumption; and
 - (ii) other than a chain store.
- (2) The holder of a permit shall notify the local licensing board of the jurisdiction in which the off-site event will be held that the permit has been issued.
- (c) (1) A permit may be used only:
 - (i) at not more than three farmers' markets in the jurisdiction in which the local license has been issued, that are listed in the farmers' market directory of the Maryland Department of Agriculture;

(ii) on invitation by a holder of a nonprofit beer, wine, and liquor festival permit, at the location of the permit, if the festival is located in the jurisdiction in which the local license has been issued or in an adjoining jurisdiction; and

(iii) during the hours of operation of the farmers' market or the nonprofit beer, wine, and liquor festival.

(2) A permit authorizes the holder to:

(i) at a farmers' market, offer and sell beer, wine, and liquor produced by State-licensed manufacturers to consumers for consumption off the licensed premises;

(ii) at a nonprofit beer, wine, and liquor festival, offer and sell beer, wine, and liquor to consumers for consumption on and off the licensed premises; and

(iii) provide at no charge samples of:

1. beer, not to exceed 4 fluid ounces;

2. wine, not to exceed 1 fluid ounce; and

3. liquor, not to exceed four samples that do not exceed one-quarter of 1 fluid ounce.

(d) The fee is \$100.

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§ 2-137

(a) (1) In this section, "charitable organization" means an organization that:

(i) is a benevolent, educational, philanthropic, humane, patriotic, religious, or eleemosynary organization that solicits or obtains contributions solicited from the public for charitable or benevolent purposes; and

(ii) is registered with the Secretary of State in accordance with Title 6, Subtitle 4 of the Business Regulation Article.

(2) "Charitable organization" includes an office, a branch, a chapter, or a similar affiliated entity that has its principal place of business outside the State.

(3) "Charitable organization" does not include:

(i) a political party, political committee, or political club;

(ii) a unit of the State government or a political subdivision of the State;

(iii) a fraternal organization;

(iv) a fire company;

(v) a rescue or ambulance squad; or

(vi) a police force or other law enforcement organization.

(b) There is a charity wine auction permit.

(c) The Executive Director may issue the permit to a charitable organization.

(d) The permit authorizes the holder to sell wine at public or private auction to a consumer through the solicitation and acceptance of bids.

(e) The permit is valid for 1 day.

(f) The permit may be granted for:

(1) an unlicensed premises; or

(2) a Class B, Class C, or Class B-D-7 licensed premises.

(g) (1) A charitable organization may be issued not more than one permit during a calendar year.

(2) A permit allows the holder to conduct one auction of wine during a calendar year.

(h) (1) Subject to paragraph (2) of this subsection, the permit holder may receive wine for the auction from:

(i) a holder of a wholesaler's license;

(ii) a Class 3 or Class 4 winery;

- (iii) a retail dealer;
 - (iv) an individual residing in the State; or
 - (v) a business entity in the State that is not licensed under this article.
- (2) The permit holder may receive commercially produced wine that is not authorized for distribution and sale in the State from:
- (i) a nonresident individual; or
 - (ii) a business entity that is located outside the State.
- (i) (1) Wine that the permit holder receives from the following sources is subject to State tax under § 5–102 of the Tax – General Article:
- (i) a holder of a wholesaler's license;
 - (ii) a Class 3 winery;
 - (iii) a Class 4 winery; and
 - (iv) any source outside the State.
- (2) Taxes are presumed to have been paid on wine that the permit holder receives from the following sources:
- (i) a retail dealer;
 - (ii) an individual residing in the State; and
 - (iii) a business entity in the State that is not licensed under this article.
- (j) (1) Within 30 days after the auction ends, the permit holder shall:
- (i) file a report with the Comptroller; and
 - (ii) pay all taxes due on wine received for the auction.
- (2) The report shall:
- (i) include the total number of gallons and each source of wine that was received for the auction; and
 - (ii) be filed on the form that the Comptroller provides.
- (k) The Comptroller may require that the permit holder prepay on or before the seventh day before the auction an amount sufficient to cover the anticipated wine tax due.
- (l) (1) Wine purchased at a charity wine auction shall be delivered to the purchaser:
- (i) at the event; or
 - (ii) from a licensed warehouse, licensed retail dealer's premises, or other premises that the Executive Director approves.
- (2) Wine delivered under this subsection is subject to applicable sales taxes.
- (m) Notwithstanding any other provision of this article, a person authorized to sell wine at retail may purchase wine offered at a charity wine auction in an amount not to exceed 5 gallons (18 liters) and resell the wine in accordance with the terms of the person's license.
- (n) The permit fee is \$10.

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§ 2-138

- (a) There is a family beer and wine facility permit.
- (b) (1) The permit authorizes the holder to establish a facility to produce family beer or wine by a consumer who:
 - (i) is of legal drinking age; but
 - (ii) does not have a license.
- (2) The permit authorizes the holder to provide equipment, raw materials, and instructions to a consumer.

(3) Except as provided in paragraph (4) of this subsection, the permit holder may not engage in the production or manufacture of beer or wine.

(4) A permit authorizes the holder to engage in the production or manufacture of beer or wine for:

(i) testing equipment or recipes; and

(ii) sampling, provided that:

1. each patron has no more than five samples;
2. each sample does not exceed 2 ounces; and
3. each sample is consumed on the premises by an individual who has a nonrefundable contract to brew or ferment at the facility.

(c) Family beer and wine produced at a family beer and wine facility:

(1) shall be removed from the premises by the consumer; and

(2) may be used only for home consumption and the personal use of the consumer.

(d) The Executive Director may restrict the permit holder to the production of family-produced beer or family-produced wine.

(e) The permit fee is \$400.

(f) The Executive Director may adopt regulations regarding any activity relating to the operation of the facility, including limits on the quantities of beer and wine produced and record keeping.

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§ 2-139

(a) There is a national beer, wine, and liquor exhibition permit.

(b) The Executive Director may issue the permit to a bona fide alcohol trade association.

(c) (1) The permit authorizes the holder to conduct an alcohol exhibition and competition at which the permit holder may exhibit, judge, and taste beer, wine, and liquor acquired in accordance with this section at the place designated in the permit application.

(2) The permit authorizes the holder to receive for use, exhibition, and tastings at an exhibition:

(i) tax-free family produced beer and wine;

(ii) tax-paid commercially produced beer, wine, and liquor from licensed nonresident dealers or manufacturers through holders of wholesaler's licenses; and

(iii) commercially produced beer, wine, and liquor from manufacturers or suppliers licensed by another state and subject to the tax imposed under § 5-102 of the Tax – General Article.

(3) The permit holder may not sell beer, wine, and liquor at the exhibition and competition.

(4) Notwithstanding § 6-319 of this article, the permit holder may allow a person to possess and consume beer, wine, and liquor on the premises governed by the permit as provided in this section.

(d) An exhibition may not last more than 5 days.

(e) The permit may be granted for:

(1) an unlicensed premises; or

(2) a licensed premises.

(f) Persons authorized to judge or participate at an alcohol exhibition include a:

(1) manufacturer;

(2) nonresident dealer;

(3) supplier;

(4) wholesaler; and

(5) representative of any of the persons listed in items (1) through (4) of this subsection.

(g) A supplier licensed by another state is not required to have a nonresident dealer's permit to ship beer, wine, and liquor to the permit holder.

(h) (1) Within 30 days after the exhibition ends, the permit holder shall:

(i) file a report, on the forms that the Comptroller provides, of the number of gallons of commercially produced beer, wine, and liquor that the permit holder received from suppliers that are not licensed; and

(ii) pay the tax required under § 5–102 of the Tax – General Article.

(2) The Comptroller may require the permit holder to prepay an amount sufficient to cover the anticipated tax rather than post a bond.

(i) The permit fee is \$50.

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§ 2-140

(a) The Executive Director may issue a brewery special event permit to a holder of a Class 5 brewery license or a Class 8 farm brewery license.

(b) At least 15 days before holding a special event, the license holder shall obtain a permit from the Executive Director by filing a notice of the special event on the form that the Executive Director provides.

(c) The permit authorizes the license holder to conduct at the location listed on the license a special event at which the license holder may:

(1) provide samples of not more than 6 fluid ounces per brand to consumers;

(2) sell products manufactured by the license holder and other Maryland breweries to persons who participate in the event; and

(3) in a segregated area approved by the Executive Director at the location listed on the license, store the products of other Maryland breweries.

(d) The products at the event shall be sold in the manner authorized under the permit.

(e) The license holder may not be issued more than 12 permits in a calendar year.

(f) A single special event may not exceed 3 consecutive days.

(g) The permit fee is \$25 per event.

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§ 2-142

(a) In this part the following words have the meanings indicated.

(b) (1) "Common carrier" means a business entity that:

(i) holds itself out as being available to the public to transport in interstate or foreign commerce for compensation any class of passenger or property; and

(ii) holds a common carrier permit issued under § 2–151 of this subtitle.

(2) "Common carrier" does not include a business entity that transports only property the business entity owns or that is consigned to the business entity.

(c) "Direct wine deliverer" means the holder of a direct wine delivery permit issued under this part.

(d) "Direct wine shipper" means the holder of a direct wine shipper's permit issued under this part.

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§ 2-143

(a) A person shall be issued a direct wine shipper's permit by the Executive Director before the person may engage in shipping wine directly to a consumer in the State.

(b) Before a licensed manufacturer may engage in delivering wine directly to a consumer in the State, the manufacturer shall be issued a direct wine delivery permit.

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§ 2-144

(a) To qualify for a direct wine shipper's permit, an applicant shall be:

- (1) a person licensed outside the State to engage in the manufacture of wine; or
- (2) a holder of a Class 3 manufacturer's license or a Class 4 manufacturer's license.

(b) (1) To qualify for a direct wine delivery permit, an applicant shall be:

- (i) a person licensed in the State to engage in the manufacture of wine; and
- (ii) a holder of a Class 6 limited wine wholesaler's license.

(2) The holder of a direct wine delivery permit issued under this subsection may sell and deliver the permit holder's own product to an individual in the State if:

(i) the delivery is made by an employee who is:

1. at least 18 years old; and
2. certified by an approved alcohol awareness program;

(ii) the purchaser, or another individual at least 21 years old designated by the purchaser, is physically present to receive the wine at the time and place of delivery;

(iii) the purchaser pays for the purchase at the time of order; and

(iv) the direct wine deliverer and the individual receiving the delivery each endorse a delivery form that the Executive Director approves certifying that the direct wine deliverer examined the recipient's government-issued identification and the recipient was at least 21 years old.

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§ 2-145

(a) An applicant for a direct wine shipper's permit or a direct wine delivery permit shall:

- (1) submit to the Executive Director a completed application on a form that the Executive Director provides;
- (2) provide to the Executive Director a copy of the applicant's current manufacturer's license;
- (3) identify the wines manufactured by the applicant that the applicant intends to ship or deliver to a consumer in the State; and
- (4) pay a fee of \$200 for initial issuance of the direct wine shipper's permit or the direct wine delivery permit.

(b) The Executive Director shall issue a direct wine shipper's permit or a direct wine delivery permit to each applicant who meets the requirements of this part for the permit.

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§ 2-146

(a) A direct wine shipper's permit entitles the holder to sell wine manufactured by the holder through a holder of a common carrier permit to a consumer by receiving and filling orders that the consumer transmits by electronic or other means.

(b) A direct wine delivery permit entitles the holder to sell and deliver wine manufactured by the holder directly to a consumer in the State by receiving and filling orders that the consumer transmits by electronic or other means.

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§ 2-147

The term of a direct wine shipper's permit or a direct wine delivery permit is 1 year and begins on July 1.

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§ 2-148

(a) A direct wine shipper shall:

(1) ensure that all containers of wine shipped directly to a consumer in the State are conspicuously labeled with:

(i) the name of the direct wine shipper;

(ii) the name and address of the consumer who is the intended recipient; and

(iii) the words "Contains Alcohol: Signature of Person at Least 21 Years of Age Required for Delivery";

(2) report to the Comptroller and the Executive Director information about the direct wine shipper's wine shipments, in a manner that the Comptroller and the Executive Director determine;

(3) file a quarterly tax return in accordance with § 5-201(d) of the Tax – General Article;

(4) pay quarterly to the Comptroller all sales taxes and excise taxes due on sales to consumers in the State and calculate the taxes as if the sale were made in the State;

(5) maintain for 3 years complete and accurate records of all information needed to verify compliance with this part;

(6) allow the Comptroller and the Executive Director to perform an audit of the direct wine shipper's records on request; and

(7) consent to the jurisdiction of the Comptroller, the Executive Director, or other State unit and the State courts concerning enforcement of this section and any related law.

(b) A direct wine shipper may not:

(1) ship more than 18 9-liter cases of wine each year to a single delivery address; or

(2) cause wine to be delivered on Sunday to an address in the State.

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§ 2-149

(a) A direct wine shipper may renew its direct wine shipper's permit each year if the direct wine shipper:

(1) is otherwise entitled to have a direct wine shipper's permit;

(2) provides to the Executive Director a copy of its current permit;

(3) identifies the wines manufactured by the direct wine shipper that the direct wine shipper intends to ship into the State; and

(4) pays to the Executive Director a renewal fee of \$200.

(b) The Executive Director may deny a renewal application of a direct wine shipper who fails to:

(1) file a tax return required under this part;

(2) pay a fee or tax when due; or

(3) after receiving notice, comply with this article or a regulation that the Comptroller or Executive Director adopts.

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§ 2-150

(a) To receive a direct shipment or direct delivery of wine, a consumer in the State shall be at least 21 years old.

(b) A person who receives a shipment or delivery of wine shall use the shipment for personal consumption only and may not resell the shipment or delivery.

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§ 2-151

(a) There is a common carrier permit.

(b) A holder of a common carrier permit may deliver wine from a location inside or outside the State to a consumer in the State for the consumer's personal use under this part.

(c) A person shall be issued a common carrier permit before the person may engage in transporting wine from a direct wine shipper to a consumer.

(d) The term of a common carrier permit is 1 year and begins on July 1.

(e) To complete delivery of a shipment, the common carrier shall require from a consumer at the address listed on the shipping label:

(1) the signature of the consumer or another individual at the address who is at least 21 years old; and

(2) government-issued photographic identification showing that the signing individual is at least 21 years old.

(f) A common carrier shall refuse delivery when the intended receiving individual appears to be under the age of 21 years or refuses to present valid identification.

(g) At the time of initial application for a common carrier permit and on request of the Executive Director, a common carrier shall submit to the Executive Director information concerning the training of its drivers in verifying the age of recipients of direct wine shipments under this part.

(h) At least once each year, in a manner acceptable to the Executive Director, a holder of a common carrier permit shall verify that the shipper of wine into the State under this part holds a valid direct wine shipper's permit.

(i) A holder of a common carrier permit that delivers wine solely under this part may not be required to obtain a transportation permit issued under § 2-118 or § 2-119 of this subtitle in addition to the common carrier permit.

(j) The permit fee is \$100.

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§ 2-152

(a) A common carrier shall report quarterly to the Executive Director:

(1) the date of each delivery of wine in the State; and

(2) the name and address of the direct wine shipper and the receiving consumer of each delivery.

(b) A common carrier shall maintain for 3 years complete and accurate records of all information needed to verify compliance with this part.

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§ 2-153

A person without a direct wine shipper's permit may not ship wine directly to a consumer in the State.

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§ 2-154

Each violation of this part is a separate violation.

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§ 2-157

This part applies statewide.

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§ 2-158

(a) There is an alcohol awareness program permit.

(b) The permit authorizes the holder to conduct an alcohol awareness program as certified by the Executive Director under § 4-505 of this article.

(c) The permit fee is \$15.

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§ 2-159

- (a) There is an alcohol awareness instructor's permit.
- (b) The permit authorizes the holder to conduct alcohol awareness training as an employee or agent of an alcohol awareness program permit holder.
- (c) The permit fee is \$5.

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§ 2-162

This part applies statewide.

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§ 2-163

- (a) There is a fuel–alcohol permit.
- (b) The permit authorizes the holder to establish a distilled spirits plant for the sole purpose to manufacture, process, store, use, or distribute distilled spirits exclusively for fuel.
- (c) A permit holder may not establish a distilled spirits plant for beverage purposes.

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§ 2-164

- (a) There is a nonbeverage permit.
- (b) The permit authorizes the holder to purchase alcohol and alcoholic beverages for:
 - (1) use in compounding or manufacturing flavoring extracts;
 - (2) medicinal, antiseptic, or toilet preparations or for other similar purposes;
 - (3) scientific or laboratory purposes;
 - (4) flavoring food products; or
 - (5) sale by pharmacists on the written prescription of a qualified physician.
- (c) The permit holder may not use, sell, or deliver:
 - (1) alcoholic beverages for beverage purposes; or
 - (2) any other product that is:
 - (i) produced with alcoholic beverages; and
 - (ii) fit for beverage purposes.
- (d) The permit does not expire until it is revoked.
- (e) (1) Except as provided in paragraph (2) of this subsection, the fee for the issuance or renewal of the permit is \$50.
- (2) The Executive Director shall issue the permit without the payment of a fee to:
 - (i) a charitable organization; or
 - (ii) a holder of a fuel–alcohol permit.

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§ 2-167

- (a) In this part the following words have the meanings indicated.
- (b) "Direct beer deliverer" means the holder of a direct beer delivery permit issued under this part.
- (c) "Direct liquor deliverer" means the holder of a direct liquor delivery permit issued under this part.
- (d) "Permit" means a direct beer delivery permit or direct liquor delivery permit issued by the Executive Director under this part.

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§ 2-168

(a) Before a licensed manufacturer may engage in delivering beer directly to a consumer in the State, the manufacturer shall be issued a direct beer delivery permit.

(b) Before a licensed manufacturer may engage in delivering liquor directly to a consumer in the State, the manufacturer shall be issued a direct liquor delivery permit.

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§ 2-169

(a) (1) To qualify for a direct beer delivery permit, an applicant shall be:

- (i) a person licensed in the State to engage in the manufacture of beer; and
- (ii) a holder of a Class 7 limited beer wholesaler's license.

(2) The holder of a direct beer delivery permit issued under § 2-170 of this subtitle may sell and deliver the permit holder's own product to an individual in the State if:

(i) the delivery is made by an employee who is:

- 1. at least 18 years old; and
- 2. certified by an approved alcohol awareness program;

(ii) the purchaser, or another individual at least 21 years old designated by the purchaser, is physically present to receive the beer at the time and place of delivery;

(iii) the purchaser pays for the purchase at the time of order; and

(iv) the direct beer deliverer and the individual receiving the delivery each endorse a delivery form that the Executive Director approves certifying that the direct beer deliverer examined the recipient's government-issued identification and the recipient was at least 21 years old.

(b) (1) To qualify for a direct liquor delivery permit, an applicant shall be:

- (i) a person issued a license by the Executive Director in the State to engage in the manufacture of liquor; and
- (ii) a holder of a Class 8 limited wholesaler's license.

(2) The holder of a direct liquor delivery permit issued under § 2-170 of this subtitle may sell and deliver the permit holder's own product to an individual in the State if:

(i) the delivery is made by an employee who is:

- 1. at least 18 years old; and
- 2. certified by an approved alcohol awareness program;

(ii) the purchaser, or another individual at least 21 years old designated by the purchaser, is physically present to receive the liquor at the time and place of delivery;

(iii) the purchaser pays for the purchase at the time of order; and

(iv) the direct liquor deliverer and the individual receiving the delivery each endorse a delivery form that the Executive Director approves certifying that the direct liquor deliverer examined the recipient's government-issued identification and the recipient was at least 21 years old.

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§ 2-170

(a) An applicant for a permit under this part shall:

- (1) submit to the Executive Director a completed application on a form that the Executive Director provides;
- (2) provide to the Executive Director a copy of the applicant's current manufacturer's license;
- (3) identify the product manufactured by the applicant that the applicant intends to deliver to a consumer in the State; and
- (4) pay a fee of \$200 for initial issuance of the permit.

(b) If an applicant meets the requirements of this part, the Executive Director shall issue to the applicant:

- (1) a direct beer delivery permit; or
- (2) a direct liquor delivery permit.

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§ 2-171

(a) A direct beer delivery permit entitles the holder to sell and deliver beer manufactured by the holder directly to a consumer in the State by receiving and filling orders that the consumer transmits by electronic or other means.

(b) A direct liquor delivery permit entitles the holder to sell and deliver liquor manufactured by the holder directly to a consumer in the State by receiving and filling orders that the consumer transmits by electronic or other means.

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§ 2-172

The term of a permit issued under this part is 1 year and begins on July 1.

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§ 2-173

(a) A person who holds a permit under this part shall:

(1) ensure that any container containing an alcoholic beverage delivered directly to a consumer in the State is:

(i) conspicuously labeled with:

1. the name of the manufacturer;
2. the name and address of the consumer who is the intended recipient; and
3. the words "Contains Alcohol: Signature of Person at Least 21 Years of Age Required for Delivery"; and

(ii) commercially sealed by the manufacturer;

(2) report to the Executive Director information about the deliveries, in a manner that the Executive Director determines;

(3) file a quarterly tax return in accordance with § 5-201(d) of the Tax – General Article;

(4) pay quarterly to the Comptroller all sales taxes and excise taxes due on sales to consumers in the State and calculate the taxes as if the sales were made in the State;

(5) maintain for 3 years complete and accurate records of all information needed to verify compliance with this part;

(6) allow the Comptroller or the Executive Director to perform an audit of the permit holder's records on request; and

(7) consent to the jurisdiction of the Executive Director, Comptroller, or other State unit and the State courts concerning enforcement of this part and any related law.

(b) (1) The holder of a direct beer delivery permit may not cause more than 3,456 ounces of the permit holder's own product to be delivered to a single delivery address in a single calendar year.

(2) The holder of a direct liquor delivery permit may not cause more than 24 standard 750-milliliter bottles of the permit holder's own product, or an equivalent amount, to be delivered to a single delivery address in a single calendar year.

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§ 2-174

(a) A holder of a permit issued under this part may renew the permit each year if the holder:

(1) is otherwise entitled to hold a permit under this part;

(2) provides to the Executive Director and the Comptroller a copy of its current permit; and

(3) pays the Executive Director a renewal fee of \$200.

(b) The Executive Director may deny a renewal application for a permit issued under this part if the holder fails to:

(1) file a tax return required under this subtitle;

- (2) pay a fee or tax when due; or
- (3) after receiving notice, comply with this article or a regulation that the Executive Director adopts under this article.

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§ 2-175

- (a) To receive a direct delivery of beer or liquor, a consumer in the State shall be at least 21 years old.
- (b) A person who receives a delivery of alcoholic beverages under this part shall use the alcoholic beverages for personal consumption only and may not resell the delivery in whole or in part.

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§ 2-201

Each license specified in this subtitle is a manufacturer's license that the Executive Director issues.

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§ 2-202

- (a) There is a Class 1 distillery license.
- (b) The license shall be obtained for each trade name and each distillery in the State.
- (c) A license holder may:
 - (1) establish and operate a plant for distilling, rectifying, blending, and bottling, at the location described in the license:
 - (i) brandy;
 - (ii) rum;
 - (iii) whiskey;
 - (iv) alcohol; and
 - (v) neutral spirits;
 - (2) sell and deliver the alcoholic beverages:
 - (i) in bulk to a person in the State that is authorized to acquire them; and
 - (ii) to a person outside the State that is authorized to acquire them;
 - (3) manufacture an alcoholic beverage listed in item (1) of this subsection in the name of another person or under a trade name if the other person or trade name also holds a Class 1 distillery license;
 - (4) acquire alcoholic beverages from the holder of a manufacturer's license or wholesaler's license or nonresident dealer's permit for use in manufacturing;
 - (i) at no cost or for a fee, serve to an individual who has attained the legal drinking age and participated in a guided tour of the licensed premises, not more than 2 ounces of products, with each product sample consisting of not more than one-half ounce from a single product manufactured by the license holder;
 - (ii) serve samples blended with other products manufactured by the license holder or nonalcoholic ingredients; and
 - (iii) sell products manufactured on the licensed premises, for off-premises consumption, and related merchandise to an individual who has attained the legal drinking age; and
 - (6) subject to subsection (i) of this section, sell liquor manufactured by the license holder that is mixed with other nonalcoholic ingredients.
- (d) A license holder or entity in which a license holder has a pecuniary interest may not act as a caterer of food.
- (e) Subject to subsection (f) of this section, a license holder may conduct the activities specified in subsections (c)(5) and (i)(2) of this section from 10 a.m. to 10 p.m. each day.
- (f) A Class 1 distillery license allows the license holder to operate 7 days a week.

(g) At least 14 days before holding a planned promotional event after 6 p.m., a license holder shall file a notice of the promotional event with the Executive Director on the form that the Executive Director provides.

(h) A holder of a caterer's license or privilege under Subtitle 5 of this title or Subtitle 12 of various titles of Division II of this article may exercise the privileges of the license or privilege on the licensed premises of the license holder.

(i) (1) A local licensing board may grant an on-site consumption permit for use at the location of the Class 1 distillery license to a holder of a Class 1 distillery license.

(2) (i) The permit authorizes the holder to sell mixed drinks made from liquor that the holder produces that is mixed with other nonalcoholic ingredients for on-premises consumption.

(ii) The holder may not use more than an aggregate of 7,750 gallons annually of liquor the holder produces for mixed drinks sold under subparagraph (i) of this paragraph.

(3) A local licensing board:

(i) may establish and charge a permit fee; and

(ii) shall require the permit holder to:

1. comply with the alcohol awareness requirements under § 4-505 of this article; and

2. abide by all applicable trade practice restrictions.

(j) Nothing in this section limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

(k) The license holder shall report to the Executive Director annually on a form provided by the Executive Director on:

(1) the amount of alcoholic beverages produced under the license;

(2) the amount of alcoholic beverages sold for off-premises consumption; and

(3) the amount of alcoholic beverages served for on-premises consumption.

(l) Except as otherwise provided by law, the license holder may not sell alcoholic beverages for off-premises consumption to a person who intends to resell the alcoholic beverages.

(m) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed \$2,000.

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§ 2-203

(a) There is a Class 9 limited distillery license.

(b) The limited distillery license may be issued only to a holder of a:

(1) Class D beer, wine, and liquor license where sales for both on- and off-premises consumption are permitted for use on the premises for which the Class D license was issued; or

(2) Class B beer, wine, and liquor license where sales for both on- and off-premises consumption are permitted for use on the premises for which the Class B license was issued.

(c) A holder of the limited distillery license:

(1) may establish and operate a plant in the State for distilling, rectifying, and bottling brandy, rum, whiskey, alcohol, and neutral spirits if the holder:

(i) maintains only one brand at any one time for each product of brandy, rum, whiskey, alcohol, and neutral spirits that is distilled, rectified, and sold; and

(ii) does not manufacture or rectify product of any other brand for another entity;

(2) may acquire bulk alcoholic beverages from the holder of a distillery or rectifying license in the State or from the holder of a nonresident dealer's permit;

(3) after acquiring an individual storage permit, may store on the licensed premises those products manufactured under the license;

(4) except as authorized under subsection (d)(1) of this section, may sell and deliver those products manufactured under the license only to a licensed wholesaler in the State or person authorized to acquire distilled spirits in another state and not to a county dispensary;

(5) may sell the products manufactured under the license at retail in a manner consistent with the underlying Class D or Class B license;

(7) may serve not more than three samples of products manufactured at the licensed premises, with each sample consisting of not more than one-half ounce from a single product, to persons who:

(i) have attained the legal drinking age;

(ii) participated in a guided tour; and

(iii) are present on that portion of the premises used for the limited distillery operation.

(d) A holder of the limited distillery license may not:

(1) apply for or possess a wholesaler's license, except for a Class 8 liquor wholesaler's license;

(2) sell bottles of the products manufactured at the Class 9 limited distillery on that part of the premises used for the distillery operation;

(3) except as provided in subsection (e) of this section, distill, rectify, bottle, or sell more than 100,000 gallons of brandy, rum, whiskey, alcohol, and neutral spirits each calendar year;

(4) sell at retail on the premises of the Class D or Class B license, for on-premises or off-premises consumption, more than 31,000 gallons of the products manufactured under the license each calendar year; and

(5) own, operate, or be affiliated in any manner with another manufacturer.

(e) To distill more than the gallonage specified in subsection (d)(3) of this section, a holder of the limited distillery license shall divest itself of any Class D or Class B retail license and obtain a Class 1 distillery license.

(f) A holder of the limited distillery license shall abide by all trade practice restrictions applicable to distilleries.

(g) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed \$500.

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§ 2-204

(a) There is a Class 2 rectifying license.

(b) A license holder may:

(1) establish and operate a plant for rectifying, blending, and bottling alcoholic beverages at the location described in the license;

(2) sell and deliver alcoholic beverages to:

(i) a holder of a Class 1 distillery license, Class 2 rectifying license, or wholesaler's license;

(ii) a holder of a permit that is authorized to acquire the alcoholic beverage; and

(iii) a person outside the State that is authorized to acquire the alcoholic beverage;

(3) acquire alcoholic beverages from the holder of a Class 1 distillery license, Class 2 rectifying license, Class 3 winery license, wholesaler's license, or nonresident dealer's permit;

(4) rectify, blend, bottle, and store alcoholic beverages in the name of another person or under a trade name if the other person or trade name also holds a Class 2 rectifying license; and

(ii) serve not more than three samples of products manufactured at the licensed premises, with each sample consisting of not more than one-half ounce from a single product, to an individual who has attained the legal drinking age and

participated in a guided tour of the licensed premises.

(c) A license holder or entity in which a license holder has a pecuniary interest may not act as a caterer of food.

(d) Subject to subsection (e) of this section, a license holder may conduct the activities specified in subsection (b)(5) of this section:

(1) for off-premises consumption of products manufactured at the licensed premises and for sampling, from 10 a.m. to 10 p.m. each day; and

(2) for on-premises consumption of products manufactured at the licensed premises:

(i) from 10 a.m. to 6 p.m. each day; or

(ii) if guests are attending a planned promotional event or other organized activity on the licensed premises, from 10 a.m. to 10 p.m. each day.

(e) A Class 2 rectifying license allows the license holder to operate 7 days a week.

(f) At least 14 days before holding a planned promotional event after 6 p.m., a license holder shall file a notice of the promotional event with the Executive Director on the form that the Executive Director provides.

(g) A holder of a caterer's license or privilege under Subtitle 5 of this title or Subtitle 12 of various titles of Division II of this article may exercise the privileges of the license or privilege on the licensed premises of the license holder.

(h) Nothing in this section limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

(i) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed \$600.

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§ 2-205

(a) There is a Class 3 winery license.

(b) A license holder may:

(1) establish and operate a plant for fermenting and bottling wine at the location described in the license;

(2) import bulk wine from the holder of a nonresident dealer's permit;

(3) sell and deliver wine to:

(i) a holder of a wholesaler's license;

(ii) a holder of a permit that is authorized to acquire wine; and

(iii) a person outside the State that is authorized to acquire wine;

(4) subject to subsection (c) of this section, sell at retail wine made at the plant from products grown in the State to an individual participating in a guided tour of the plant; and

(5) serve, at no charge, not more than 6 ounces of wine made at the plant to an individual who has attained the legal drinking age and is participating in a guided tour of the plant.

(c) An individual may purchase wine under subsection (b)(4) of this section if the individual has attained the legal drinking age.

(d) The license holder shall report to the Executive Director annually on a form provided by the Executive Director on:

(1) the amount of alcoholic beverages produced under the license;

(2) the amount of alcoholic beverages sold for off-premises consumption; and

(3) the amount of alcoholic beverages served for on-premises consumption.

(e) Except as otherwise provided by law, the license holder may not sell alcoholic beverages for off-premises consumption to a person who intends to resell the alcoholic beverages.

(f) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed \$750.

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§ 2-206

(a) (1) In this section, "Maryland-grown agricultural product" means any product produced or cultivated on a farm or vineyard in the State.

(2) "Maryland-grown agricultural product" does not include:

(i) cannabis; or

(ii) any other product containing tetrahydrocannabinol as defined in § 36-1102 of this article.

(b) There is a Class 4 limited winery license.

(c) (1) A license holder may:

(i) subject to paragraph (2) of this subsection, from available Maryland agricultural products:

1. ferment and bottle wine; and
2. distill and bottle pomace brandy; and

(ii) sell and deliver the wine and pomace brandy to:

1. a holder of a wholesaler's license;
2. a holder of a permit that is authorized to acquire wine or pomace brandy; or
3. a person outside the State that is authorized to acquire wine or pomace brandy.

(2) A license holder:

(i) shall own or have under contract at least 20 acres of Maryland-grown agricultural products in cultivation for use in the production of wine; or

(ii) except as provided in paragraph (3) of this subsection, if less than 20 acres are owned or under contract, shall ensure that at least 51% of the ingredients used in the annual production of the license holder's wine are Maryland-grown agricultural products.

(3) (i) The Secretary of Agriculture each year may grant a 1-year exemption to an applicant from the percentage requirement under paragraph (2)(ii) of this subsection.

(ii) The Secretary shall adopt regulations governing the granting of an exemption under subparagraph (i) of this paragraph, after consultation with the Advisory Commission on Maryland Alcohol Manufacturing, the Maryland Grape Growers Association, the Maryland Wineries Association, and other interested parties.

(4) Except as provided in Subtitle 3 of this title, a license holder need not obtain any other license to possess, manufacture, sell, or transport wine or pomace brandy.

(5) A license holder may:

(i) sell wine and pomace brandy produced by the license holder for on- and off-premises consumption;

(ii) in an amount not exceeding 2 fluid ounces per brand, provide samples of wine and pomace brandy that the license holder produces to a consumer:

1. at no charge; or
2. for a fee; and

(iii) subject to paragraphs (6) and (7) of this subsection, prepare, sell, or serve only:

1. bread and other baked goods;
2. chili;
3. chocolate;

4. crackers;
5. cured meat;
6. fruits (whole and cut);
7. hard and soft cheese (whole and cut);
8. salads and vegetables (whole and cut);
9. the following items made with Maryland wine:

- A. ice cream;
- B. jam;
- C. jelly; and
- D. vinegar;

10. pizza;
11. sandwiches and other light fare;
12. soup; and
13. condiments.

(6) (i) A caterer is not limited to preparing, selling, or serving only the foods specified in paragraph (5)(iii) of this subsection.

(ii) A license holder or entity in which the license holder has a pecuniary interest may not act as a caterer of food.

(7) Subject to paragraph (8) of this subsection, a license holder may conduct the activities specified in paragraph (5) of this subsection from 10 a.m. to 10 p.m. each day.

(8) Except as provided in Division II of this article, the license allows the license holder to operate 7 days a week.

(9) Nothing in this subsection limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

(d) The place listed on the license shall be in compliance with § 1–405(b) of this article.

(e) A license holder may:

(1) store on its licensed premises, in a segregated area approved by the Executive Director, the product of other Class 4 limited wineries to be used at Maryland Wineries Association promotional activities, provided records are maintained and reports filed regarding the storage under this item as may be required by the Executive Director;

(2) distill and bottle not more than 1,900 gallons of pomace brandy made from available Maryland agricultural products;

(3) purchase bulk wine made entirely of Maryland–grown agricultural products fermented by a manufacturer licensed under this article and blend the wine with the license holder's wine and pomace brandy if the aggregate purchase does not exceed 75% of the license holder's annual wine and pomace brandy production;

(4) purchase pomace brandy only for blending with wine;

(5) import, export, and transport its wine and pomace brandy in accordance with this section; and

(6) produce wine and pomace brandy at a warehouse for which the license holder has been issued an individual storage permit, if:

(i) the license holder does not serve or sell wine or pomace brandy at a warehouse to the public; and

(ii) the Executive Director has full access at all times to the warehouse to enforce this article.

(f) A Class 4 limited winery may be located only at the place stated on the license.

(g) If a license holder maintains the records and files the reports that the Comptroller and the Executive Director require, the license holder may:

(1) in the State, conduct winemaking and packaging activities at another federally bonded winery or limited winery; or

(2) outside the State, conduct winemaking and packaging activities, other than fermentation, at another federally bonded winery.

(h) Throughout the winemaking process, the license holder shall:

(1) maintain ownership of the wine or pomace brandy; and

(2) ensure that the wine or pomace brandy returns to the location of the limited winery.

(i) The license holder shall report to the Executive Director annually on a form provided by the Executive Director on:

(1) the amount of alcoholic beverages produced under the license;

(2) the amount of alcoholic beverages sold for off-premises consumption; and

(3) the amount of alcoholic beverages served for on-premises consumption.

(j) Except as otherwise provided by law, the license holder may not sell alcoholic beverages for off-premises consumption to a person who intends to resell the alcoholic beverages.

(k) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed \$200.

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§ 2-207

(a) In this section, "affiliate" means a person that directly or indirectly through one or more intermediaries controls, is controlled by, or is under common control with a holder of a Class 5 brewery license.

(b) There is a Class 5 brewery license.

(c) A license holder may:

(1) establish and operate a plant for brewing and bottling malt beverages at the location described in the license;

(2) import beer from a holder of a nonresident dealer's permit;

(3) contract to brew and bottle beer with and on behalf of the holder of a Class 2 rectifying license, Class 5 brewery license, Class 7 micro-brewery license, Class 8 farm brewery license, or a nonresident dealer's permit;

(4) sell and deliver beer to:

(i) a holder of a wholesaler's license that is authorized to acquire beer; or

(ii) a person outside of the State that is authorized to acquire beer;

(5) subject to subsection (i) of this section, serve, at the location described in the license and at no charge, samples of beer, consisting of a total of not more than 18 ounces of beer per visit, to an individual who:

(i) has attained the legal drinking age; and

(ii) is participating in a guided tour of the brewery or attends a scheduled promotional event or other organized activity at the brewery;

(6) subject to subsections (d) and (i) of this section, sell beer for off-premises consumption at the location described in the license, at retail in a container other than a keg to an individual who has attained legal drinking age;

(7) subject to subsection (f) of this section, sell beer at the location described in the license for on-premises consumption; and

(8) brew and bottle malt beverages at a location listed on a permit issued to the license holder in accordance with § 2-113 of this title.

(d) An individual may purchase beer under subsection (c)(6) of this section if the individual has attained the legal drinking age.

(e) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed \$1,500.

(f) (1) (i) A local licensing board may grant an on-site consumption permit to an applicant that holds a Class 5 brewery license and, subject to paragraph (5) of this subsection, a Class D beer license.

(ii) On request, a local licensing board may grant an applicant a conditional on-site consumption permit or a conditional Class D beer license.

(iii) The conditional permit or conditional license shall become effective after the applicant:

1. files a completed brewer's notice form with the U.S. Department of Treasury;
2. obtains a Class 5 brewery license; and
3. fulfills any other obligation required by law that the local licensing board identifies.

(2) Subject to the maximum volume limit under paragraph (4) of this subsection, a Class D beer license or an equivalent license under paragraph (5) of this subsection entitles the holder to sell to an individual who has attained the legal drinking age, for on-premises consumption at the brewery:

(i) beer:

1. of which the holder of the Class 5 license is the brand owner; and
2. that is fermented and brewed entirely by the license holder at a location authorized by this section;

(ii) beer that is fermented and brewed entirely at the brewery under contract with a brand owner who does not possess a Class 5 license; and

(iii) subject to paragraph (3) of this subsection, beer brewed at a location other than the Class 5 brewery if:

1. the brand owner of the beer is the holder of the Class 5 license or an affiliate of the holder of the Class 5 license;
2. the number of barrels of the beer sold for on-premises consumption under the Class D beer license or an equivalent license or an on-site consumption permit in a calendar year does not exceed the greater of:

A. 35% of the total number of barrels of beer sold for on-premises consumption under the Class D license or an equivalent license or an on-site consumption permit in that calendar year; or

B. 1.2% of total finished production under the Class 5 brewery license; and

3. A. the license holder contracts with or on behalf of a holder of a manufacturer's license or nonresident dealer's permit; or

B. the beer is manufactured by an affiliate of the license holder.

(3) (i) This paragraph applies to a Class 5 brewery with more than 1,000,000 barrels of finished production annually, alone or in combination with its affiliates.

(ii) Beer that is delivered to the Class 5 brewery in finished form may be sold for on-premises consumption under paragraph (2)(iii)2 of this subsection only if it is purchased from a licensed wholesaler.

(4) The total amount of beer sold each year for on-premises consumption under this subsection may not exceed 5,000 barrels.

(5) Before a local licensing board that does not issue a Class D beer license may grant an on-site consumption permit, the local licensing board shall:

(i) establish an equivalent license; and

(ii) require the applicant to obtain that equivalent license.

(6) A local licensing board may charge a fee for granting an on-site consumption permit.

(7) A local licensing board shall require the holder of an on-site consumption permit or a Class D beer license or an equivalent license under paragraph (5) of this subsection to:

(i) comply with the alcohol awareness requirements under § 4-505 of this article; and

(ii) abide by all applicable trade practice restrictions.

(g) (1) This subsection does not apply to:

(i) the holder of a Class 5 brewery license that held an on-site consumption permit and a Class D license or an equivalent license on or before April 1, 2017, and any transferee of those licenses;

(ii) an individual who held a minority interest in an on-site consumption permit and a Class D license or an equivalent license on or before April 1, 2017, and then obtains by transfer a majority interest in the same license or permit;

(iii) a location in the State for which a completed brewer's notice form was filed with the U. S. Department of Treasury on or before April 1, 2017;

(iv) a permit issued under § 2-140 of this title; and

(v) a guided tour during which:

1. samples of beer are served under subsection (c)(5) of this section; or
2. beer is sold for off-premises consumption under subsection (c)(6) of this section.

(2) This subsection applies to:

(i) a holder of a Class 5 brewery license who:

1. after April 1, 2017, obtains an on-site consumption permit and a Class D beer license or equivalent license for on-premises consumption; or
2. not holding a minority interest in an on-site consumption permit and a Class D license or an equivalent license on or before April 1, 2017, obtains a majority interest by transfer in an on-site consumption permit and a Class D license or an equivalent license; and

(ii) notwithstanding paragraph (1)(iii) of this subsection, a manufacturer of beer with more than 1,000,000 barrels of finished production annually alone or in combination with its affiliates.

(3) Notwithstanding any provision in Division II of this article, the sales and serving privileges of an on-site consumption permit and a Class D license or an equivalent license may be exercised only from 10 a.m. to 10 p.m. Monday through Sunday.

(h) All beer offered, served, or sold to a consumer under subsection (c)(5) or (6) of this section shall be:

- (1) fermented and brewed entirely at the Class 5 brewery; or
- (2) beer of which the license holder or an affiliate of the license holder is the brand owner.

(i) (1) (i) The Executive Director may issue a refillable container permit for draft beer under § 4-1104 or Subtitle 11 of the various titles in Division II of this article to a holder of a Class 5 brewery license:

1. on completion of an application form that the Executive Director provides; and
2. at no cost to the holder of the Class 5 brewery license.

(ii) A refillable container permit may be renewed each year concurrently with the renewal of the Class 5 brewery license.

(2) The hours of sale for a refillable container permit issued under this subsection are the same as the hours when a guided tour, a promotional event, or other organized activity at the licensed premises authorized under subsection (c) of this section may be conducted.

(j) The license holder shall report to the Executive Director annually on a form provided by the Executive Director on:

- (1) the amount of alcoholic beverages produced under the license;
- (2) the amount of alcoholic beverages sold for off-premises consumption; and
- (3) the amount of alcoholic beverages sold for on-premises consumption.

(k) Except as otherwise provided by law, the license holder may not sell alcoholic beverages for off-premises consumption to a person who intends to resell the alcoholic beverages.

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§ 2-208

(a) There is a Class 6 pub-brewery license.

(b) (1) The license may be issued only to the holder of a Class B beer, wine, and liquor (on-sale) license that is issued for use on the premises of a restaurant.

(2) The pub-brewery shall be located immediately adjacent to the restaurant where the malt beverage is to be sold to the public.

(c) A license holder:

(1) may brew malt beverages at a single location for consumption on the restaurant premises; but

(2) may not brew more than 2,000 barrels of malt beverage each calendar year.

(d) (1) A license holder may sell at retail malt beverages for off-premises consumption in a sealed refillable container.

(2) The container:

(i) may be returned for refilling; and

(ii) shall be sealed by the license holder when refilled.

(3) A license holder may not sell malt beverages to a retail dealer in the State for subsequent sale or distribution of the malt beverage under the retail license.

(e) Except for a license transferred to a new location, the license may be transferred under Title 4, Subtitle 3 of this article if an application for transfer is filed at the same time with the local licensing board and the Executive Director.

(f) If the Class B beer, wine, and liquor (on-sale) license of the holder is suspended, the Class 6 pub-brewery license shall be suspended for the same period.

(g) The license is void if:

(1) the restaurant described in subsection (b)(1) of this section ceases to be operated as a restaurant; or

(2) the Class B beer, wine, and liquor (on-sale) license of the license holder is revoked or transferred to a different location.

(h) The annual license fee is \$500.

(i) (1) On or before December 1 each year, the Commission shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, in accordance with § 2-1257 of the State Government Article, the total beer production of each Class 6 license holder in the preceding fiscal year, identified by jurisdiction and license holder.

(2) Each holder of a Class 6 license shall report to the Executive Director the information needed to prepare the annual report required under this subsection.

(3) The Commission shall include the information reported under this subsection in the annual report submitted under § 1-316 of this article.

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§ 2-209

(a) There is a Class 7 micro-brewery license.

(b) Except as provided in Division II of this article, the license may be issued only to the holder of a Class B beer, wine, and liquor (on-sale) license that is issued for use on the premises of a restaurant.

(c) A license holder may:

(1) brew and bottle malt beverages at the location described in the license;

(2) obtain a Class 2 rectifying license for a premises located within 1 mile of the existing Class 7 micro-brewery location to bottle malt beverages brewed at the micro-brewery location only;

(3) contract to brew and bottle malt beverages with and on behalf of the holder of a Class 2 rectifying license, Class 5 brewery license, Class 7 micro-brewery license, Class 8 farm brewery license, or a nonresident dealer's permit;

(4) store the finished product under an individual storage permit or at a licensed public storage facility for subsequent sale and delivery:

- (i) to a holder of a wholesaler's license;
 - (ii) to an authorized person outside the State; or
 - (iii) for shipment back to the micro-brewery location for sale on the retail premises;
- (5) enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or a wine and beer festival, and the return of any unused beer, if:
- (i) the festival is in a sales territory for which the license holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act in Title 5, Subtitle 1 of this article; and
 - (ii) the temporary delivery agreement is in writing;
- (6) hold an additional Class 7 micro-brewery license provided that both licenses remain subject to the production limits of subsection (d) of this section; and
- (7) subject to subsection (d) of this section, brew and bottle malt beverages at a location listed on a permit issued in accordance with § 2-113 of this title.
- (d) (1) Subject to paragraph (2) of this subsection, a license holder may not collectively brew, bottle, or contract for more than 45,000 barrels of malt beverages each calendar year.
- (2) (i) In determining the barrelage limitation under paragraph (1) of this subsection, any salable beer produced under a contractual arrangement accrues only to the license holder that owns the brand.
- (ii) A license holder that wishes to produce more than the barrelage authorized under paragraph (1) of this subsection shall:
1. divest itself of any retail license; and
 2. obtain a Class 5 brewery license.
- (3) A license holder that has licenses for two locations may not collectively brew, bottle, or contract for more than 45,000 barrels of malt beverages in aggregate from both of its locations each calendar year.
- (e) A license holder:
- (1) may not own, operate, or be affiliated with another manufacturer of beer except for a Class 2 rectifying license authorized under subsection (c)(2) of this section or more than one additional Class 7 micro-brewery license; and
 - (2) may not be granted a wholesaler's license other than a Class 7 limited beer wholesaler's license.
- (f) (1) The on-sale privilege authorizes the license holder, each calendar year, to sell at retail for on-premises consumption:
- (i) up to 5,000 barrels of beer brewed under the license; or
 - (ii) if the license holder has licenses for two locations, beer that:
 1. totals annually up to 5,000 barrels at each location; and
 2. has been brewed at the location where it is sold.
- (2) A license holder may sell and deliver beer brewed under the license to:
- (i) a holder of a wholesaler's license; or
 - (ii) a person outside the State that is authorized to acquire beer.
- (g) The hours and days for retail sales under the license are those established for a Class B license or for a holder of a Class B beer, wine, and liquor license.
- (h) A license holder may sell at retail beer brewed under the license for off-premises consumption:
- (1) in a sealed refillable container that:
 - (i) may be returned for refilling; and
 - (ii) shall be sealed by the license holder when refilled; and
 - (2) as prepackaged beer in a nonrefillable container.

(i) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed \$500.

(j) (1) On or before December 1 each year, the Commission shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, in accordance with § 2–1257 of the State Government Article, on the following, identified by jurisdiction and Class 7 license holder:

(i) the total beer production of the license holder in the preceding fiscal year; and

(ii) the total sales of the license holder for on–site consumption.

(2) Each holder of a Class 7 license shall report to the Executive Director the information needed to prepare the annual report required under this subsection.

(3) The Commission shall include the information reported under this subsection in the annual report submitted under § 1–316 of this article.

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§ 2-210

(a) There is a Class 8 farm brewery license.

(b) (1) Subject to paragraph (2) of this subsection, a license holder may sell and deliver beer manufactured in a facility on the licensed farm or in a facility other than one on the licensed farm to:

(i) a wholesaler licensed to sell and deliver beer in the State; or

(ii) a person in another state authorized to acquire beer.

(2) The beer to be sold and delivered under paragraph (1) of this subsection shall be manufactured with an ingredient from a Maryland agricultural product, including hops, grain, and fruit, produced on the licensed farm.

(c) A license holder may:

(1) (i) sell beer produced by the license holder for on–premises and off–premises consumption;

(ii) in an amount not exceeding 6 fluid ounces per brand, provide samples of beer that the license holder produces to a consumer:

1. at no charge; or

2. for a fee;

(iii) sell or serve:

1. bread and other baked goods;

2. chili;

3. chocolate;

4. crackers;

5. cured meat;

6. fruits (whole and cut);

7. hard and soft cheese (whole and cut);

8. salads and vegetables (whole and cut);

9. ice cream;

10. jam;

11. jelly;

12. vinegar;

13. pizza;

14. prepackaged sandwiches and other prepackaged foods ready to be eaten;

15. soup; and

16. condiments; and

(iv) subject to subsection (e)(2) of this section, sell or serve any food if the license holder is licensed to operate a food establishment under Title 21, Subtitle 3 of the Health – General Article;

(2) store, in a segregated area approved by the Executive Director, beer produced by the license holder for sale and delivery to a wholesaler licensed in the State or a person outside the State authorized to acquire the beer;

(3) brew, bottle, or contract for not more than 15,000 barrels of beer each calendar year;

(4) contract with the holder of a Class 2 rectifying license, a Class 5 brewery license, or a Class 7 micro-brewery license to brew and bottle beer from ingredients produced on the licensed farm;

(5) import, export, and transport its beer in accordance with this section;

(6) store, brew, and bottle beer in a facility listed on a permit issued to the license holder in accordance with § 2–113 of this title, for sale and delivery to a wholesaler licensed in the State or a person outside the State authorized to acquire the beer, or shipment back to the licensed farm, if:

(i) the license holder does not serve or sell beer at the warehouse; and

(ii) the Executive Director has full access at all times to the warehouse to enforce this article; and

(7) enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or a wine and beer festival, and the return of any unused beer, if:

(i) the festival is in a sales territory for which the license holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act in Title 5, Subtitle 1 of this article; and

(ii) the temporary delivery agreement is in writing.

(d) (1) A Class 8 farm brewery may be located only at the place stated on the license.

(2) The place listed on the license shall be in compliance with § 1–405(b) of this article.

(e) (1) Except as provided in paragraph (2) of this subsection and notwithstanding any local law, a license holder may exercise the privileges of a Class 8 farm brewery license.

(2) A license holder who sells foods under subsection (c)(1)(iv) of this section shall meet the same ratio of gross receipts between food and alcoholic beverages sales as a holder of a Class D beer and wine license or an equivalent license in the jurisdiction, as the local licensing board determines.

(f) (1) This subsection does not apply to a permit issued under § 2–140 of this title.

(2) A license holder at the location listed on the license may exercise the privileges of the license each day from 10 a.m. to 10 p.m.

(g) Except as provided in Division II of this article, a Class 8 farm brewery license allows the license holder to operate 7 days a week.

(h) Nothing in this section limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

(i) (1) A license holder may sponsor a multibrewery activity at the location issued on the license that:

(i) includes the products of other Maryland breweries; and

(ii) provides for the sale of products in the manner authorized under the license.

(2) In a segregated area approved by the Executive Director at the location listed on the license, a license holder may store the products of other Maryland breweries for the multibrewery activity.

(3) The multibrewery activity:

(i) may be held from 10 a.m. to 10 p.m. each day; and

(ii) may not exceed 3 consecutive days.

(j) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed \$200.

(k) (1) On or before December 1 each year, the Executive Director shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, in accordance with § 2-1257 of the State Government Article, the total beer production of each Class 8 license holder in the preceding fiscal year, identified by jurisdiction and license holder.

(2) Each holder of a Class 8 license shall report to the Executive Director the information needed to prepare the annual report required under this subsection.

(3) The Executive Director shall include the information reported under this subsection in the annual report submitted under § 1-316 of this article.

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§ 2-211

To be issued a manufacturer's license, the following individuals shall reside in the State at the time of filing an application for the license:

(1) for a sole proprietorship, the individual applicant;

(2) for a corporation or limited liability company, the individual who qualifies as a resident applicant; or

(3) for a partnership, each partner of the applicant.

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§ 2-212

(a) (1) This subsection does not apply to a Class 6 pub–brewery license.

(2) The holder of a distillery, rectifying, winery, limited winery, brewery, or farm brewery license may apply for and obtain, under a different name, one or more additional distillery, rectifying, winery, limited winery, brewery, or farm brewery licenses for the same or different premises.

(3) (i) The holder of multiple manufacturer's licenses at the same location may allow the sampling, sales, and consumption of products produced under the licenses at each of the licensed premises.

(ii) The sampling, sales, and consumption of products shall be consistent with the authorization for each license.

(4) The additional licenses may be issued to different persons or under trade names used by persons occupying all or a part of the same premises.

(5) A holder of a license listed in paragraph (2) of this subsection may hold additional licenses listed in paragraph (2) of this subsection of the same or of a different class.

(6) The holder of a micro–brewery license may apply for and obtain not more than one additional micro–brewery license for another premises.

(b) (1) The holder of a rectifying or winery license may apply for and obtain a wholesaler's license of any class for the same premises or elsewhere as provided under this article.

(2) The holder of a Class 4 limited winery license may apply for and obtain a Class 6 limited wine wholesaler's license for the same premises or elsewhere as provided under this article.

(3) (i) The holder of a Class 5 brewery license or Class 7 micro–brewery license may apply for and obtain a Class 7 limited beer wholesaler's license in accordance with this paragraph.

(ii) A holder of a Class 5 brewery license that was selling the holder's own beer at wholesale in the State as of January 1, 2013, may obtain a Class 7 limited beer wholesaler's license to continue to sell the holder's own beer at wholesale in the same location in an amount that is not more than 5,000 barrels annually.

(iii) A holder of a Class 5 brewery license that produces in aggregate from all its locations not more than 45,000 barrels of beer annually may obtain a Class 7 limited beer wholesaler's license and distribute not more than 5,000 barrels of its own

beer annually.

(4) A holder of one or two Class 7 micro–brewery licenses that produces in aggregate from all of its locations not more than 45,000 barrels of beer annually may obtain a Class 7 limited beer wholesaler's license and distribute beer that:

- (i) totals annually not more than 5,000 barrels in aggregate from all of its locations; and
- (ii) has been brewed at the location from where it is distributed.

(5) The holder of a Class 1 distillery license may apply for and obtain a Class 8 liquor wholesaler's license for the same premises or elsewhere as provided under this article.

(6) The holder of a Class 9 limited distillery license may apply for and obtain a Class 8 liquor wholesaler's license, for the same premises or elsewhere as provided under this article, and distribute its own liquor.

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§ 2-213

(a) In addition to any license fee otherwise required under this article, an applicant for initial issuance of a manufacturer's license shall pay to the Executive Director a nonrefundable application fee of \$200.

(b) In addition to any license fee otherwise required under this article, an applicant for renewal of a manufacturer's license shall pay to the Executive Director a renewal fee of \$30.

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§ 2-214

(a) Except as otherwise provided with respect to a delivery permit issued under Subtitle 1, Part V or Part VIII of this title or a 1–day license in Division II of this article, and subject to subsection (b) of this section, a holder of a manufacturer's license may not sell or deliver alcoholic beverages to a person in the State that does not hold a license or permit under this article.

(b) This section does not prohibit a holder of a Class 4 limited winery license and a Class 6 limited wine wholesaler's license from also holding a Class A light wine license issued under Division II of this article.

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§ 2-215

(a) A holder of a manufacturer's license may not sell beer to a retail dealer on terms other than for cash on delivery.

(b) A civil action to enforce or collect a claim for credit extended or to enforce a check given in violation of this section may not be maintained in the State.

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§ 2-216

(a) (1) In this section the following words have the meanings indicated.

(2) "Advertisement" includes a graphic or nongraphic sign, display, poster, and placard.

(3) "Manufacturing entity" means:

- (i) a holder of a manufacturer's license or a person connected with the business of the holder; or
- (ii) a distiller, nonresident dealer, resident dealer, brewer, rectifier, blender, or bottler of alcoholic beverages.

(b) Except as otherwise provided in this section:

(1) a manufacturing entity may not have a financial interest in:

- (i) the premises on or in which a license holder sells alcoholic beverages at retail; or
- (ii) a business that a license holder conducts;

(2) a manufacturing entity may not lend money or any other thing of value, make a gift, or offer a gratuity to a retail dealer;

(3) a retail dealer may not accept, receive, or make use of money, a gift, or an advertisement provided by a manufacturing entity or become indebted to a manufacturing entity except for the purchase of alcoholic beverages and allied products

purchased for resale; and

(4) a manufacturing entity may not provide an advertisement to a retail dealer.

(c) (1) This subsection applies only to brewed products.

(2) (i) Except as provided in subsection (e) of this section, a brewer, nonresident dealer, or resident dealer may not provide to a retail license holder an advertisement that:

1. is worth more than \$150; and

2. advertises the beer or malt products of a particular brewer, nonresident dealer, resident dealer, or beer wholesaler.

(ii) An advertisement provided in accordance with this subsection shall contain brand information that is prominent, permanent, and equal to the life and value of the utilitarian character of the advertising item.

(d) (1) This subsection applies only to wine and liquor.

(2) An advertisement for use in windows or elsewhere on a retail liquor establishment may be given to a retailer by a brand owner who is engaged in the business of a manufacturing entity, if:

(i) the utilitarian value is secondary and only incidental to the value as an advertisement;

(ii) the total value of an item provided by a brand owner for each of its individual brands for use in any one retail establishment at any one time is not more than \$150 for each individual brand; and

(iii) the cost of installing these materials does not exceed the usual cost in the locality.

(3) (i) In lieu of premanufactured advertising material, materials and labor may be provided by a brand owner for the custom manufacture of an advertising display that:

1. is worth not more than \$150;

2. is temporary; and

3. has no other utilitarian value.

(ii) A manufacturer, nonresident dealer, resident dealer, or brand owner may not undertake a plan that directly or indirectly results in the purchase of advertising materials, supplies, or services by a wholesaler's license holder or retail license holder.

(iii) A retail license holder may not participate directly or indirectly in a transaction in which the license holder pays for or shares the cost for any of the advertising materials, supplies, services, or mailing expenses used to promote a brand owner's products.

(e) (1) Subsections (b) and (c) of this section do not apply to:

(i) a holder of a Class 6 pub-brewery license with respect to the malt beverages brewed on the premises; or

(ii) a holder of a Class 7 micro-brewery license with respect to the malt beverages brewed on the premises that are sold:

1. on the licensed premises of the brewery; or

2. in a restaurant or brewery pub owned, conducted, and operated by the holder in or adjacent to the brewery for which it is licensed.

(2) A holder of a Class 6 pub-brewery license or a Class 7 micro-brewery license may hold or have a financial interest in one retail license that does not apply to premises to which a Class 6 pub-brewery license or Class 7 micro-brewery license applies.

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§ 2-217

(a) The purpose of this section is to eliminate the undue stimulation of the sale of alcoholic beverages and the practice of manufacturers granting secret discounts, rebates, allowances, free goods, or other inducements to selected license holders that contribute to a disorderly distribution of alcoholic beverages.

(b) (1) A licensed manufacturer, resident dealer, or nonresident winery permit holder may not discriminate directly or indirectly in price, discounts, or the quality of merchandise sold between:

- (i) one dispensary and another dispensary;
 - (ii) one wholesaler and another wholesaler; or
 - (iii) one retailer and another retailer that purchases alcoholic beverages that bear the same brand and trade name, and are similar in age and quality.
- (2) A nonresident dealer, resident dealer, nonresident winery permit holder, or nonresident unlicensed manufacturer may not use or promote the use of a practice prohibited under paragraph (1) of this subsection to sell or distribute alcoholic beverages to or through a licensed manufacturer, licensed wholesaler, or county dispensary.
- (c) A supplier, nonresident dealer, resident dealer, or nonresident winery permit holder may not make a discount, rebate, or depletion allowance that is offered on a product dependent on the pricing policy or practice of the license holder who is invoiced for the product.
- (d) (1) This section does not restrict a manufacturer, nonresident dealer, resident dealer, or nonresident winery permit holder from limiting the quantity of alcoholic beverages to be sold to a license holder under a voluntary or compulsory rationing plan.
- (2) A manufacturer, nonresident dealer, resident dealer, or nonresident winery permit holder is not required to sell to all license holders from whom orders are received.

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§ 2-218

A holder of a manufacturer's license or the owner of an interest in a distillery, brewery, rectifying, blending, or bottling plant may not enter into an agreement with a retail dealer that limits the purchases or sales of the retail dealer to the products of any producer.

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§ 2-301

Each license specified in this title is a wholesaler's license that the Executive Director issues.

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§ 2-302

- (a) There is a Class 1 beer, wine, and liquor wholesaler's license.
- (b) The license authorizes the license holder to:
- (1) acquire beer, wine, and liquor from:
 - (i) a license holder that is authorized to sell and deliver the beer, wine, and liquor to a wholesaler; and
 - (ii) a holder of a nonresident dealer's permit or a resident dealer's permit that is authorized to sell and deliver beer, wine, and liquor; and
 - (2) sell and deliver beer, wine, and liquor from the licensed premises to:
 - (i) a license holder or permit holder in the State; and
 - (ii) an authorized person outside the State.
- (c) The annual license fee is \$2,000.
- (d) The license holder may use an additional location for the warehousing, sale, and delivery of beer, wine, and liquor:
- (1) if approved by the Executive Director following submission of a separate application for each location; and
 - (2) on the payment of a \$2,000 fee for each additional location.

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§ 2-303

- (a) There is a Class 2 wine and liquor wholesaler's license.
- (b) The license authorizes the license holder to:

- (1) acquire wine and liquor from:
 - (i) a license holder that is authorized to sell and deliver the wine and liquor to a wholesaler; and
 - (ii) a holder of a nonresident dealer's permit or a resident dealer's permit that is authorized to sell and deliver wine and liquor; and
- (2) sell and deliver wine and liquor from the licensed premises to:
 - (i) a license holder or permit holder in the State; and
 - (ii) an authorized person outside the State.
- (c) The annual license fee is \$1,750.
- (d) The license holder may use an additional location for the warehousing, sale, and delivery of wine and liquor:
 - (1) if approved by the Executive Director following submission of a separate application for each location; and
 - (2) on the payment of a \$1,750 fee for each additional location.

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§ 2-304

- (a) There is a Class 3 beer and wine wholesaler's license.
- (b) The license authorizes the license holder to:
 - (1) acquire beer and wine from:
 - (i) a license holder that is authorized to sell and deliver the beer and wine to a wholesaler; and
 - (ii) a holder of a nonresident dealer's permit or a resident dealer's permit that is authorized to sell and deliver beer and wine; and
 - (2) sell and deliver beer and wine from the licensed premises to:
 - (i) a license holder or permit holder in the State; and
 - (ii) an authorized person outside the State.
- (c) The annual license fee is \$1,500.
- (d) The license holder may use an additional location for the warehousing, sale, and delivery of beer and wine:
 - (1) if approved by the Executive Director following submission of a separate application for each location; and
 - (2) on the payment of a \$1,500 fee for each additional location.

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§ 2-305

- (a) There is a Class 4 beer wholesaler's license.
- (b) The license authorizes the license holder to:
 - (1) acquire beer from:
 - (i) a license holder that is authorized to sell and deliver beer to a wholesaler; and
 - (ii) a holder of a nonresident dealer's permit or a resident dealer's permit that is authorized to sell and deliver beer; and
 - (2) sell and deliver beer from the licensed premises to:
 - (i) a license holder or permit holder in the State; and
 - (ii) an authorized person outside the State.
- (c) The annual license fee is \$1,250.
- (d) The license holder may use an additional location for the warehousing, sale, and delivery of beer:
 - (1) if approved by the Executive Director following submission of a separate application for each location; and
 - (2) on the payment of a \$1,250 fee for each additional location.

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§ 2-306

- (a) There is a Class 5 wine wholesaler's license.
- (b) The license authorizes the license holder to:
 - (1) acquire wine from:
 - (i) a license holder that is authorized to sell and deliver wine to a wholesaler; and
 - (ii) a holder of a nonresident dealer's permit or a resident dealer's permit that is authorized to sell and deliver wine; and
 - (2) sell and deliver wine from the licensed premises to:
 - (i) a license holder or permit holder in the State; and
 - (ii) an authorized person outside the State.
- (c) The annual license fee is \$1,250.
- (d) The license holder may use an additional location for the warehousing, sale, and delivery of wine:
 - (1) if approved by the Executive Director following submission of a separate application for each location; and
 - (2) on the payment of a \$1,250 fee for each additional location.

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§ 2-307

- (a) There is a Class 6 limited wine wholesaler's license.
- (b) The license may be issued only to a wine manufacturer that:
 - (1) holds a Class 4 limited winery license; and
 - (2) produces not more than 35,000 gallons of its own wine annually.
- (c) (1) The license authorizes the license holder to sell and deliver its own brand of wine produced at the license holder's premises to:
 - (i) a holder of a retail license that is authorized to acquire the wine; and
 - (ii) a holder of a permit that is authorized to acquire the wine.
- (2) The license holder may sell its wine to a holder of a wholesaler's license.
- (d) The annual license fee is \$50.
- (e) The license holder may use an additional location for the warehousing, sale, and delivery of wine:
 - (1) if approved by the Executive Director following submission of a separate application for each location; and
 - (2) on the payment of a \$50 fee for each additional location.

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§ 2-308

- (a) There is a Class 7 limited beer wholesaler's license.
- (b) The license may be issued only to a person that:
 - (1) holds a Class 5 manufacturer's license, a Class 7 micro-brewery license, or a Class 8 farm brewery license; and
 - (2) produces in the aggregate from all of its locations not more than 45,000 barrels of beer annually.
- (c) The license authorizes the license holder to:
 - (1) sell and deliver its own beer produced at the license holder's premises to:
 - (i) a holder of a retail license that is authorized to acquire beer from a wholesaler; and
 - (ii) a holder of a permit that is authorized to acquire beer from a wholesaler; and

(2) distribute not more than 5,000 barrels of its own beer annually.

(d) The annual license fee is \$50.

(e) The license holder may use an additional location for the warehousing, sale, and delivery of beer:

(1) if approved by the Executive Director following submission of a separate application for each location; and

(2) on the payment of a \$50 fee for each additional location.

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§ 2-309

Subject to § 2–310 of this subtitle, the sale and delivery of beer or wine from a vehicle under the exclusive control of a holder of a wholesaler's license constitutes sale and delivery from the wholesaler's licensed premises if the beer or wine is:

(1) beer previously purchased by and delivered to the holder of the wholesaler's license; or

(2) wine or a wine-based beverage with an alcohol content of 6.5% or less by volume.

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§ 2-310

(a) This section does not apply to a holder of a nonresident winery permit.

(b) Before a holder of a wholesaler's license may sell and deliver alcoholic beverages acquired by the wholesaler to a holder of a retail license, the alcoholic beverages shall come to rest on the licensed premises of the wholesaler.

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§ 2-311

(a) The holder of a Class 1, Class 2, or Class 3 wholesaler's license may obtain more than one such license if separate records are kept.

(b) (1) The holder of a rectifying or winery license may apply for and obtain a wholesaler's license of any class for the same premises or elsewhere as provided under this article.

(2) The holder of a Class 4 limited winery license may apply for and obtain a Class 6 limited wine wholesaler's license for the same premises or elsewhere as provided under this article.

(3) (i) The holder of a Class 5 manufacturer's license or Class 7 micro-brewery license may apply for and obtain a Class 7 limited beer wholesaler's license in accordance with this paragraph.

(ii) A holder of a Class 5 manufacturer's license that was selling the holder's own beer at wholesale in the State as of January 1, 2013, may obtain a Class 7 limited beer wholesaler's license to continue to sell the holder's own beer at wholesale in the same location in an amount that is not more than 5,000 barrels annually.

(iii) A holder of a Class 5 manufacturer's license that produces in aggregate from all its locations not more than 45,000 barrels of beer annually may obtain a Class 7 limited beer wholesaler's license and distribute not more than 5,000 barrels of its own beer annually.

(iv) A holder of one or two Class 7 micro-brewery licenses that produces in aggregate from all of its locations not more than 45,000 barrels of beer annually may obtain a Class 7 limited beer wholesaler's license and distribute beer that:

1. totals annually not more than 5,000 barrels in aggregate from all of its locations; and

2. has been brewed at the location from where it is distributed.

(4) A holder of a Class 9 limited distillery license may apply for and obtain a Class 8 liquor wholesaler's license, for the same premises or elsewhere as provided under this article, and distribute its own liquor.

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§ 2-312

(a) Subject to subsection (b) of this section, a holder of a wholesaler's license may directly import alcoholic beverages of the type indicated on the license from outside the continental limits and possessions of the United States if the brand

owner provides notice to the Executive Director of the license holder's jurisdiction and authority to sell the alcoholic beverages.

(b) A holder of a wholesaler's license that imports alcoholic beverages from outside the continental limits and possessions of the United States must:

- (1) be the brand owner; or
- (2) purchase the alcoholic beverages:
 - (i) directly from the brand owner or the authorized agent of the brand owner; or
 - (ii) from the authorized United States importer.

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§ 2-313

(a) Subject to subsection (b) of this section, a holder of a wholesaler's license may not sell or deliver alcoholic beverages to a person in the State that does not hold a license or permit under this article.

(b) This section does not prohibit a holder of a Class 4 limited winery license and a Class 6 limited wine wholesaler's license from also holding a Class A light wine license or a Class A wine license issued under Division II of this article.

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§ 2-314

(a) A holder of a wholesaler's license may not sell beer to a retail dealer on terms other than for cash on delivery.

(b) A suit or civil action to enforce or collect a claim for credit extended or enforce payment of a check given for payment in violation of this section may not be maintained in the State.

(c) A person that violates this section is subject to the penalties provided in § 6–402 of this article.

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§ 2-315

(a) (1) In this section the following words have the meanings indicated.

(2) "Advertisement" includes a graphic or nongraphic sign, display, poster, and placard.

(3) "Wholesaling entity" means:

- (i) a holder of a wholesaler's license or a person connected with the business of the holder; or
- (ii) a nonresident dealer or resident dealer of alcoholic beverages.

(b) (1) Except as provided in paragraph (2) of this subsection, a wholesaling entity may not have a financial interest in:

- (i) the premises on or in which a license holder sells alcoholic beverages at retail; or
- (ii) a business that a license holder conducts.

(2) A holder of a Class 6 limited wine wholesaler's license may have a financial interest in not more than one Class A licensed premises.

(3) A wholesaling entity may not lend money or any other thing of value, make a gift, or offer a gratuity to a retail dealer.

(4) A retail dealer may not accept, receive, or make use of money, a gift, or an advertisement provided by a wholesaling entity or become indebted to a wholesaling entity except for the purchase of alcoholic beverages and allied products purchased for resale.

(5) A wholesaling entity other than a wholesaler of beer and malt beverages may not provide an advertisement to a retail dealer.

(c) (1) This subsection applies only to brewed products.

(2) (i) Subject to subparagraph (iii) of this paragraph, a nonresident dealer, resident dealer, or beer wholesaler may not provide to a retail license holder an advertisement that:

1. is worth more than \$150; and

2. advertises the beer or malt products of a particular brewer, nonresident dealer, resident dealer, or beer wholesaler.
- (ii) An advertisement provided in accordance with this subsection shall contain brand information that is prominent, permanent, and equal to the life and value of the utilitarian character of the advertising item.
- (iii) An advertisement that is manufactured by a beer wholesaler and provided to the holder of a retail license may not be worth more than \$50 to the holder of the retail license where the advertisement advertises the beer or malt products of the beer wholesaler.
- (d) (1) This subsection applies only to wine and liquor.
- (2) An advertisement for use in windows or elsewhere on a retail liquor establishment may be given to a retailer by a brand owner who is engaged in the business of a manufacturing entity if:
- (i) the utilitarian value is secondary and only incidental to the value as an advertisement;
- (ii) the total value of an item provided by a brand owner for each of its individual brands for use in any one retail establishment at any one time is not more than \$150 for each individual brand; and
- (iii) the cost of installing these materials does not exceed the usual cost in the locality.
- (3) (i) In lieu of premanufactured advertising material, materials and labor may be provided by a brand owner for the custom manufacture of an advertising display that:
1. is worth not more than \$150;
 2. is temporary; and
 3. has no other utilitarian value.
- (ii) A nonresident dealer, resident dealer, or brand owner may not undertake a plan that directly or indirectly results in the purchase of advertising materials, supplies, or services by a holder of a wholesaler's license or retail license holder.
- (iii) A holder of a wholesaler's license or retail license holder may not participate directly or indirectly in a transaction in which the license holder pays for or shares the cost for any of the advertising materials, supplies, services, or mailing expenses used to promote a brand owner's products.
- (iv) This subsection does not prevent a holder of a wholesaler's license from providing brand owners with display materials and installation services at charges computed at not less than the fair market value for these services.

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§ 2-316

- (a) The purpose of this section is to eliminate the undue stimulation of the sale of alcoholic beverages and the practice of wholesalers granting secret discounts, rebates, allowances, free goods, or other inducements to selected license holders that contribute to a disorderly distribution of alcoholic beverages.
- (b) (1) A licensed wholesaler, resident dealer, or nonresident winery permit holder may not discriminate directly or indirectly in price, discounts, or the quality of merchandise sold between:
- (i) one dispensary and another dispensary;
- (ii) one wholesaler and another wholesaler; or
- (iii) one retailer and another retailer that purchases alcoholic beverages that bear the same brand and trade name, and are similar in age and quality.
- (2) A nonresident dealer, resident dealer, nonresident winery permit holder, or nonresident unlicensed manufacturer may not use or promote the use of a practice prohibited under paragraph (1) of this subsection to sell or distribute alcoholic beverages to or through a licensed manufacturer, licensed wholesaler, or county dispensary.
- (c) A supplier, nonresident dealer, resident dealer, nonresident winery permit holder, or wholesaler may not make a discount, rebate, or depletion allowance that is offered on a product dependent on the pricing policy or practice of the license holder who is invoiced for the product.
- (d) (1) This section does not restrict a wholesaler, nonresident dealer, resident dealer, or nonresident winery permit holder from limiting the quantity of alcoholic beverages to be sold to a license holder under a voluntary or compulsory rationing

plan.

(2) A wholesaler, nonresident dealer, resident dealer, or nonresident winery permit holder is not required to sell to all license holders from whom orders are received.

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§ 2-317

A holder of a wholesaler's license may not enter into an agreement with a retail dealer that limits the purchases or sales of the retail dealer to the products of any producer.

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§ 2-401

A license or permit is not required for a transport plane furnished with a cocktail lounge or a water vessel carrying passengers or cargo to a foreign port if:

- (1) alcoholic beverages are purchased from a manufacturer or wholesaler; and
- (2) satisfactory evidence is submitted in writing to the Executive Director that the alcoholic beverages are for sale or use beyond the continental limits and possessions of the United States.

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§ 2-402

(a) There is a Class E (water vessel) beer, wine, and liquor license issued by the Executive Director.

(b) (1) The license is required to be obtained for each water vessel on which beer, wine, or liquor is sold.

(2) The license is valid throughout the State.

(c) The license authorizes the owner or operator of a water vessel to sell beer, wine, or liquor for consumption on the vessel if the water vessel is used:

- (1) for the transportation for hire of passengers from ports in the State to other ports in the State, coastal ports in other states, or foreign ports; or
- (2) to operate tours within State waterways.

(d) The annual license fee is \$150.

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§ 2-403

A license holder may not sell alcoholic beverages while the water vessel for which the license is issued is docked to a wharf or pier in a jurisdiction where local law prohibits the sale.

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§ 2-404

(a) In this section, "light wine" means wine that contains not more than 15.5% of alcohol by volume.

(b) There is a Class F (railroad) beer and light wine license issued by the Executive Director.

(c) The license is valid throughout the State.

(d) The license authorizes the owner or operator of a steam, diesel, or electric railroad in the State or a car on a line of the railroad that is a club, parlor, buffet, observation, sleeping, or dining car to sell beer and light wine in those cars, for consumption in those cars.

(e) The annual license fee is \$60.

(f) (1) Other provisions of this article may not be construed as applying to or affecting the sale of alcoholic beverages under a Class F beer and light wine license.

(2) This section may not be considered repealed by a local or general law unless the law expressly refers to and repeals this section.

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§ 2-405

- (a) There is a Class F (railroad) beer, wine, and liquor license issued by the Executive Director.
- (b) The license is valid throughout the State.
- (c) The license authorizes the owner or operator of a steam, a diesel, or an electric railroad in the State or a car on a line of the railroad that is a club, a parlor, a buffet, an observation, a sleeping, or a dining car to sell beer, wine, and liquor in those cars, for consumption in those cars.
- (d) The license shall be kept in the chief operating office of the corporation in the State.
- (e) The annual license fee is \$200.
- (f) (1) Other provisions of this article may not be construed as applying to or affecting the sale of alcoholic beverages under a Class F beer, wine, and liquor license.
- (2) This section may not be considered repealed by a local or general law unless the law expressly refers to and repeals this section.

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§ 2-406

- (a) There is a Class G (aircraft) beer, wine, and liquor license issued by the Executive Director.
- (b) The license is valid throughout the State.
- (c) The license authorizes the owner or operator of aircraft operated on regularly scheduled flights over any part of the State to sell beer, wine, and liquor in the aircraft for consumption in the aircraft.
- (d) The annual license fee is \$200.
- (e) This section may not be considered repealed by a local or general law unless the law expressly refers to and repeals this section.

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§ 2-407

- (a) (1) An applicant for a Class E, Class F, or Class G license shall submit to the Executive Director an application in the form that the Executive Director provides.
- (2) An application shall be made under oath.
- (b) Except as provided in subsection (c) of this section, the application shall be made on behalf of an entity that is a corporation, a limited liability company, or an incorporated or unincorporated club by three officers or employees residing in the State who are authorized by the entity to apply for the license.
- (c) (1) If there are fewer than three officers, directors, or authorized individuals of the entity, all officers, directors, or authorized individuals shall make the application.
- (2) A stockholder on behalf of a close corporation may make the application if:
 - (i) there are no officers or directors of the close corporation; and
 - (ii) there is an affirmative vote of the stockholders holding a majority of the stock.
- (3) If three principal officers of an entity are applicants for a Class G license, no applicant need be a registered voter, taxpayer, or resident of the State.
- (4) Except as provided in paragraph (5) of this subsection, if the application for a Class E or Class F license is made for the use of a limited liability company:
 - (i) the license shall be applied for and issued to three of the authorized individuals for the company, as individuals; and
 - (ii) at least one of the applicants:
 - 1. shall be a registered voter and taxpayer of the State when the application is submitted; and

2. shall have resided in the State for at least 2 years before the application is submitted.

(5) In Baltimore City, an authorized individual of a limited liability company who holds a license for the use of the limited liability company that was granted on or before June 1, 2012, need not be a registered voter in Baltimore City.

(d) (1) An application shall contain:

(i) the name and address of the applicant;

(ii) the amount of time the applicant has resided in the State;

(iii) the name and address of the entity on whose behalf the license is sought;

(iv) the class of license sought;

(v) a statement that the applicant:

1. is a citizen of the United States;

2. is at least 21 years old;

3. has not been convicted of a felony;

4. has not had a license for the sale of alcoholic beverages revoked; and

5. if issued a license, will obey all laws relating to the business for which the license is sought;

(vi) a statement that the entity for which the license is sought:

1. consents to the issuance of the license; and

2. except as provided in paragraph (2) of this subsection, authorizes the Executive Director to inspect and search at any time, without warrant, the aircraft, railroad car, or water vessel to which the license applies;

(vii) the names and addresses of all of the officers of the entity; and

(viii) the signatures of the president or vice president of the entity, and the three officers to whom the license shall be issued.

(2) An inspection or a search conducted under paragraph (1)(vi)2 of this subsection may not be at a time or in a manner that delays or interferes with the movement of an aircraft, a train, or a water vessel.

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§ 2-408

(a) A Class E, Class F, or Class G license expires 10 days after the last remaining individual to whom the license is issued dies or is declared incompetent.

(b) (1) Before a license under subsection (a) of this section expires, the Executive Director shall issue a replacement license containing the privileges conferred by the original license if:

(i) the Executive Director receives from an individual on behalf of the license holder an application for the replacement license within 10 days after the last remaining individual dies or is declared incompetent; and

(ii) except as provided in paragraph (2) of this subsection, the application is accompanied by payment of a fee of \$1.

(2) In Frederick County, a fee may not be charged for a new license.

(3) A replacement license expires at the end of the license year.

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§ 2-501

(a) There is a State caterer's license.

(b) The license may be issued as a general statewide or a limited statewide caterer's license.

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§ 2-502

(a) The Executive Director may issue a State caterer's license to a person that:

- (1) is engaged in the business of catering;
 - (2) meets all State and local requirements for and holds all required licenses relating to the conduct of the catering business;
 - (3) holds any catering license that may be required under this article in the jurisdiction in which the person's principal place of business is located;
 - (4) (i) holds a retail license that may be annually renewed other than a Class C license; or
(ii) does not hold a license but has a permanent office and storage facility for alcoholic beverages in the State; and
 - (5) meets all other requirements of this subtitle.
- (b) A licensed retail dealer that operates only in the jurisdiction under authority of the local licensing board need not acquire a State caterer's license.

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§ 2-503

- (a) (1) A general statewide or limited statewide caterer's license authorizes the holder to:
- (i) acquire alcoholic beverages:
 - 1. if the holder operates under a retail license that may be annually renewed, through a holder of a wholesaler's license; or
 - 2. except as provided in §§ 25–307, 29–306, 32–306, 32–309(e), and 33–305 of this article, through a licensed retail dealer that has off-sale privileges;
 - (ii) serve alcoholic beverages at a catered event anywhere in the State to individuals who have attained the legal drinking age on premises that are unlicensed or for which a temporary license has been issued by the local licensing board; and
 - (iii) except as provided in § 2–504(b)(2) of this subtitle, store unused alcoholic beverages at the holder's principal place of business for use at other catered events.
- (2) The holder may sell and serve alcoholic beverages during the hours and on the days that a holder of a Class B license may operate in the jurisdiction where the catered event is conducted.
- (b) A general statewide caterer's license authorizes the holder to provide catering services in any jurisdiction in the State.
- (c) A limited statewide caterer's license authorizes the holder to provide catering services in not more than three contiguous and designated jurisdictions in the State if the total population of the designated jurisdictions does not exceed 1,000,000, based on the most recent population records of the Maryland Department of Health.

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§ 2-504

- (a) At each catered event at which alcoholic beverages are served, the holder of a general statewide or limited statewide caterer's license shall:
- (1) supply service personnel, including bartenders and waiters;
 - (2) ensure that the service personnel are present at all times during the catered event;
 - (3) have at least one individual at the catered event who has been certified by an alcohol awareness program under § 4–505 of this article;
 - (4) ensure that the sale of food represents at least 70% of the total cost of the catered event; and
 - (5) return all unopened containers of alcoholic beverages to the holder's principal place of business at the end of the catered event.
- (b) (1) The holder of a general statewide or limited statewide caterer's license may not:
- (i) deliver alcoholic beverages to a catered event without service personnel present on the premises of the catered event; and

(ii) except when operating under an on-premises retail license that may be annually renewed issued by a local licensing board, serve alcoholic beverages at:

1. the holder's principal place of business; or
2. an event for which the holder is a sponsor or promoter.

(2) To ensure product integrity, a partially used keg of a malt beverage may not be used at another catered event.

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§ 2-505

(a) The annual fee for a general statewide caterer's license is \$2,000.

(b) (1) The annual fees for a limited statewide caterer's license are:

- (i) for designated jurisdictions that have a total population of not more than 300,000, \$750;
- (ii) for designated jurisdictions that have a total population of more than 300,000 but less than 600,000, \$1,000; and
- (iii) for designated jurisdictions that have a total population of at least 600,000, \$1,500.

(2) The fee for a limited statewide caterer's license is based on the most recent population records of the designated jurisdictions in which the applicant or limited statewide caterer's license holder provides catering services, as compiled by the Maryland Department of Health.

(c) (1) Subject to paragraph (2) of this subsection, an applicant for a general statewide or limited statewide caterer's license that holds a retail license that may be annually renewed and a special catering license or that is required to pay an additional fee to provide catering services in the applicant's jurisdiction is entitled to a credit against the license fee.

(2) The credit may be granted if:

- (i) the credit does not exceed the additional catering fee required to be paid in the jurisdiction; and
- (ii) after the credit is applied against the license fee, at least a \$250 fee remains to be paid.

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§ 2-506

(a) A local licensing board may conduct an investigation at a catered event to enforce the prohibitions under §§ 6–304 and 6–307 of this article against selling or providing alcoholic beverages to individuals who have not attained the legal drinking age or are visibly under the influence of an alcoholic beverage.

(b) If a local licensing board determines that alcoholic beverages were unlawfully sold or provided at a catered event:

- (1) the local licensing board shall report its findings to the Executive Director; and
- (2) the Executive Director shall take the action the Executive Director determines is appropriate.

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Title 3 — Regulation of Businesses

§ 3-101

An application for a manufacturer's license, wholesaler's license, Class E (water vessel) license, Class F (railroad) license, Class G (airplane) license, or statewide caterer's license shall be filed with the Executive Director.

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§ 3-102

To be issued a manufacturer's license or a wholesaler's license, an individual applicant shall be a resident of the State at the time the application is filed.

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§ 3-103

An application for a license shall disclose the name and address of the business entity on whose behalf the application is made and the name and address of each individual applicant.

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§ 3-104

(a) (1) If an application for a license is made for the use of a partnership, the license shall be issued to three individuals.

(2) Each of the individuals shall qualify as:

(i) an individual general partner; or

(ii) if a general partner is a corporation, an officer of the corporation as an individual.

(b) (1) If a partnership has fewer than three general partners, the names of each general partner shall be on the license.

(2) Each of the three general partners or corporate officers shall:

(i) be a resident of the State at the time the application is filed; and

(ii) remain a resident of the State for the duration of time the license is in effect.

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§ 3-105

(a) This section applies to:

(1) a corporation; and

(2) a club, whether incorporated or unincorporated.

(b) (1) Except as provided in subsections (c) and (d) of this section, a license on behalf of a corporation or club shall be applied for and issued to three officers of the corporation or club as individuals.

(2) At least one of the three officers shall:

(i) be a resident of the State at the time the application is filed; and

(ii) remain a resident of the State for the duration of time the license is in effect.

(c) If a corporation has fewer than three officers or directors, all officers or directors shall apply for a license.

(d) In a close corporation, at least one individual stockholder may apply for a license if:

(1) the close corporation does not have officers or directors; and

(2) there is an affirmative vote of a majority of the stockholders.

(e) An application for a corporation or a club license shall include:

(1) the name and address of each officer;

(2) the name and address of the corporation or club; and

(3) the signatures of the president or vice president of the corporation or club and of the three officers to whom the license shall be issued.

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§ 3-106

(a) (1) A license for the use of a limited liability company shall be applied for and issued to, as individuals:

(i) all of the authorized individuals, if the limited liability company has fewer than three authorized individuals; or

(ii) three authorized individuals, if the limited liability company has three or more authorized individuals.

(2) At least one of the authorized individuals shall:

(i) be a resident of the State at the time the application is filed; and

(ii) remain a resident of the State for the duration of time the license is in effect.

(b) An application for a limited liability company license shall include:

- (1) the name, address, and signature of each authorized individual to whom the license shall be issued; and
- (2) the name and address of the limited liability company.

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§ 3-107

The Executive Director may retain from the license and permit fees that are collected an amount to pay for:

- (1) the cost of refunds issued in accordance with § 3–108(b) of this subtitle; and
- (2) the administrative expenses incurred by the Executive Director to discharge its duties under this article.

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§ 3-108

(a) Except as provided in subsection (b) of this section, a license holder is not entitled to a refund of the unearned portion of the license fee.

(b) A refund shall be issued to a license holder on surrender of the license if:

- (1) receivership or bankruptcy of the business entity on whose behalf the license was issued occurs and a license transfer is not requested, with the refund issued for the benefit of the creditors of the license holder;
- (2) the license holder dies, with the refund issued for the benefit of the estate of the deceased license holder;
- (3) the license holder volunteers for or has been called into the armed forces of the United States or the organized State militia;
- (4) the license holder surrenders a license and obtains a new license of another class carrying a higher fee, with the refund deducted from the higher fee;
- (5) the license holder, against whom charges are pending when the license is renewed, is found guilty and the license is revoked, with the refund issued to the license holder in an amount based on the date that the revocation becomes final;
- (6) the issuance of a license by the Executive Director is reversed on judicial review and the operation of the establishment is prohibited, with the refund issued to the license holder in an amount based on the date that the refusal to grant the renewal becomes final; or
- (7) the licensed premises is taken by the federal government, the State, or a municipality for public use.

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§ 3-109

(a) This section does not apply to temporary or miscellaneous licenses.

(b) The fee for a license issued for less than 1 year is:

- (1) the full annual license fee, if the license is issued during the first quarter of the license year;
- (2) three-fourths of the annual license fee, if the license is issued during the second quarter of the license year;
- (3) one-half of the annual license fee, if the license is issued during the third quarter of the license year; and
- (4) one-fourth of the annual license fee, if the license is issued during the fourth quarter of the license year.

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§ 3-201

(a) The Executive Director shall issue each license that applies statewide.

(b) A license may not be issued to a partnership, corporation, or limited liability company but only to an individual authorized to act for a partnership, corporation, or limited liability company.

(c) A license holder shall assume all responsibilities as an individual and be subject to all penalties, conditions, and restrictions imposed on license holders under this article and the provisions of the Tax – General Article that relate to the alcoholic beverage tax.

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§ 3-202

(a) On receipt of an application, the Executive Director shall order an investigation of:

- (1) the applicant;
- (2) the business to be operated; and
- (3) the statements presented in the license application.

(b) On completion of the investigation, the Executive Director shall deny the license application:

- (1) if the Executive Director determines that the applicant:
 - (i) is not a fit person to receive the license;
 - (ii) made a material false statement in the application; or
 - (iii) acted fraudulently in connection with the application; or
- (2) for other reasons that the Executive Director considers sufficient.

(c) If the Executive Director does not find cause to deny the license, the Executive Director shall approve the application and issue the license.

(d) (1) In addition to any license fee otherwise required under this article, an applicant for the initial issuance of a manufacturer's or wholesaler's license under Title 2, Subtitle 2 or 3 of this article shall pay to the Executive Director a nonrefundable application fee of \$200.

(2) The application fee under this subsection does not apply to a license for which payment of an annual license fee is not otherwise required under this article.

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§ 3-203

(a) A statewide license shall be on the form that the Executive Director provides.

(b) The Executive Director shall number each statewide license.

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§ 3-204

Except as otherwise provided in this article, a license issued by the Executive Director shall be dated as of the date of issuance and shall expire on the next April 30 after its issuance.

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§ 3-205

A license issued by the Executive Director:

- (1) is not property and does not confer property rights; and
- (2) is subject to:
 - (i) suspension, revocation, and restrictions authorized by law; and
 - (ii) regulations authorized under this article.

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§ 3-206

(a) The Executive Director may issue a replacement license to a license holder whose license is lost or destroyed on receiving:

- (1) an application under oath; and
- (2) payment of a \$1 fee.

(b) On the replacement license, the word "replacement" shall appear with all of the information that appeared on the original license.

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§ 3-207

(a) Except as provided in subsection (b) of this section:

(1) if a license is denied, another license application may not be considered from the same applicant or for the same location for 6 months after the denial; and

(2) if a subsequent application by the same applicant or for the same location is denied within a 2-year period immediately after the first denial, another application may not be considered from that applicant or for that location until the 2-year period expires.

(b) This section does not apply to:

(1) an applicant, if the license was denied because it was not necessary to accommodate the public or the location was not suitable for the sale of alcoholic beverages; or

(2) the location, if the license was denied because the Executive Director determined that the applicant was not a proper person to be issued the license.

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§ 3-301

(a) Subject to subsection (b) of this section, a license holder or a receiver or trustee for the benefit of creditors may:

(1) transfer the license holder's place of business to some other location; or

(2) transfer the license and the license holder's inventory to another person.

(b) A transfer under subsection (a) of this section may be made if:

(1) an application for the transfer has been made;

(2) all sales and use, amusement, admission, and withholding taxes have been paid to the Comptroller;

(3) a bulk transfer permit has been obtained if the inventory of alcoholic beverages is to be transferred:

(i) in any manner, including by sale, gift, inheritance, and assignment; and

(ii) regardless of whether consideration is paid; and

(4) the Executive Director approves the new location or license holder in the same way the Executive Director approves the issuance of a license.

(c) An applicant may apply for a transfer of location and a transfer of ownership in the same application.

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§ 3-302

The Executive Director may not allow the transfer of a license until the transferor has:

(1) complied with the Bulk Transfers Act under Title 6 of the Commercial Law Article; and

(2) provided to the Executive Director an affidavit that certifies compliance with the Bulk Transfers Act.

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§ 3-303

(a) An applicant shall pay to the Executive Director a fee of \$20, in addition to the costs of publication and notice, when filing an application for the transfer of a license.

(b) The Executive Director shall endorse on the license the transfer of the license if the applicant has paid the fee required under subsection (a) of this section.

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§ 3-304

(a) For a license issued by the Executive Director for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

- (1) has died;
- (2) has retired; or
- (3) no longer holds an office in the corporation or club.

(b) The license holder shall file with the Executive Director an affidavit that contains:

- (1) the substitution of the officer;
- (2) an explanation for the substitution; and
- (3) in the case of a corporation, a statement that the ownership of the corporation has not changed.

(c) On receipt of the affidavit and after determining that the applicant qualifies under this article, the Executive Director shall:

- (1) amend its records; and
- (2) issue a corrected license.

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§ 3-401

(a) Subject to §§ 3–405 and 3–406 of this subtitle, a holder of an expiring license is entitled to an annual license renewal:

- (1) on the approval of the license renewal application by the Executive Director;
- (2) on payment of the annual license fee; and
- (3) without filing or providing more information unless specifically requested by the Executive Director.

(b) Except as provided in §§ 3–406(a) and 3–407(c) of this subtitle, the Executive Director shall consider an application for license renewal in the same manner as for an original application.

(c) (1) In addition to any license fee otherwise required under this article, an applicant for renewal of a manufacturer's or wholesaler's license under Title 2, Subtitle 2 or 3 of this article shall pay to the Executive Director a renewal fee of \$30.

(2) The renewal fee under this subsection does not apply to a license for which payment of an annual license fee is not otherwise required under this article.

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§ 3-402

To renew a license, the license holder annually shall file a written application, under oath, with the Executive Director.

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§ 3-403

An application to renew a license shall be filed between March 2 and April 1, inclusive.

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§ 3-404

(a) To be approved, a license renewal application shall:

- (1) state whether the facts in the original application have changed and, if so, the manner in which the facts have changed; and
- (2) be accompanied by a statement signed by the owner of the licensed premises consenting to:
 - (i) renewal of the license; and
 - (ii) search and seizure in the same manner as for an original application.

(b) The Executive Director may not require the consent statement under subsection (a)(2) of this section for a retail dealer applying for renewal if:

- (1) the owner signed a comparable consent statement in connection with an original or previous license renewal application;
- (2) the consent statement under item (1) of this subsection is in effect for the term of the owner's lease with the applicant; and
- (3) the lease does not expire during the term of the license renewal.

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§ 3-405

- (a) A protest against a license renewal may be made by at least 10 signatories who are:
 - (1) residents, commercial tenants who are not holders of or applicants for a license, or real estate owners; and
 - (2) located in the immediate vicinity of the licensed premises.
- (b) (1) If a protest against renewing a license is filed at least 30 days before the license expires, the Executive Director may not approve the renewal without holding a hearing.
- (2) The Executive Director shall hear and determine the protest in the same manner as the Executive Director hears and determines an original application.

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§ 3-406

- (a) The Executive Director:
 - (1) may not renew a license if the Executive Director determines that the license holder is not qualified to obtain a license renewal; but
 - (2) shall issue to the license holder by way of renewal the class or type of license for which the Executive Director determines the license holder is qualified.
- (b) (1) Subject to paragraph (2) of this subsection, the Executive Director shall deny a license renewal application if during the license year the license holder was convicted of a State or federal offense that, in the judgment of the Executive Director, renders the license holder unfit or unqualified to obtain a renewed license.
- (2) The Executive Director:
 - (i) shall hold a public hearing before renewing a license under the circumstances described in paragraph (1) of this subsection; and
 - (ii) may inquire into all relevant facts and circumstances concerning the offense at the hearing.

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§ 3-407

- (a) The Executive Director may issue renewed licenses for the following license year between April 15 and May 1, inclusive.
- (b) All renewed licenses shall be dated May 1.
- (c) If an expiring license is subject to an order of restriction or suspension, the Executive Director shall issue the corresponding license renewal subject to the same order.

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§ 3-501

A license holder may store or keep alcoholic beverages only:

- (1) on the premises covered by the license; or
- (2) at a public warehouse, a government-controlled warehouse, or an individual warehouse for which a permit has been issued under this article.

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§ 3-502

(a) A retail dealer may not employ a solicitor or salesperson outside the licensed premises to solicit orders for the sale of alcoholic beverages.

(b) The sale of alcoholic beverages may not occur outside the licensed premises.

(c) This section does not prohibit:

- (1) receiving orders by mail, telephone, or messenger;
- (2) the filling of orders by delivery; or
- (3) the payment for orders at the place of delivery.

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§ 3-503

(a) An individual under the age of 18 years may not be engaged in the sale of alcoholic beverages.

(b) (1) Except as provided in paragraph (2) of this subsection, an individual between the ages of 18 and 21 years may be employed in the sale of beer and light wine.

(2) An individual under the age of 21 years may not be employed by a holder of a Class D beer, wine, and liquor license in the sale of alcoholic beverages.

(c) An individual at least 18 years old may be employed by a holder of a Class A license to operate a lottery ticket terminal.

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§ 3-504

(a) In this section, "alcohol awareness program" means a program that:

- (1) includes instruction on how alcohol affects an individual's behavior and body;
- (2) provides education on the dangers of drinking and driving; and
- (3) defines effective methods to:

- (i) determine whether a customer is under the legal drinking age;
- (ii) serve customers to minimize the chance of intoxication; and
- (iii) stop service before a customer becomes intoxicated.

(b) (1) This section applies to:

- (i) a licensed premises that sells alcoholic beverages to a customer from a bar or service bar on the premises; and
- (ii) a premises licensed to sell alcoholic beverages for off-premises consumption.

(2) This section does not apply to:

- (i) a temporary license;
- (ii) a Class E (on-sale) water vessel license;
- (iii) a Class F (on-sale) railroad license; or
- (iv) a Class G (on-sale) airplane license.

(c) The Executive Director:

(1) shall approve, certify, and issue an alcohol awareness program permit to each alcohol awareness program that complies with this section; and

(2) may require recertification of the approved alcohol awareness program to ensure compliance with changes in the program.

(d) Before an individual may teach an alcohol awareness program, the individual shall obtain an alcohol awareness instructor's permit.

(e) A holder of any retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program.

(f) (1) (i) For each completion of a certified alcohol awareness program, the alcohol awareness program provider shall issue a certificate of completion that is valid for 4 years from the date of issuance.

(ii) The holder or employee shall complete retraining in an approved alcohol awareness program for each successive 4-year period.

(iii) On request, a valid certificate shall be presented to the proper authority.

(2) Within 5 days after a license holder, an owner of an unlicensed establishment, or an employee of a license holder or owner of an unlicensed establishment is sent a certificate of completion, the alcohol awareness program provider shall inform the appropriate local licensing board of:

(i) the individual's name, address, and certification date; and

(ii) the name and address of the licensed establishment or unlicensed establishment.

(g) The Executive Director may decertify the alcohol awareness program of an alcohol awareness program provider who violates subsection (c), (d), or (f) of this section.

(h) (1) Each local licensing board shall enforce this section.

(2) A license holder who violates subsection (e) of this section is subject to:

(i) for the first offense, a \$100 fine; and

(ii) for each subsequent offense, a fine not to exceed \$500 or a suspension or revocation of the license or both.

(i) (1) This section does not create or enlarge a civil cause of action or criminal proceeding against a license holder.

(2) Evidence of a violation of this section:

(i) may only be used as evidence before the local licensing board in an action brought before the local licensing board for a violation of this section; and

(ii) may not be introduced in a civil or criminal proceeding.

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§ 3-505

(a) A license holder or an employee of the license holder may require an individual to sign a book that the license holder keeps if:

(1) the individual has shown documentary evidence that substantiates the individual's age to allow the purchase of alcoholic beverages; and

(2) the age of the individual remains in question.

(b) (1) The book authorized under subsection (a) of this section shall contain copies of the following form:

Date..... 20....

To Be Filled in by Seller

x x

IDENTIFICATION (CHECK ALL SHOWN)

x Driver's License ? Army I.D. Card ? Birth Certificate ? Coast Guard I.D. Card ? Service Discharge ? Marine I.D. Card ?
Draft Card ? Navy I.D. Card ? Air Force I.D. Card ? Other (Specify) x x x

DESCRIPTION OF PURCHASER

x Height Weight x Color of Eyes Color of Hair x Outstanding Features x x x x Seller's Signature x x x

To Be Filled in by Prospective Purchaser

I declare I am of legal age to purchase fermented malt beverages or intoxicating liquor, and that I am subject to arrest and prosecution for misrepresenting my age. Print full name x Street address x City State x Signature x

(2) The license holder or an employee of the license holder shall record all information required by each section of the form.

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§ 3-506

(a) This section does not apply to:

(1) the delivery of wine from a direct wine shipper to a consumer using a common carrier in accordance with Title 2, Subtitle 1, Part V of this article; or

(2) the holder of a common carrier permit in the course of delivering directly shipped wine in accordance with Title 2, Subtitle 1, Part V of this article.

(b) Retail delivery to a purchaser of alcoholic beverages is prohibited unless:

(1) a retail license holder obtains a letter of authorization from the local licensing board to make deliveries; and

(2) the delivery is made from the licensed premises by the retail license holder or an employee of the retail license holder.

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§ 3-507

(a) A license holder shall frame the license under glass and display the license conspicuously in the licensed premises.

(b) A Class F license shall be kept in the chief operating office of the corporation in the State.

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§ 3-601

The Executive Director may revoke or suspend a license or permit that the Executive Director issues in accordance with this subtitle.

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§ 3-602

(a) Revocation or suspension procedures may be started:

(1) by the Executive Director, at the Executive Director's initiative;

(2) on the complaint of a deputy or an inspector that the Executive Director employs to administer this article;

(3) on the complaint of a peace officer;

(4) if the license holder or permit holder is located in a municipality that is within a county, on the complaint of the mayor and council of the municipality; or

(5) on the written complaint of at least 10 residents, real estate owners, or voters of the precinct in which the licensed premises is located.

(b) Subject to subsection (c) of this section, a license holder or permit holder against whom proceedings under this section are brought shall:

(1) be entitled to a hearing on the charges in the complaint; and

(2) receive notice of the hearing at least 10 days before the hearing date.

(c) The Executive Director may immediately suspend a license or permit for a violation of record-keeping or reporting requirements under § 1-408 of this article.

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§ 3-603

(a) The Executive Director may revoke or suspend a license or permit:

(1) for any reason to promote the peace or safety of the community in which the premises are located; or

(2) for offenses as provided in this article.

(b) The Executive Director shall revoke a license or permit or, except as provided in § 3–606 of this subtitle, suspend a license or permit for:

(1) conviction of the license holder or permit holder for violation of this article or a provision of the Tax – General Article that relates to the alcoholic beverage tax;

(2) willful failure or refusal of the license holder or permit holder to comply with:

(i) this article or provisions of the Tax – General Article that relate to the alcoholic beverage tax; or

(ii) a regulation adopted under this article or under provisions of the Tax – General Article that relate to the alcoholic beverage tax;

(3) making a material false statement in an application for a license or permit;

(4) two or more convictions within 2 years of an agent or employee of a license holder or permit holder for on–premises violations of this article or provisions of the Tax – General Article that relate to the alcoholic beverage tax;

(5) on–premises possession by a retail dealer, other than a holder of a Class E, Class F, or Class G license, of an alcoholic beverage on which the tax imposed by § 5–102 of the Tax – General Article has not been paid;

(6) violation of § 2–216 or § 2–315 of this article;

(7) willful failure of a license holder or permit holder to:

(i) keep the records required under this article or under provisions of the Tax – General Article that relate to the alcoholic beverage tax; or

(ii) allow inspection of the records by an authorized person;

(8) on–premises possession of an alcoholic beverage that a license holder or permit holder, other than a holder of a Class E, Class F, or Class G license, is not licensed to sell;

(9) revocation or suspension of a permit issued to a license holder or permit holder by the federal Alcohol and Tobacco Tax and Trade Bureau or for conviction of violating a federal law relating to alcoholic beverages;

(10) failure to furnish bond as required by this article within 15 days after notice from the Comptroller; and

(11) violation of § 3–604 of this subtitle.

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§ 3-604

(a) (1) Except as provided in paragraph (2) of this subsection, the Executive Director shall revoke a license or permit if, after a hearing under § 3–602(b) of this subtitle, an activity listed in this section is found to have occurred on the licensed premises.

(2) The license or permit of a person may not be revoked under paragraph (1) of this subsection if:

(i) the person operates a theater, a concert hall, an art center, a museum, or a similar establishment that is primarily devoted to the arts or theatrical performances; and

(ii) the performances express matters of serious literary, artistic, scientific, or political value.

(b) An individual may not:

(1) be employed or used in the sale or service of alcoholic beverages in or on the licensed premises while the individual is unclothed or in attire, costume, or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;

(2) be employed or act as a hostess or act in a similar capacity to mingle with the patrons while the hostess or individual acting in a similar capacity is unclothed or in attire, costume, or clothing described in item (1) of this subsection;

(3) encourage or allow an individual on the licensed premises to caress or fondle the breasts, buttocks, anus, or genitals of another individual; or

(4) allow an employee or other individual to wear or use a device or covering exposed to view that simulates any portion of the breast, genitals, anus, or pubic hair.

(c) With respect to entertainment provided, a person may not:

(1) allow an individual to perform an act of or an act that simulates:

(i) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

(ii) the caressing or fondling of the breast, buttocks, anus, or genitals; or

(iii) the display of the pubic hair, anus, vulva, or genitals;

(2) subject to item (1) of this subsection, allow an entertainer whose breasts or buttocks are exposed to perform closer than 6 feet from the nearest patron; or

(3) allow an individual to use an artificial device or inanimate object to depict, perform, or simulate an activity prohibited under item (1) of this subsection.

(d) A person may not show a motion picture, a still picture, an electronic reproduction, or any other visual reproduction depicting:

(1) an act or a simulated act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

(2) an individual being caressed or fondled on the breast, buttocks, anus, or genitals;

(3) a scene in which an individual displays the vulva, anus, or genitals; or

(4) a scene in which an artificial device or inanimate object is used to depict, or a drawing is used to portray, a prohibited act described in this subsection.

(e) A person may not allow an individual to remain in or on the licensed premises who exposes to public view any portion of the individual's genitals or anus.

(f) This section does not allow any conduct or form of attire prohibited by any other statute, ordinance, rule, or regulation.

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§ 3-605

(a) After revoking a license or permit, the Executive Director:

(1) may not issue another license or permit to the person whose license or permit is revoked;

(2) may not issue any license or permit for the same premises for 6 months after the revocation; and

(3) may decide not to issue another license or permit for the same premises.

(b) If the license or permit was held on behalf of a corporation, a partnership, or an unincorporated association, another license or permit may not be obtained on behalf of the corporation, partnership, or unincorporated association to sell alcoholic beverages on the same premises for 6 months after the revocation.

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§ 3-606

(a) Before the effective date of a suspension of a license or permit, the license holder or permit holder may make an offer of compromise consisting of money in lieu of serving the suspension.

(b) An offer of compromise may not exceed:

(1) \$2,000 for retail license holders; and

(2) \$50,000 for other license holders and permit holders.

(c) The Executive Director may accept the offer of compromise if:

(1) the public welfare and morals would not be impaired by allowing the license holder or permit holder to operate during the period set for the suspension; and

(2) the payment of the money will achieve the desired disciplinary purposes.

(d) Money in lieu of suspension shall be paid into the General Fund of the State.

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§ 3-701

(a) A license expires on the death of a license holder, subject to Subtitle 8 of this title.

(b) Except as otherwise provided in this subtitle, a license issued by the Executive Director expires on the 10th day after a license holder has vacated or been evicted from the licensed premises.

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§ 3-702

Section 3–701 of this subtitle does not apply if an application is pending or has been approved for:

(1) a transfer of a license to another location or another person, subject to Subtitle 3 of this title; or

(2) a certificate of permission, subject to § 3–802 of this title.

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§ 3-703

A license issued by the Executive Director for a premises acquired for public use shall expire 180 days after acquisition unless an application is pending or has been approved for:

(1) a transfer of the license to another location or another person, subject to Subtitle 3 of this title; or

(2) a certificate of permission or a renewal license for continuation of business, subject to § 3–802 of this title.

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§ 3-704

(a) The Executive Director may postpone the expiration of a license that the Executive Director issues for an additional period to avoid hardship.

(b) The additional period may not exceed 20 days.

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§ 3-801

Subject to § 3–802 of this subtitle and except as provided in § 2–408 of this article, a license expires when the license holder dies.

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§ 3-802

(a) Except as provided in § 2–408 of this article, on application to the Executive Director and payment of a fee of \$1 by the personal representative or special administrator of the estate of a deceased license holder, the Executive Director may grant a certificate of permission for the continuation of the business in the name of the personal representative or special administrator for the benefit of the estate of the deceased license holder.

(b) (1) The certificate of permission may be granted for a period not exceeding 18 months after the date of the granted permission unless the license expires earlier.

(2) If the license expires earlier than 18 months after the date of the granted permission, the Executive Director may issue a renewal license on application by the personal representative or special administrator for a period not exceeding 18 months after the death of the license holder.

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§ 3-803

(a) The personal representative or special administrator to whom a certificate of permission has been granted may apply to the Executive Director for the transfer of the license for the benefit of the estate of the license holder.

(b) On approval of the application for transfer of the license and payment of the balance of any license fee due until the expiration of the license year, the license is reinstated.

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§ 3-804

(a) On payment of a pro rata license fee for the period of continuation, a certificate of permission and a renewal license are subject to the right of protest, revocation, suspension, and restriction.

(b) During the period of continuation, the renewal license and the personal representative or special administrator of the estate of the deceased license holder are subject to this article and the provisions of the Tax – General Article that relate to the alcoholic beverage tax.

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§ 3-805

The personal representative or special administrator of the deceased license holder may apply for and obtain any refund to which the deceased license holder would have been entitled if the license had been surrendered for cancellation on the date of the license holder's death if:

- (1) the business of the license holder is not continued under § 3–802 of this subtitle; and
- (2) the license is not transferred under § 3–803 of this subtitle.

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§ 3-901

A person aggrieved by a final decision of the Executive Director in a contested case under this title may seek judicial review in accordance with the Administrative Procedure Act.

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Title 4 — Enforcement

§ 4-101

Subject to Division II of this article, this subtitle applies statewide.

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§ 4-102

(a) Except as provided in subsection (b) of this section, an application for a license shall be filed with the local licensing board.

(b) If an application for a license is for a business that is located in more than one jurisdiction:

(1) the business shall be considered to be entirely in the jurisdiction where the major portion of the business is located; and

(2) the alcoholic beverage laws of the jurisdiction where the major portion of the business is located govern the licensing, regulation, and operation of the entire business.

(c) (1) If an application for a license is for a business that is located equally in more than one jurisdiction:

(i) the business shall be considered to be entirely in the jurisdiction in which the license fee is highest; and

(ii) the alcoholic beverage laws of the jurisdiction where the license fee is highest govern the licensing, regulation, and operation of the entire business.

(2) The local collecting agent that collects the license fee shall remit an equal portion of the fee to the local collecting agent in each jurisdiction where the business is located.

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§ 4-103

(a) An application for a license for the use of a partnership shall be made by and the license issued to all of the partners as individuals.

(b) Each of the partners shall:

(1) reside in the county or city where the business is located at the time the application is filed; and

(2) remain a resident of the county or city where the business is located for the duration of time the license is in effect.

(c) The application for a license shall state the name and address of the partnership and the name and address of each applicant.

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§ 4-104

(a) This section applies to:

(1) a corporation; and

(2) a club, whether incorporated or unincorporated.

(b) (1) Except as provided in subsections (c) and (d) of this section, a license on behalf of a corporation or club shall be applied for and issued to three officers of the corporation or club as individuals.

(2) At least one of the three officers shall:

(i) be a resident of the jurisdiction or municipality at the time the application is filed; and

(ii) remain a resident of the jurisdiction or municipality for the duration of time the license is in effect.

(c) If a corporation has fewer than three officers or directors, all officers or directors shall apply for a license.

(d) In a close corporation, at least one individual stockholder may apply for a license if:

(1) the close corporation does not have officers or directors; and

(2) there is an affirmative vote of a majority of the stockholders.

(e) An application for a corporation or a club license shall include:

(1) the name and address of each officer;

(2) the name and address of the corporation or club; and

(3) the signatures of the president or vice president of the corporation or club and of the three officers to whom the license shall be issued.

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§ 4-105

(a) (1) A license for the use of a limited liability company shall be applied for and issued to authorized persons of the limited liability company, as individuals.

(2) (i) All of the authorized individuals shall apply for the license, if the limited liability company has fewer than three authorized individuals.

(ii) Three authorized individuals shall apply for the license, if the limited liability company has three or more authorized individuals.

(3) At least one of the authorized individuals shall:

(i) be a resident of the jurisdiction or municipality at the time the application is filed; and

(ii) remain a resident of the jurisdiction or municipality for the duration of time the license is in effect.

(b) An application for a limited liability company license shall include:

(1) the name, address, and signature of each authorized individual to whom the license shall be issued; and

(2) the name and address of the limited liability company.

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§ 4-106

(a) An applicant for a license shall pay the expenses to provide:

- (1) publication of the notice of application; and
- (2) notice to the applicant and to persons that oppose the application.

(b) The applicant shall deposit money in advance with the local collecting agent to cover the expenses.

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§ 4-107

(a) A local licensing board may apply to the Central Repository for a State and national criminal history records check for each applicant for a license.

(b) As part of the application for a criminal history records check, a local licensing 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 State criminal history records; and
- (3) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the applicant for a license and the local licensing board the applicant's criminal history record information.

(d) Information obtained by the local licensing board from the Central Repository under this section shall be:

- (1) confidential and may not be disseminated; and
- (2) used only for the licensing purpose authorized by this section.

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

(f) (1) When criminal history record information of an applicant or license holder is reported to the Central Repository after the initial criminal history records check is completed, the Central Repository shall provide the local licensing board with a revised printed statement of the criminal record of the applicant or license holder.

(2) If the local licensing board informs the Central Repository that an individual is no longer an applicant or a license holder, the Central Repository shall stop providing the local licensing board with revised printed statements of the criminal record of the individual.

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§ 4-108

An applicant shall file a sworn application for a license with the applicable local licensing board on the form that the Executive Director requires.

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§ 4-109

(a) A license application shall state:

- (1) the class of license for which the applicant is applying;
- (2) the name and address of the applicant and how long the applicant has resided at that address;
- (3) that at least one applicant is a citizen of the United States;
- (4) that the applicant is a resident of the jurisdiction in which the applicant proposes to operate under the license for which the applicant is applying;
- (5) the age and sex of the applicant;

- (6) the birth place of the applicant, and if the applicant is a naturalized citizen, the date and place the applicant was naturalized;
- (7) a description of the place for which the license is sought, including:
- (i) the street and number, if practicable, or other description that definitively locates the place; and
 - (ii) a description of the portion of the building in which the business will be conducted;
- (8) the name of the owner of the location where the business to be licensed is to be conducted;
- (9) that the applicant has never been convicted of a felony;
- (10) whether the applicant has ever been found guilty of violating a law in the State governing the sale of alcoholic beverages or the prevention of gambling;
- (11) that the applicant has a financial interest in the business to be conducted under the license;
- (12) that the applicant has not had a license for the sale of alcoholic beverages revoked;
- (13) that the applicant or a person on behalf of whom the application is filed does not have a financial interest in any other place of business in the jurisdiction for which an alcoholic beverages license has been applied for or issued;
- (14) whether the applicant has been found guilty of violating a State or federal law;
- (15) whether the applicant has held a license for the sale of alcoholic beverages and, if so, the name of the state and the location where the license was held;
- (16) that during the term of the license, a person other than the applicant will not have a financial interest in the license or in the business to be conducted under the license;
- (17) that a manufacturer, brewer, distiller, or wholesaler, directly or indirectly, does not have a financial interest in the premises or business of the applicant;
- (18) that after receipt of a license, the applicant will not convey or grant an interest in the location or business to a manufacturer, brewer, distiller, or wholesaler, except as authorized under this article;
- (19) that, except for the purchase of alcoholic beverages, when applying for the license, the applicant does not have indebtedness or other financial obligation to a manufacturer, brewer, distiller, or wholesaler;
- (20) that after the license is issued, the applicant will not incur, directly or indirectly, indebtedness or other financial obligation other than for the purchase of alcoholic beverages to a manufacturer, brewer, distiller, or wholesaler; and
- (21) that, if issued a license, the applicant will conform to all laws and regulations relating to the business in which the applicant proposes to engage.
- (b) The application shall also include a statement executed and acknowledged by the owner of the location where the business is to be conducted that:
- (1) agrees to the issuance of the license; and
 - (2) authorizes a warrantless inspection and search of the premises at any time in any part of the building in which the business is to be conducted by:
 - (i) the Comptroller;
 - (ii) the Executive Director;
 - (iii) the local licensing board and its authorized agents and employees; or
 - (iv) a peace officer of the county or municipality where the business is to be located.

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§ 4-110

The application shall also include a petition of support signed by at least 10 residents who are owners of real estate and registered voters of the precinct in which the business is to be conducted stating:

- (1) the length of time each of the residents has been acquainted with the applicant or, if the applicant is a corporation, acquainted with the individuals making the application;

(2) that they have examined the application, have good reason to believe that the statements contained in the application are true, and in their judgment the applicant is a suitable person to obtain the license; and

(3) that they are familiar with the premises on which the proposed business is to be conducted and that they believe the premises are suitable for the conduct of business as a retail dealer.

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§ 4-111

The annual fee for all licenses shall be paid to the local collecting agent before the license is issued.

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§ 4-112

The local collecting agent shall remit all license fees collected under this article to:

(1) the board of county commissioners or the fiscal officer for the county; or

(2) the Annapolis City Council.

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§ 4-113

(a) Except as provided in subsection (b) of this section, a license holder is not entitled to a refund of the unearned portion of the license fee.

(b) A refund shall be issued to a license holder on surrender of the license if:

(1) receivership or bankruptcy of the business entity on whose behalf the license was issued occurs and a license transfer is not requested, with the refund issued for the benefit of the creditors of the license holder;

(2) the license holder dies, with the refund issued for the benefit of the estate of the deceased license holder;

(3) the license holder volunteers for or has been called into the armed forces of the United States or the organized State militia;

(4) the license holder surrenders a license and obtains a new license of another class carrying a higher fee, with the refund deducted from the higher fee;

(5) a license holder, against whom charges are pending when the license is renewed, is found guilty and the license is revoked, with the refund issued to the license holder in an amount based on the date that the revocation becomes final;

(6) the issuance of a license by a local licensing board is reversed on judicial review and the operation of the establishment is prohibited, with the refund issued to the license holder in an amount based on the date that the refusal to grant the renewal becomes final; or

(7) the licensed premises are taken by the federal government, the State, or a municipality for public use.

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§ 4-114

(a) This section does not apply to temporary licenses.

(b) The fee for a license issued for less than 1 year is:

(1) the full annual license fee, if the license is issued during the first quarter of the license year;

(2) three-fourths of the annual license fee, if the license is issued during the second quarter of the license year;

(3) one-half of the annual license fee, if the license is issued during the third quarter of the license year; and

(4) one-fourth of the annual license fee, if the license is issued during the fourth quarter of the license year.

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§ 4-201

Subject to Division II of this article, this subtitle applies statewide.

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§ 4-202

- (a) A local licensing board is authorized to issue licenses in its jurisdiction.
- (b) A license may not be issued to a partnership, corporation, or limited liability company but only to an individual authorized to act for a partnership, corporation, or limited liability company.
- (c) A license holder shall assume all responsibilities as an individual and be subject to all penalties, conditions, and restrictions imposed on license holders under this article and the provisions of the Tax – General Article that relate to the alcoholic beverage tax.
- (d) A local licensing board by regulation may:
- (1) restrict, in accordance with a definite standard, the number of licenses that the local licensing board considers sufficient for a neighborhood;
 - (2) regulate the use of mechanical music boxes and other sound-making devices;
 - (3) divide a municipality or county into districts; and
 - (4) establish areas in which a license may not be issued.
- (e) An applicant for a license or a license holder who is aggrieved by a regulation adopted under this section may seek judicial review as provided in Subtitle 9 of this title.

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§ 4-203

- (a) Except as otherwise provided in Division II of this article, Title 3, Title 4, or Title 5 of this division, or subsection (b) of this section, more than one license may not be issued:
- (1) to an individual; or
 - (2) for the use of a partnership, a corporation, an unincorporated association, or a limited liability company.
- (b) (1) A single individual may hold Class B beer, wine, and liquor licenses or Class BLX or equivalent licenses issued by different local licensing boards only for restaurants, hotels, or motels.
- (2) The number of licenses that a single individual may hold is limited only by the cap imposed by each local licensing board on the licenses that the local licensing board issues.
- (3) The licenses may be issued for the use of:
- (i) the license holder; or
 - (ii) a partnership, a corporation, an unincorporated association, or a limited liability company.
- (c) Except as otherwise provided in Division II of this article or Title 3, Title 4, or Title 5 of this division, an individual may not be issued in the State more than one Class A, Class C, or Class D license for the use of:
- (1) that individual; or
 - (2) a partnership, a corporation, an unincorporated association, or a limited liability company.

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§ 4-204

- (a) Except as otherwise provided in Division II of this article and subsection (b) of this section, a local licensing board may not issue more than one license for use at the same premises.
- (b) The prohibition in subsection (a) of this section does not apply to a license issued in accordance with §§ 4–1201 through 4–1205 of this title.

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§ 4-205

- (a) This section does not apply to:

(1) an establishment that already holds a Class A, Class B, or Class D beer license, beer and wine license, or beer, wine, and liquor license; or

(2) a license holder that sells alcoholic beverages at discount prices.

(b) A local licensing board may not issue a Class A, Class B, or Class D beer license, beer and wine license, or beer, wine, and liquor license for use in conjunction with or on the premises of:

(1) a chain store;

(2) a supermarket; or

(3) a discount house.

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§ 4-206

(a) (1) In this section, "floor space" means the space devoted to the retail sale of alcoholic beverages for off-premises consumption that:

(i) for a license without on-premises consumption privileges, is within the four walls of the building from which the licensed business operates; or

(ii) for a license with on-premises consumption and off-premises consumption privileges, is used to sell, display, or store alcoholic beverages.

(2) "Floor space" includes:

(i) a basement in a licensed premises; and

(ii) any area off the licensed premises where the alcoholic beverages are lawfully stored.

(b) Except as provided in subsection (c) of this section:

(1) a local licensing board may not issue a license for use in an establishment in which more than 10,000 square feet of floor space is to be devoted to the sale of alcoholic beverages for off-premises consumption; and

(2) a food store issued a license on or before October 1, 1997, may not expand the floor space of its alcoholic beverages department beyond a total of 10,000 square feet, without regard to the total area available within the four walls of the business premises.

(c) (1) A local licensing board may issue a license for use in premises in which more than 10,000 square feet of floor space is devoted to the sale of alcoholic beverages for off-premises consumption, if the local licensing board:

(i) holds a public hearing;

(ii) determines that the issuance of the license:

1. would serve the public need; and

2. would not adversely impact existing retail license holders in the immediate vicinity of the premises, including those license holders that may be in a contiguous county or city; and

(iii) obtains from the Executive Director a written report in which the Executive Director determines that the issuance of the license:

1. would not adversely affect the orderly distribution of alcoholic beverages in the State; and

2. would comply with all applicable provisions of this article relating to the issuance of multiple licenses.

(2) If the Executive Director determines that an application submitted under this subsection does not meet the criteria provided under paragraph (1)(iii) of this subsection, the local licensing board may not issue the license.

(d) There is no presumption in favor of or which otherwise requires a local licensing board to approve a request by a license holder to expand the amount of space devoted to the retail sale of alcoholic beverages for off-premises consumption up to 10,000 square feet, unless the local licensing board finds that:

(1) the expansion is necessary to accommodate the public; and

(2) the license holder otherwise continues to meet the criteria for the issuance or transfer of a license and any other condition that the local licensing board imposes.

(e) This section does not prohibit the renewal or transfer of ownership or location of a license issued for use by an establishment that on or before October 1, 1997, had more than 10,000 square feet of floor space devoted to the sale of alcoholic beverages for off-premises consumption.

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§ 4-207

(a) A local licensing board may not issue a license to a minor without a special order granted by a judge.

(b) A judge may grant a special order for the local licensing board to issue a license to a minor only on the recommendation of at least 10 residents of the district in which the license will be operative.

(c) If a local licensing board issues a license to a minor, the minor:

(1) is responsible for each contract made in conducting business under the license; and

(2) may be sued under each contract in a State court.

(d) The responsibility of the minor does not affect the responsibility of the parent of the minor under State and local law.

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§ 4-208

(a) Before a local licensing board may approve an application for a license, the local licensing board shall publish notice of the application two times in 2 successive weeks:

(1) in two newspapers of general circulation in the jurisdiction; or

(2) if only one newspaper of general circulation exists in the jurisdiction, in that newspaper.

(b) The notice shall state:

(1) the name of the applicant;

(2) the type of license for which the application is made;

(3) the location described in the application; and

(4) the date, time, and place set by the local licensing board for a hearing on the application.

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§ 4-209

(a) The hearing on the application may not occur less than 7 days or more than 30 days after the date of the last publication of the notice of the license application.

(b) Any person may address any relevant issue at the hearing.

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§ 4-210

(a) Before deciding whether to approve an application and issue a license, a local licensing board shall consider:

(1) the public need and desire for the license;

(2) the number and location of existing license holders;

(3) the potential effect on existing license holders of the license for which application is made;

(4) the potential commonality or uniqueness of the services and products to be offered by the business of the applicant;

(5) the impact of the license for which application is made on the health, safety, and welfare of the community, including issues relating to crime, traffic, parking, or convenience; and

(6) any other factor that the local licensing board considers necessary.

(b) The local licensing board shall deny a license application:

(1) if the local licensing board determines that:

- (i) the granting of the license is not necessary to accommodate the public;
 - (ii) the applicant is not a fit person to receive the license;
 - (iii) the applicant has made a material false statement in the application;
 - (iv) the applicant has acted fraudulently in connection with the application; or
 - (v) if the license is issued, the operation authorized by the license would unduly disturb the peace of the residents of the neighborhood of the location described in the application; or
- (2) for other reasons that the local licensing board considers sufficient.

(c) Subject to subsection (a) of this section, if a local licensing board does not find grounds listed under subsection (b) of this section to deny a license application, the application shall be approved and the local licensing board shall issue the license for which application is made on payment of the fee required to the local collecting agent.

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§ 4-211

(a) A license issued by a local licensing board shall be on the form that the local licensing board provides.

(b) A local licensing board shall number each license.

(c) Except as otherwise provided in this article, a license issued by a local licensing board shall be dated as of the date of issue and shall expire on the next April 30 after its issuance.

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§ 4-212

A license issued by a local licensing board:

(1) is not property and does not confer property rights; and

(2) is subject to:

- (i) suspension, revocation, and restrictions authorized by law; and
- (ii) regulations authorized under this article.

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§ 4-213

(a) A local licensing board may issue a replacement license to a license holder whose license is lost or destroyed on receiving:

(1) an application under oath; and

(2) payment of a \$1 fee.

(b) On the replacement license, the word "replacement" shall appear with all of the information that appeared on the original license.

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§ 4-214

(a) Except as provided in subsection (b) of this section:

(1) if a license is denied, another license application may not be considered from the same applicant or for the same location for 6 months after the denial; and

(2) if a subsequent application by the same applicant or for the same location is denied within a 2-year period immediately after the first denial, another application may not be considered from that applicant or for that location until the 2-year period expires.

(b) This section does not apply to:

- (1) an applicant, if the license was denied because it was not necessary to accommodate the public or the location was not suitable for the sale of alcoholic beverages; or
- (2) the location, if the license was denied because the local licensing board determined that the applicant was not a proper person to be issued the license.

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§ 4-301

Subject to Division II of this article, this subtitle applies statewide.

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§ 4-302

(a) Subject to subsection (b) of this section, a license holder or a receiver or trustee for the benefit of creditors, may:

- (1) transfer the license holder's place of business to some other location; or
- (2) transfer the license and the license holder's inventory to another person.

(b) A transfer under subsection (a) of this section may be made if:

- (1) an application for the transfer has been made;
- (2) all sales and use, amusement, admission, and withholding taxes have been paid to the Comptroller;
- (3) a bulk transfer permit has been obtained if the inventory of alcoholic beverages is to be transferred:
 - (i) in any manner, including by sale, gift, inheritance, and assignment; and
 - (ii) regardless of whether consideration is paid; and
- (4) the local licensing board approves the new location or license holder in the same way the local licensing board approves the issuance of a license.

(c) An applicant may apply for a transfer of location and transfer of ownership in the same application.

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§ 4-303

A Class A, Class B, or Class D beer license, beer and wine license, or beer, wine, and liquor license may not be transferred for use in conjunction with or on the premises of a chain store, supermarket, or discount house unless:

- (1) the establishment already holds a Class A, Class B, or Class D beer license, beer and wine license, or beer, wine, and liquor license; or
- (2) the license is transferred to a similar type of establishment.

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§ 4-304

A local licensing board may not allow the transfer of a license until the transferor has:

- (1) complied with the Bulk Transfers Act under Title 6 of the Commercial Law Article; and
- (2) provided to the local licensing board an affidavit that certifies compliance with the Bulk Transfers Act.

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§ 4-305

(a) An applicant shall pay to the local licensing board a fee of \$20, in addition to the costs of publication and notice, when filing an application for the transfer of a license.

(b) The local licensing board shall endorse on a license the transfer of the license if the applicant has paid the fee required under subsection (a) of this section.

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§ 4-306

(a) For a license issued by a local licensing board for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

- (1) has died;
- (2) has retired; or
- (3) no longer holds an office in the corporation or club.

(b) The license holder shall file with the local licensing board an affidavit that contains:

- (1) the substitution of the officer;
- (2) an explanation for the substitution; and
- (3) in the case of a corporation, a statement that the ownership of the corporation has not changed.

(c) On receipt of the affidavit and after determining that the applicant qualifies under this article, the local licensing board shall:

- (1) amend its records; and
- (2) issue a corrected license.

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§ 4-401

Subject to Division II of this article, this subtitle applies statewide.

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§ 4-402

(a) Subject to §§ 4–406 and 4–407 of this subtitle, a holder of an expiring license is entitled to an annual license renewal:

- (1) on the approval of the license renewal application by the local licensing board;
- (2) on payment of the annual license fee; and
- (3) without filing or providing more information unless specifically requested by the local licensing board.

(b) Except as provided in §§ 4–407(a) and 4–408(c) of this subtitle, a local licensing board shall consider an application for license renewal in the same manner as for an original application.

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§ 4-403

To renew a license other than a temporary license, the license holder annually shall file a written application, under oath, with the local licensing board.

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§ 4-404

An application to renew an annual license shall be filed between March 2 and April 1, inclusive.

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§ 4-405

(a) To be approved, a license renewal application shall:

- (1) state whether the facts in the original application have changed and, if so, the manner in which the facts have changed; and
- (2) be accompanied by a statement signed by the owner of the licensed premises consenting to:
 - (i) renewal of the license; and
 - (ii) search and seizure in the same manner as for an original application.

(b) A local licensing board may not require the consent statement under subsection (a)(2) of this section for a retail dealer applying for renewal if:

- (1) the owner signed a comparable consent statement in connection with an original or previous license renewal application;
- (2) the consent statement under item (1) of this subsection is in effect for the term of the owner's lease with the applicant; and
- (3) the lease does not expire during the term of the license renewal.

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§ 4-406

(a) A protest against a license renewal may be made by:

- (1) at least 10 signatories who are:
 - (i) residents, commercial tenants who are not holders of or applicants for a license, or real estate owners; and
 - (ii) located in the immediate vicinity of the licensed premises; or
 - (2) the local licensing board on its own initiative.
- (b) (1) If a protest against renewing a license is filed at least 30 days before the license expires, the local licensing board may not approve the renewal without holding a hearing.
- (2) The local licensing board shall hear and determine the protest in the same manner as it hears and determines an original application.

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§ 4-407

(a) A local licensing board:

- (1) may not renew a license if the board determines that the license holder is not qualified to obtain a license renewal; but
 - (2) shall issue to the license holder by way of renewal the class or type of license for which the board determines the license holder is qualified.
- (b) (1) Subject to paragraph (2) of this subsection, a local licensing board shall deny a license renewal application if during the license year the license holder was convicted of a State or federal offense that, in the judgment of the board, renders the license holder unfit or unqualified to obtain a renewed license.
- (2) A local licensing board:
- (i) shall hold a public hearing before renewing a license under the circumstances described in paragraph (1) of this subsection; and
 - (ii) may inquire into all relevant facts and circumstances concerning the offense at the hearing.

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§ 4-408

- (a) A local licensing board may issue renewed licenses for the following license year between April 15 and May 1, inclusive.
- (b) All renewed licenses shall be dated May 1.
- (c) If an expiring license is subject to an order of restriction or suspension, the local licensing board shall issue the corresponding license renewal subject to the same order.

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§ 4-409

A person who holds multiple licenses may renew the licenses.

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§ 4-410

Notwithstanding § 4-205 of this title, a chain store, supermarket, or discount house that holds a Class A, Class B, or Class D beer license, beer and wine license, or beer, wine, and liquor license may renew the license.

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§ 4-501

Subject to Division II of this article, this subtitle applies statewide.

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§ 4-502

(a) This section does not apply to a person that:

- (1) holds a festival license issued by a local licensing board; and
- (2) has entered into an agreement authorized under Subtitle 13 of the various titles in Division II of this article that provides for the delivery of beer and wine before the effective date of the license and acceptance of returns after the expiration date of the license.

(b) A license holder may store or keep alcoholic beverages only:

- (1) on the premises covered by the license; or
- (2) at a public warehouse, government-controlled warehouse, or individual warehouse for which a permit has been issued under this article.

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§ 4-503

(a) A retail dealer may not employ a solicitor or salesperson outside of the licensed place of business to solicit orders for the sale of alcoholic beverages in the State.

(b) The sale of alcoholic beverages may not occur outside of the licensed premises.

(c) This section does not prohibit:

- (1) receiving orders by mail, telephone, or messenger;
- (2) the filling of orders by delivery; or
- (3) the payment for orders at the place of delivery.

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§ 4-504

(a) An individual under the age of 18 years may not be engaged in the sale of alcoholic beverages.

(b) (1) Except as provided in paragraph (2) of this subsection, an individual between the ages of 18 and 21 years may be employed in the sale of beer and light wine.

(2) An individual under the age of 21 years may not be employed by a holder of a Class D beer, wine, and liquor license in the sale of alcoholic beverages.

(c) An individual at least 18 years old may be employed by a holder of a Class A license to operate a lottery ticket terminal.

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§ 4-505

(a) In this section, "alcohol awareness program" means a program that:

- (1) includes instruction on how alcohol affects an individual's behavior and body;
- (2) provides education on the dangers of drinking and driving; and
- (3) defines effective methods to:

- (i) determine whether a customer is under the legal drinking age;
 - (ii) serve customers to minimize the chance of intoxication; and
 - (iii) stop service before a customer becomes intoxicated.
- (b) (1) This section applies to:
- (i) a premises licensed to sell alcoholic beverages for on–premises consumption;
 - (ii) a premises licensed to sell alcoholic beverages for off–premises consumption; and
 - (iii) an unlicensed establishment in a jurisdiction that requires a worker, a supervisor, or an owner of an unlicensed establishment to receive alcohol awareness training.
- (2) This section does not apply to:
- (i) a temporary license;
 - (ii) a Class E (on–sale) water vessel license;
 - (iii) a Class F (on–sale) railroad license; or
 - (iv) a Class G (on–sale) airplane license.
- (c) The Executive Director:
- (1) shall approve, certify, and issue an alcohol awareness program permit to each alcohol awareness program that complies with this section; and
- (2) may require recertification of the approved alcohol awareness program to ensure compliance with changes in the program.
- (d) Before an individual may teach an alcohol awareness program, the individual shall obtain an alcohol awareness instructor's permit.
- (e) A holder of any retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program.
- (f) (1) (i) For each completion of a certified alcohol awareness program, the alcohol awareness program provider shall issue a certificate of completion that is valid for 4 years from the date of issuance.
- (ii) The holder or employee shall complete retraining in an approved alcohol awareness program for each successive 4–year period.
- (iii) On request, a valid certificate shall be presented to the proper authority.
- (2) Within 5 days after a license holder, an owner of an unlicensed establishment, or an employee of a license holder or owner of an unlicensed establishment is sent a certificate of completion, the alcohol awareness program provider shall inform the appropriate local licensing board of:
- (i) the individual's name, address, and certification date; and
 - (ii) the name and address of the licensed establishment or unlicensed establishment.
- (g) The Executive Director may decertify the alcohol awareness program of an alcohol awareness program provider who violates subsection (c), (d), or (f) of this section.
- (h) (1) Each local licensing board shall enforce this section.
- (2) A license holder who violates subsection (e) of this section is subject to:
- (i) for the first offense, a \$100 fine; and
 - (ii) for each subsequent offense, a fine not to exceed \$500 or a suspension or revocation of the license or both.
- (i) (1) This section does not create or enlarge a civil cause of action or criminal proceeding against a license holder.
- (2) Evidence of a violation of this section:
- (i) may only be used as evidence before the local licensing board in an action brought before the local licensing board for a violation of this section; and

(ii) may not be introduced in a civil or criminal proceeding.

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§ 4-506

(a) A license holder or an employee of the license holder may require an individual to sign a book that the license holder keeps if:

(1) the individual has shown documentary evidence that substantiates the individual's age to allow the purchase of alcoholic beverages; and

(2) the age of the individual remains in question.

(b) (1) The book authorized under subsection (a) of this section shall contain copies of the following form:

Date..... 20....

To Be Filled in by Seller

IDENTIFICATION (CHECK ALL SHOWN)

DESCRIPTION OF PURCHASER

To Be Filled in by Prospective Purchaser

I declare I am of legal age to purchase fermented malt beverages or intoxicating liquor, and that I am subject to arrest and prosecution for misrepresenting my age.

(2) The license holder or an employee of the license holder shall record all information required by each section of the form.

..... Driver's license
..... Army I.D. Card Birth Certificate Coast
Guard I.D. Card Service Dishcharge Marine I.D. Card
..... Draft Card Navy I.D. Card Air
Force I.D. Card Other (Specify)
.....

Height Weight Color of Eyes
..... Color of Hair Outstanding Features
.....
.....
.....
.....
..... Seller's Signature
.....

Print full name Street Address
..... City State
..... Signature
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§ 4-507

(a) This section does not apply to:

(1) the delivery of wine from a direct wine shipper to a consumer using a common carrier in accordance with Title 2, Subtitle 1, Part V of this article; or

(2) the holder of a common carrier permit in the course of delivering directly shipped wine in accordance with Title 2, Subtitle 1, Part V of this article.

(b) Retail delivery to a purchaser of alcoholic beverages is prohibited unless:

(1) a retail license holder obtains a letter of authorization from the local licensing board to make deliveries; and

(2) the delivery is made from the licensed premises by:

(i) the retail license holder;

(ii) an employee of the retail license holder; or

(iii) a third-party contractor, an independent contractor, or an agent that:

1. holds a local delivery service permit issued under § 4-1107 of this title; and

2. has contracted with the retail license holder to make deliveries of alcoholic beverages.

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§ 4-508

A license holder shall frame the license under glass and display the license conspicuously in the licensed premises.

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§ 4-601

Subject to Division II of this article, this subtitle applies statewide.

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§ 4-602

A local licensing board may revoke or suspend a license in accordance with this subtitle.

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§ 4-603

(a) Revocation or suspension procedures may be started:

(1) by a local licensing board, at the local licensing board's initiative;

(2) on the complaint of a peace officer;

(3) if the license holder is located in a municipality that is within a county, on the complaint of the mayor and council of the municipality; or

(4) on the written complaint of at least 10 residents, real estate owners, or voters of the precinct in which the licensed premises are located.

(b) A license holder against whom proceedings under this section are brought shall:

(1) be entitled to a hearing on the charges in the complaint; and

(2) receive notice of the hearing at least 10 days before the hearing date.

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§ 4-604

(a) A local licensing board may revoke or suspend a license:

(1) for any reason to promote the peace or safety of the community in which the premises are located; or

(2) for offenses as provided in this article.

(b) A local licensing board shall revoke or suspend a license for:

(1) conviction of the license holder for violation of this article or a provision of the Tax – General Article that relates to the alcoholic beverage tax;

(2) willful failure or refusal of the license holder to comply with:

- (i) this article or provisions of the Tax – General Article that relate to the alcoholic beverage tax; or
- (ii) a regulation that may be adopted under this article or under provisions of the Tax – General Article that relate to the alcoholic beverage tax;
- (3) making a material false statement in an application for a license;
- (4) two or more convictions within 2 years of an agent or employee of a license holder for on–premises violations of this article or provisions of the Tax – General Article that relate to the alcoholic beverage tax;
- (5) on–premises possession by a retail dealer of an alcoholic beverage on which the tax imposed by § 5–102 of the Tax – General Article has not been paid;
- (6) violation of § 2–216 or § 2–315 of this article;
- (7) willful failure of a license holder to:
 - (i) keep the records required under this article or under provisions of the Tax – General Article that relate to the alcoholic beverage tax; or
 - (ii) allow inspection of the records by an authorized person;
- (8) on–premises possession of an alcoholic beverage that a license holder is not licensed to sell;
- (9) revocation or suspension of a permit issued to a license holder by the federal Alcohol and Tobacco Tax and Trade Bureau or for conviction of violating a federal law relating to alcoholic beverages;
- (10) failure to furnish bond as required by this article within 15 days after notice from the Comptroller; or
- (11) violation of § 4–605 of this subtitle.

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§ 4-605

- (a) (1) Except as provided in paragraph (2) of this subsection, a local licensing board shall revoke a license if, after a hearing under § 4–603(b) of this subtitle, an activity listed in this section is found to have occurred on the licensed premises.
- (2) The license of a person may not be revoked under paragraph (1) of this subsection if:
 - (i) the person operates a theater, a concert hall, an art center, a museum, or a similar establishment that is primarily devoted to the arts or theatrical performances; and
 - (ii) the performances express matters of serious literary, artistic, scientific, or political value.
- (b) An individual may not:
 - (1) be employed or used in the sale or service of alcoholic beverages in or on the licensed premises while the individual is unclothed or in attire, costume, or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;
 - (2) be employed or act as a hostess or act in a similar capacity to mingle with the patrons while the hostess or individual acting in a similar capacity is unclothed or in attire, costume, or clothing described in item (1) of this subsection;
 - (3) encourage or allow an individual on the licensed premises to caress or fondle the breasts, buttocks, anus, or genitals of another individual; or
 - (4) allow an employee or other individual to wear or use a device or covering exposed to view that simulates any portion of the breast, genitals, anus, or pubic hair.
- (c) With respect to entertainment provided, a person may not:
 - (1) allow an individual to perform an act of or act that simulates:
 - (i) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;
 - (ii) the caressing or fondling of the breast, buttocks, anus, or genitals; or
 - (iii) the display of the pubic hair, anus, vulva, or genitals;

(2) subject to item (1) of this subsection, allow an entertainer whose breasts or buttocks are exposed to perform closer than 6 feet from the nearest patron; or

(3) allow an individual to use an artificial device or inanimate object to depict, perform, or simulate an activity prohibited under item (1) of this subsection.

(d) A person may not show a motion picture, a still picture, an electronic reproduction, or other visual reproduction depicting:

(1) an act or a simulated act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

(2) an individual being caressed or fondled on the breast, buttocks, anus, or genitals;

(3) a scene in which an individual displays the vulva, anus, or genitals; or

(4) a scene in which an artificial device or inanimate object is used to depict, or a drawing is used to portray, a prohibited act described in this subsection.

(e) A person may not allow an individual to remain in or on the licensed premises who exposes to public view any portion of the individual's genitals or anus.

(f) This section does not allow any conduct or form of attire prohibited by any other statute, ordinance, rule, or regulation.

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§ 4-606

(a) After revoking a license, a local licensing board:

(1) may not issue another license to the person whose license is revoked;

(2) may not issue any license for the same premises for 6 months after the revocation; and

(3) may decide not to issue another license for the same premises.

(b) If the license was held on behalf of a corporation, a partnership, or an unincorporated association, another license may not be obtained on behalf of the corporation, partnership, or unincorporated association to sell alcoholic beverages on the same premises for 6 months after the revocation.

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§ 4-701

Subject to Division II of this article, this subtitle applies statewide.

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§ 4-702

(a) A license expires on the death of the license holder, subject to Subtitle 8 of this title and Subtitle 23 of the various titles of Division II of this article.

(b) Except as otherwise provided in this subtitle, a license issued by a local licensing board expires on the 10th day after a license holder has vacated or been evicted from the licensed premises.

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§ 4-703

Section 4–702 of this subtitle does not apply if an application is pending or has been approved for:

(1) a transfer of a license to another location or another person, subject to Subtitle 3 of this title and Subtitle 17 of the various titles of Division II of this article; or

(2) a certificate of permission or a renewal license for continuation of business, subject to § 4–803 of this title and Subtitle 23 of the various titles of Division II of this article.

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§ 4-704

A license issued by a local licensing board for a premises acquired for public use shall expire 180 days after acquisition unless an application is pending or has been approved for:

- (1) a transfer of the license to another location or another person, subject to Subtitle 3 of this title and Subtitle 17 of the various titles of Division II of this article; or
- (2) a certificate of permission, subject to § 4–803 of this title and Subtitle 23 of the various titles of Division II of this article.

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§ 4-705

(a) A local licensing board may postpone the expiration of a license that the local licensing board issues for an additional period to avoid hardship.

(b) The additional period may not exceed 20 days.

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§ 4-801

Subject to Division II of this article, this subtitle applies statewide.

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§ 4-802

Subject to § 4–803 of this subtitle, a license expires when the license holder dies.

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§ 4-803

(a) On application to the local licensing board and payment of a fee of \$1 by the personal representative or special administrator of the estate of a deceased license holder to the local collecting agent, the local licensing board may grant a certificate of permission for the continuation of the business in the name of the personal representative or special administrator for the benefit of the estate of the deceased license holder.

(b) (1) The certificate of permission may be granted for a period not exceeding 18 months after the date of the granted permission unless the license expires earlier.

(2) If the license expires earlier than 18 months after the date of the granted permission, the local licensing board may issue a renewal license on application by the personal representative or special administrator for a period not exceeding 18 months after the death of the license holder.

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§ 4-804

(a) The personal representative or special administrator to whom a certificate of permission has been granted may apply to the local licensing board for the transfer of the license for the benefit of the estate of the license holder.

(b) On approval of the application for transfer of the license and payment of the balance of any license fee due until the expiration of the license year, the license is reinstated.

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§ 4-805

(a) On payment of a pro rata license fee for the period of continuation, a certificate of permission and a renewal license are subject to the right of protest, revocation, suspension, and restriction.

(b) During the period of continuation, the renewal license and the personal representative or special administrator of the estate of the deceased license holder are subject to this article and the provisions of the Tax – General Article that relate to the alcoholic beverage tax.

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§ 4-806

The personal representative or special administrator of the deceased license holder may apply for and obtain any refund to which the deceased license holder would have been entitled if the license had been surrendered for cancellation on the date of the license holder's death if:

- (1) the business of a license holder is not continued under § 4–803 of this subtitle; and
- (2) the license is not transferred under § 4–804 of this subtitle.

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§ 4-901

Subject to Division II of this article, this subtitle applies statewide.

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§ 4-902

The following decisions of a local licensing board are subject to judicial review as provided in this subtitle:

- (1) a limitation, restriction, or prohibition imposed on an aggrieved applicant for a license or aggrieved license holder; or
- (2) an approval, a suspension, a revocation, or a restriction, or a refusal to approve, suspend, revoke, or restrict, a license or a license holder.

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§ 4-903

(a) The following persons may petition for judicial review of a decision of a local licensing board to the circuit court of the county where the local licensing board sits on payment of all costs incident to the hearing before the local licensing board:

- (1) a holder of a license issued by the local licensing board;
 - (2) any applicant for a license; and
 - (3) a group of not fewer than 10 persons who are residents or real estate owners in the precinct or voting district where the licensed place of business is located or proposed to be located.
- (b) To seek judicial review of a decision of a local licensing board under subsection (a) of this section, a license holder, an applicant for a license, or a group shall have:
- (1) been aggrieved by the decision of the local licensing board; and
 - (2) appeared at the hearing of the local licensing board in person, by representation, or by submitting a written document that was introduced at the hearing.

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§ 4-904

When a petition is filed under this subtitle, a local licensing board may stay its order that is the subject of the petition until the final determination of the petition.

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§ 4-905

(a) On the hearing of a petition under this subtitle, the court shall presume that the action of the local licensing board was proper and best served the public interest.

(b) A petitioner has the burden of proof to show that the decision of the local licensing board being reviewed was:

- (1) against the public interest; and
- (2) (i) not honestly and fairly arrived at;
- (ii) arbitrary;
- (iii) procured by fraud;
- (iv) unsupported by substantial evidence;

- (v) unreasonable;
 - (vi) beyond the powers of the board; or
 - (vii) illegal.
- (c) A review of a decision of a local licensing board under this subtitle shall be heard by the court without a jury.
- (d) The court may hear additional testimony to the extent and in the manner that is necessary if, in the opinion of the court:
- (1) it is impracticable to determine the question presented to the court without the hearing of additional evidence;
 - (2) a qualified litigant has been deprived of the opportunity to offer evidence; or
 - (3) the interests of justice require that further evidence should be taken.

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§ 4-906

In a petition for judicial review under this subtitle, a local licensing board may be represented by a qualified attorney designated by the local licensing board.

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§ 4-907

- (a) (1) The court may affirm, modify, or reverse a decision of the local licensing board.
- (2) If the court reverses a decision, the court shall file with the record a written statement of the reasons for the reversal.
- (b) Costs for a judicial review under this subtitle shall be awarded as in other civil cases.

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§ 4-908

- (a) Notwithstanding any other provision of law, a party of record to a review of a decision of a local licensing board to the circuit court may appeal the decision of the court:
- (1) to the Appellate Court of Maryland; or
 - (2) by certiorari, to the Supreme Court of Maryland.
- (b) The Appellate Court of Maryland or the Supreme Court of Maryland may not stay a decision by a local licensing board to impose sanctions on a license holder if:
- (1) an appeal of the decision of the circuit court is made under this subtitle; and
 - (2) the decision of the circuit court affirmed the decision of the board.

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§ 4-1001

- (a) There is a Class B–BWL (H–C) license.
- (b) A local licensing board may issue the license to the management company of the conference center facility if the facility:
- (1) is jointly owned, operated, or financed by the Maryland Stadium Authority and the political subdivision or an instrumentality of that political subdivision that is physically connected to a hotel; and
 - (2) provides food and beverage service to registered guests at the hotel.
- (c) The license authorizes the license holder to sell beer, wine, and liquor for consumption on the premises of the facility and the adjacent hotel, including the rooms of registered guests.
- (d) The license is exempt from restrictions against holding multiple licenses or having financial interests in multiple licenses.

(e) In a jurisdiction with a food-to-alcoholic beverages ratio requirement for a Class B (on-sale) hotel and restaurant license, the laws and regulations concerning the ratio requirement apply to the Class B-BWL (H-C) license.

(f) The annual license fee is \$2,500.

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§ 4-1101

Subject to Division II of this article, this subtitle applies statewide.

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§ 4-1102

(a) (1) An individual in a restaurant, club, or hotel for which a Class B or Class C license allowing the sale of wine is issued may consume wine not purchased from or provided by the license holder only if:

(i) the wine is consumed with a meal during the hours of sale specified by the license;

(ii) the individual obtains the approval of the license holder;

(iii) the wine is not available for sale on the license holder's wine list; and

(iv) the license holder obtains a permit from the local licensing board before allowing an individual the privilege of consuming wine not purchased from or provided by the license holder.

(2) A license holder may not allow an individual who is under the age of 21 years or who is visibly under the influence of an alcoholic beverage the privilege of consuming the wine.

(b) (1) A local licensing board shall issue a permit at no charge to each license holder who seeks to allow an individual to consume wine under the conditions set out in subsection (a)(1) of this section.

(2) A license holder that obtains the permit may determine and charge the individual a fee for the privilege, on which a sales tax applicable to alcoholic beverages shall be imposed.

(c) (1) Except as provided in paragraph (2) of this subsection, the license holder shall dispose of the wine that remains after the meal is finished.

(2) An individual may remove from the licensed premises a bottle of wine, the contents of which are partially consumed with the meal, if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle.

(3) A bottle of wine that is removed from the licensed premises under paragraph (2) of this subsection is an "open container" for purposes of § 10-125 of the Criminal Law Article.

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§ 4-1103

(a) An individual who, at a licensed premises, purchases a meal and a bottle of wine, the contents of which are partially consumed with the meal, may remove the bottle and its contents from the licensed premises if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle.

(b) A bottle of wine that is removed from the licensed premises under subsection (a) of this section is an "open container" for purposes of § 10-125 of the Criminal Law Article.

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§ 4-1104

(a) There is a refillable container permit.

(b) A refillable container permit authorizes the permit holder to:

(1) sell draft beer for off-premises consumption in a refillable container that meets the standards set out in subsection (d) of this section; and

(2) sell and refill a refillable container that meets the standards set out in subsection (d) of this section.

(c) (1) The term of a refillable container permit is the same as that of the underlying license.

(2) The hours of sale for a refillable container permit are the same as those for the underlying license.

(3) An applicant who holds an underlying license without an off-sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the underlying license.

(d) (1) To be used as a refillable container for beer under the authority of a refillable container permit, a container shall:

(i) have a capacity of not less than 32 ounces and not more than 128 ounces;

(ii) be sealable;

(iii) be branded with an identifying mark of the seller of the container;

(iv) bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(v) display instructions for cleaning the container; and

(vi) bear a label stating that:

1. cleaning the container is the responsibility of the consumer; and

2. the contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.

(2) The Executive Director may adopt standards regarding containers that qualify for use as refillable containers for beer, including containers originating from outside the State.

(3) The holder of a refillable container permit may refill a refillable container originating from inside or outside the State that meets the standards adopted by the Executive Director under paragraph (2) of this subsection.

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§ 4-1105

(a) There is a refillable container permit.

(b) A refillable container permit authorizes the permit holder to:

(1) sell wine for off-premises consumption in a refillable container that meets the standards set out in subsection (d) of this section; and

(2) sell and refill a refillable container that meets the standards set out in subsection (d) of this section.

(c) (1) The term of a refillable container permit is the same as that of the underlying license.

(2) The hours of sale for a refillable container permit are the same as those for the underlying license.

(3) An applicant who holds an underlying license without an off-sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the underlying license.

(d) (1) To be used as a refillable container for wine under the authority of a refillable container permit, a container shall:

(i) have a capacity of not less than 17 ounces and not more than 34 ounces;

(ii) be sealable;

(iii) be branded with an identifying mark of the seller of the container;

(iv) bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(v) display instructions for cleaning the container; and

(vi) bear a label stating that cleaning the container is the responsibility of the consumer.

(2) The Executive Director may adopt standards regarding containers that qualify for use as refillable containers for wine, including containers originating from outside the State.

(3) The holder of a refillable container permit may refill a refillable container originating from inside or outside the State that meets the standards adopted by the Executive Director under paragraph (2) of this subsection.

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§ 4-1106

- (a) There is a nonrefillable container permit.
- (b) A nonrefillable container permit authorizes the permit holder to sell draft beer for off-premises consumption by packaging the beer in a nonrefillable container that meets the standards set out in subsection (d) of this section.
- (c) (1) The term of a nonrefillable container permit is the same as that of the underlying license.
- (2) The hours of sale for a nonrefillable container permit are the same as those for the underlying license.
- (3) An applicant who holds an underlying license without an off-sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the underlying license.
- (d) To be used as a nonrefillable container for draft beer under the authority of a nonrefillable container permit, a container shall:
 - (1) be constructed out of aluminum;
 - (2) be sealable;
 - (3) have a capacity of 32 ounces;
 - (4) be branded with the identifying marks of the seller of the container; and
 - (5) bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. § 16.21.

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§ 4-1107

- (a) This section applies only in a jurisdiction where the local licensing board has adopted regulations to authorize the delivery of alcoholic beverages by a third-party contractor, an independent contractor, or an agent.
- (b) A local licensing board may issue a local delivery service permit.
- (c) The permit authorizes the holder to deliver alcoholic beverages from a retail license holder authorized to deliver alcoholic beverages under § 4-507 of this title to an individual in the jurisdiction where the retail license holder is located.
- (d) A local licensing board may set by regulation:
 - (1) the application requirements for the local delivery service permit; and
 - (2) additional requirements for holders of the local delivery service permit who deliver alcoholic beverages on behalf of a retail license holder.
- (e) (1) The local licensing board may charge a fee for the local delivery service permit.
- (2) The annual fee for the local delivery service permit is \$1,000.
- (f) A local delivery service permit holder may:
 - (1) use the delivery service's employees or independent contractors who are at least 21 years old to deliver alcoholic beverages; and
 - (2) facilitate orders for the sale and delivery of alcoholic beverages by telephone, Internet, or other electronic means.
- (g) The purchaser or receiver of alcoholic beverages under this section shall:
 - (1) be at least 21 years old; and
 - (2) provide valid identification as proof of age on receipt of the alcoholic beverages.
- (h) Alcoholic beverages sold for off-premises delivery under this section shall be:
 - (1) provided in the manufacturer's original sealed container; and
 - (2) sold only during the hours the retail license holder is open for in-store purchases.
- (i) An individual delivering alcoholic beverages under a local delivery service permit shall:
 - (1) be at least 21 years old; and
 - (2) have successfully completed an approved alcohol awareness program under § 4-505 of this title.
- (j) A local delivery service permit holder may not deliver alcoholic beverages to:

- (1) an individual who does not provide valid identification proving that the individual is at least 21 years old;
- (2) another premises licensed to sell alcoholic beverages; or
- (3) an individual located outside the jurisdiction where the retail license holder is located.
- (k) A local delivery service permit holder is subject to the following penalties for violating this section:
 - (1) for a first violation, a fine of \$1,000;
 - (2) for a second violation, a fine of \$3,000 and a suspension of the local delivery service permit for 30 days;
 - (3) for a third violation, a fine of \$6,000 and a suspension of the local delivery service permit for 60 days; and
 - (4) for any subsequent violation, revocation of the local delivery service permit.
- (l) The holder of a local delivery service permit may not:
 - (1) sell alcoholic beverages; or
 - (2) store alcoholic beverages for delivery.
- (m) (1) A person shall apply to the local licensing board for a local delivery service permit before contracting to deliver alcoholic beverages for a retail license holder.
- (2) If a retail license holder contracts with a local delivery service permit holder to deliver alcoholic beverages, the retail license holder and the local delivery service permit holder shall establish a method to ensure that the retail license holder retains control over sales to and payments made from a purchaser for the alcoholic beverages.
- (n) The Executive Director may adopt regulations to enforce this section.

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§ 4-1201

Subject to Division II of this article, this subtitle applies statewide.

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§ 4-1202

- (a) A local licensing board may issue a per diem license for the periods and at the fees specified in this subtitle or by the local licensing board.
- (b) An application for a per diem license shall be:
 - (1) on the form that the Executive Director requires; and
 - (2) signed and sworn to by the applicant.
- (c) A per diem license may be issued only if the issuance of a regular license of the same class is authorized.

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§ 4-1203

- (a) A Class C per diem beer license or a Class C per diem beer and wine license entitles the license holder to exercise any of the privileges conferred by the respective class of license:
 - (1) for the use of a person holding an entertainment event that is conducted by a club;
 - (2) at the place described in the license; and
 - (3) for a period not exceeding 7 consecutive days.
- (b) (1) A holder of a wholesaler's license may enter into an agreement with the holder of a 1-day Class C per diem beer license or a 1-day Class C per diem beer and wine license to:
 - (i) deliver beer or wine allowed under the license starting 2 days before the effective date of the license; and
 - (ii) accept returns not more than 2 days after the expiration date of the license.
- (2) Delivery of beer or wine ordered in accordance with an agreement made under paragraph (1) of this subsection may be made only if the holder of the 1-day per diem license possesses the license at the time of delivery.

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§ 4-1204

(a) A Class C per diem beer, wine, and liquor license entitles the license holder to exercise any of the privileges conferred by this class of license:

- (1) for the use of a person holding an entertainment event that is conducted by a club;
- (2) at the place described in the license; and
- (3) for a period not exceeding 7 consecutive days.

(b) Alcoholic beverages sold under a Class C per diem beer, wine, and liquor license shall be purchased by the license holder from a retail dealer.

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§ 4-1205

(a) The fee for a Class C per diem beer license and a Class C per diem beer and wine license is \$5 per day.

(b) The fee for a Class C per diem beer, wine, and liquor license is \$15 per day.

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§ 4-1206

(a) A local licensing board may issue a license to dispose of stock for a period not exceeding 10 consecutive days.

(b) (1) A license holder may dispose of the license holder's stock of alcoholic beverages if:

- (i) the license has been canceled, revoked, or suspended;
- (ii) renewal has been denied by the local licensing board; or
- (iii) a renewal license has been granted by the local licensing board and a court on judicial review has reversed the local licensing board's decision.

(2) A license holder that disposes of stock may sell the stock at retail or to a licensed wholesaler.

(3) A license does not authorize the license holder to purchase alcoholic beverages for resale.

(c) The fee for a license under this section is \$5 per day.

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§ 4-1207

(a) When a licensed premises must be moved due to fire or other catastrophe, the local licensing board may issue a license to a holder to move the licensed premises from one location to another while the premises is being restored for:

- (1) a period that the local licensing board determines; but
- (2) not more than 6 months.

(b) The local licensing board:

- (1) may approve the new location to which the license holder has temporarily moved; but
- (2) may not charge a fee for the approval.

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§ 4-1208

For the exercise of the privileges of the license, a temporary license is a regular license of the corresponding class for determining the hours and days of operation.

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§ 4-1209

(a) A nonprofit organization may receive a wine permit for a fund-raising event by applying to the local licensing board for the jurisdiction in which the event is to be held.

(b) A permit authorizes the holder to:

(1) hold a fund-raising event on the federally bonded premises of a winery, provided the winery is operated under a Class 3 winery license or Class 4 limited winery license and holds a Class A light wine license; and

(2) purchase wine in sealed containers from the winery and sell the wine at the event in open containers at retail for consumption on the permit premises.

(c) The winery hosting the event shall cosign the permit.

(d) A winery may not host more than six events under this section per calendar year.

(e) The permit fee is \$15.

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Title 5 — Manufacturer and Wholesaler Regulations

§ 5-101

(a) In this subtitle the following words have the meanings indicated.

(b) "Beer distributor" means a person that imports or causes to be imported into the State, or purchases or causes to be purchased in the State, beer for sale or resale to a retail dealer licensed under this article without regard to whether the business of the person is conducted under a beer franchise agreement or another form of agreement with a beer manufacturer.

(c) "Beer franchise agreement" means:

(1) a commercial relationship between a beer distributor and beer manufacturer that:

(i) is of a definite or indefinite duration; and

(ii) is not required to be in writing;

(2) a relationship in which a beer manufacturer grants a beer distributor the right to offer and sell the brands of beer offered by the beer manufacturer;

(3) a relationship in which a beer distributor, as an independent business, constitutes a component of a beer manufacturer's distribution system;

(4) a relationship in which a beer distributor's business is substantially associated with a beer manufacturer's brand, advertising, or another commercial symbol that designates the beer manufacturer;

(5) a relationship in which a beer distributor's business relies substantially on a beer manufacturer for the continued supply of beer; or

(6) a written or oral arrangement of definite or indefinite duration in which:

(i) a beer manufacturer grants to a beer distributor the right to use a trade name, trademark, service mark, or related characteristic; and

(ii) there is a community of interest in the marketing of goods or services at wholesale or retail, by lease, or by another method.

(d) "Beer manufacturer" means:

(1) a brewer, fermenter, processor, bottler, or packager of beer located in or outside the State; or

(2) a person located in or outside the State that enters into a beer franchise agreement with a beer distributor doing business in the State.

(e) "Fair market value" means the price at which an asset would change hands between a willing seller and a willing buyer when:

- (1) neither is acting under any compulsion; and
- (2) both have knowledge of all of the relevant facts.

(f) "Franchisee" means:

- (1) a beer distributor to whom a beer franchise agreement is granted or offered; or
- (2) a beer distributor that is a party to a beer franchise agreement.

(g) "Franchisor" means a beer manufacturer that:

- (1) enters into a beer franchise agreement with a beer distributor; or
- (2) is a party to a beer franchise agreement.

(h) "Sales territory" means the area of sales responsibility designated by a beer franchise agreement for the brand or brands of beer of a beer manufacturer.

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§ 5-102

This subtitle applies to corporations, partnerships, trusts, agencies, and other entities and to persons who are officers, directors, and other individuals in active control of the activities of a corporation, a partnership, a trust, an agency, or any other entity.

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§ 5-103

(a) It is the policy of the State that:

(1) it is necessary to regulate and control beer franchise agreements and relationships between beer manufacturers and beer distributors:

(i) to foster and promote temperance in the consumption of beer; and

(ii) to promote respect for and obedience to the laws that control the distribution and sale of beer; and

(2) temperance and obedience to the laws that control the distribution and ultimate sale of beer is promoted by legislation that encourages beer distributors to make investments in their facilities to serve retail license holders by protecting them against the termination of beer distributorships, or other acts described in this subtitle, without good cause for the termination or other acts.

(b) It is necessary to accomplish this policy to eliminate the undue stimulation of sales of beer in the State by beer manufacturers that induce or coerce, or attempt to induce or coerce, beer distributors to act detrimentally to the orderly and lawful distribution of beer by:

(1) threatened or actual termination of the beer manufacturer and beer distributor relationship, directly or indirectly;

(2) the establishment of dual beer distributors of a brand or brands of beer in a sales territory presently served by a beer distributor; or

(3) the sale of the same brand or brands of beer in one sales territory by more than one franchisee.

(c) The General Assembly further recognizes the distinction between the nature of the distribution of beer and other alcoholic beverages in that distributors of alcoholic beverages other than beer are franchised by manufacturers to distribute many brands of various kinds of alcoholic beverages and are not as vulnerable to the economic pressures of the manufacturers as are beer distributors, which traditionally handle mainly one, two, or three brands of beer in their distributorships.

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§ 5-104

A beer manufacturer may not:

(1) induce or coerce, or attempt to induce or coerce, a beer distributor to accept delivery of an alcoholic beverage, any form of advertisement, or another commodity that the beer distributor did not order;

(2) induce or coerce, or attempt to induce or coerce, a beer distributor to do an illegal act or thing, or to do an act unfair to the beer distributor, by threatening to cancel, terminate, or refuse to renew a beer franchise agreement that exists between the beer manufacturer, or its representative, and the beer distributor; or

(3) fail or refuse to deliver to a beer distributor with a beer franchise agreement any beer that the beer manufacturer or its agents advertised publicly for immediate sale promptly after the beer manufacturer received an order from the beer distributor.

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§ 5-105

If a franchisor designates a sales territory for which a franchisee is primarily responsible or in which a franchisee is required to concentrate its efforts, the franchisor may not enter into a beer franchise agreement with another beer distributor to establish an additional franchisee for its brand or brands of beer in that sales territory.

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§ 5-106

If a franchisee is granted a sales territory for which the franchisee is primarily responsible or in which the franchisee is required to concentrate its efforts, the franchisee may not sell or deliver beer to a retail dealer whose place of business is not within the sales territory granted to the franchisee.

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§ 5-107

(a) This section does not apply to a temporary delivery agreement under § 2–209(c) of this article for a beer festival or a wine and beer festival.

(b) (1) Except as provided in subsection (d) of this section, if a franchisor intends to terminate or refuses to renew a beer franchise agreement, the franchisor shall notify the franchisee in writing of its intent:

(i) at least 45 days before the termination or refusal to renew takes effect, for a franchisor that annually produces 20,000 or fewer barrels of beer in aggregate, in conjunction with any affiliate; and

(ii) at least 180 days before the termination or refusal to renew takes effect, for all other franchisors.

(2) The notices required by this section shall state all the reasons for the intended termination or nonrenewal.

(c) (1) If a deficiency is claimed in the notice provided under subsection (b)(1)(ii) of this section, the franchisee has 180 days to rectify the deficiency.

(2) If the franchisee rectifies the deficiency within 180 days after the notice provided under subsection (b)(1)(ii) of this section is received, the intended termination or nonrenewal of the beer franchise agreement is void.

(d) The notice requirement of subsection (b) of this section does not apply if the reason for the intended termination or nonrenewal is insolvency, the occurrence of an assignment for the benefit of creditors, or bankruptcy.

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§ 5-108

(a) This section does not apply to a temporary delivery agreement under § 2–209(c) of this article for a beer festival or a wine and beer festival.

(b) (1) (i) This paragraph does not apply to a franchisor that annually produces 20,000 or fewer barrels of beer in aggregate, in conjunction with any affiliate.

(ii) Notwithstanding the terms of a beer franchise agreement, a franchisor may not terminate or refuse to continue or renew a beer franchise agreement, or cause a franchisee to resign from a beer franchise agreement, without good cause.

(2) For purposes of paragraph (1) of this subsection, good cause includes the revocation of a franchisee's license to do business in the State.

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§ 5-109

(a) This section applies only to a franchisor that annually produces 20,000 or fewer barrels of beer in aggregate, in conjunction with any affiliate.

(b) (1) Subject to § 5–107 of this subtitle, and except as provided in subsection (d) of this section, before termination of or refusal to renew a beer franchise agreement, a franchisor shall enter into a termination agreement with the terminated franchisee.

(2) The termination agreement shall:

(i) compensate the terminated franchisee for the fair market value of the terminated franchise; and

(ii) provide for the repurchase of all the franchisor's beer at an amount equal to the laid-in cost of the franchisee's inventory of the franchisor's products that are in the warehouse or in transit to the franchisee.

(c) (1) If an agreement on the compensation authorized under subsection (b)(2)(i) of this section is not reached within 45 days after the franchisor provides the notice required by § 5–107(b)(1)(i) of this subtitle, the matter shall be submitted to binding arbitration for the purpose of determining the compensation.

(2) The binding arbitration shall:

(i) be administered under the rules of the commercial arbitration rules of the American Arbitration Association;

(ii) take place in the State;

(iii) be heard by one arbitrator who shall be appointed in accordance with the commercial arbitration rules; and

(iv) be limited to 45 days, unless otherwise agreed to by the parties.

(3) During the period of arbitration, the beer franchise agreement shall remain in effect and may terminate only on the decision of the arbitrator.

(4) The arbitrator shall be governed by the laws of the State, the Maryland Rules, and the commercial arbitration rules.

(5) In determining the fair market value of the terminated franchise, the arbitrator:

(i) may consider only the period before the franchisor provided the notice required by § 5–107(b)(1)(i) of this subtitle; and

(ii) may not consider any period following the providing of that notice.

(6) The ruling of the arbitrator shall be final and subject to enforcement in the courts of the State.

(7) The cost of the arbitration shall be shared equally by the parties.

(d) By written mutual agreement, the franchisor and the franchisee may determine another method of terminating the franchise agreement and providing compensation to the terminated franchisee.

(e) Until resolution regarding fair market value is reached under subsection (b) or (c) of this section and the terminated franchisee has received payment in accordance with the determination of fair market value:

(1) the franchisor and the terminated franchisee shall support the franchisor's products to at least the same extent that the products had been previously supported immediately before the franchisor provided the notice required by § 5–107(b)(1)(i) of this subtitle; and

(2) the terminated franchisee shall continue to distribute the products.

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§ 5-110

(a) (1) A beer distributor or franchisee may bring an action in a court of general jurisdiction to recover damages against a beer manufacturer, franchisor, or franchisee for violation of this subtitle.

(2) If appropriate, the beer distributor or franchisee is entitled to injunctive relief.

(b) In an action for violation of this subtitle, the prevailing beer distributor or franchisee is entitled to the costs of the action including reasonable attorney's fees.

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§ 5-201

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Agreement" means oral or written evidence between a beer manufacturer and a beer wholesaler granting the beer wholesaler the right to offer and sell the brands of beer offered by the beer manufacturer.
- (3) "Beer manufacturer" means:
- (i) a brewer, fermenter, processor, bottler, or packager of beer located in or outside the State; or
 - (ii) a person located in or outside the State that enters into an agreement with a beer wholesaler doing business in the State.
- (4) "Fair market value" means the price at which an asset would change hands between a willing seller and a willing buyer when neither is acting under any compulsion and when both have knowledge of all of the relevant facts.
- (5) "Successor beer manufacturer" includes a person or license holder who replaces a beer manufacturer with the right to sell, distribute, or import a brand of beer.
- (b) Except for the discontinuance of a brand of beer or for good cause shown as provided under § 5–108 of this title, a successor beer manufacturer that continues in the business is obligated under all the terms and conditions of the agreement made between the previous beer manufacturer and the existing beer wholesaler that were in effect on the date of change of beer manufacturers.
- (c) A successor beer manufacturer that terminates any agreement provision required to be continued under subsection (b) of this section shall remunerate the beer wholesaler a sum equal to the fair market value for the sale of the subject brand or brands of beer calculated from the date of termination.
- (d) (1) Before a successor beer manufacturer may terminate any agreement provision required to be continued under subsection (b) of this section and designate another beer wholesaler to replace the existing beer wholesaler, the successor beer manufacturer shall give notice of termination to the beer wholesaler to be replaced.
- (2) On receipt of the notice, the beer wholesaler to be replaced and the designated beer wholesaler shall negotiate in good faith to determine the fair market value of the affected distribution rights.
- (3) If an agreement is reached, the designated beer wholesaler promptly shall pay the fair market value as compensation to the beer wholesaler to be replaced.
- (4) If an agreement is not reached within 30 days after the beer wholesaler to be replaced receives notice, the designated beer wholesaler and the beer wholesaler to be replaced shall enter into nonbinding mediation with a mediator in the State who practices in accordance with Title 17 of the Maryland Rules.
- (5) If an agreement is not reached within 45 days after mediation begins, the beer wholesaler to be replaced shall within 90 days bring an action in a court of general jurisdiction against a successor beer manufacturer to determine and award fair market value of the terminated brand or brands.
- (e) Until resolution regarding fair market value is reached under subsection (d) of this section and the beer wholesaler to be replaced has received payment in accordance with the determination of fair market value:
- (1) the beer wholesaler to be replaced and the successor beer manufacturer shall support the brand to at least the same extent that the brand had been previously supported immediately before the successor beer manufacturer acquired rights to the brand; and
 - (2) the beer wholesaler to be replaced shall continue to distribute the brand.

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§ 5-301

- (a) A person who supplies or sells beer to a wholesaler for resale to retail dealers shall provide to the wholesaler written information stating the approximate percentage of alcohol content by volume per sealed package or sealed container for each brand of beer supplied or sold to the wholesaler.
- (b) A beer wholesaler shall provide to each beer retail dealer with whom it does business the written information it receives under subsection (a) of this section regarding the beer supplied to the retail dealer.
- (c) The penalty provisions of § 6–402 of this article do not apply to a violation of this section.

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§ 5-302

A person may not be prohibited from selling or delivering to wholesalers or retail dealers within the State beer in the following container sizes:

- (1) 6.33, 7, 8, 10, 11, 11.39, 11.5, 12, 16, 24, 25, 32, or 40 ounces;
- (2) 740 milliliters;
- (3) 1, 2.25, 3.875, 5.167, 7.75, 13.209, 13.5, 15, or 15.5 gallons; and
- (4) 5, 50, or 51 liters.

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§ 5-303

(a) (1) In this section the following words have the meanings indicated.

(2) "Keg" means a container of beer with a capacity of at least 4 gallons, which is designed to dispense beer directly from the container.

(3) "Keg license holder" means a person who holds a license that authorizes the person to sell beer in kegs at retail.

(b) A keg license holder may not sell or otherwise transfer, or offer to sell or otherwise transfer, the contents of a keg for off-premises consumption unless:

(1) the keg license holder provides to the purchaser a keg registration form approved and distributed by the Executive Director that is designed to be affixed to the keg and that indicates the name and address of the licensed establishment and a registration number;

(2) except as provided in § 26–103 of this article, the purchaser provides identification and completes and signs a registration form with the following information:

(i) the purchaser's name and address as shown on the identification produced; and

(ii) the date of purchase; and

(3) the keg license holder affixes the completed registration form to the keg and retains a copy of the form for 30 days on the licensed premises.

(c) (1) On return of a registered keg from the purchaser, the keg license holder shall remove or obliterate the keg registration form affixed to the keg and note the removal and the date of the removal on the copy of the keg registration form retained by the keg license holder at the licensed premises.

(2) (i) If a keg is made of disposable packaging that does not have to be returned to the keg license holder, the keg license holder shall indicate on the keg registration form that the keg is disposable.

(ii) Disposal of empty kegs made of disposable packaging does not constitute obliteration of the keg registration form.

(d) Each local licensing board shall adopt regulations to carry out this section.

(e) A keg license holder may charge a keg registration fee to a purchaser.

(f) (1) A keg license holder who violates this section is subject to a fine not exceeding \$100 or a suspension or revocation of the license, or both a fine and suspension or revocation.

(2) The existence of a completed registration form signed by the purchaser creates a presumption that the keg license holder has complied with the requirements of this section.

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Title 6 — Cannabis Licensing

§ 6-101

(a) Alcoholic beverages and other contraband kept, possessed, used, sold, manufactured, stored, or transported in violation of this article:

- (1) are subject to seizure and forfeiture; and
- (2) when seized, may be recovered or disposed of only as provided in this subtitle.

(b) Property is forfeited if it:

- (1) was seized as contraband in the possession or control of a defendant who is found guilty of violating this article; or
- (2) is otherwise found to be contraband or in violation of this article.

(c) (1) Except as provided in paragraph (2) of this subsection, property is forfeited if it:

- (i) is seized as contraband and remains unclaimed for 30 days after seizure; and
- (ii) has not been destroyed in accordance with this subtitle.

(2) (i) A vehicle, a vessel, or an aircraft that is seized as contraband is forfeited unless a protest is filed within 30 days after the publication under subparagraph (ii) of this paragraph.

(ii) The Comptroller or the Executive Director, as appropriate:

- 1. if possible, shall notify the registered owner of the property of the seizure; and
- 2. shall publish a notice:

A. in a newspaper of general circulation in the county where the vehicle, vessel, or aircraft was seized; and

B. informing interested persons of the seizure and the right to file a protest.

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§ 6-102

Apparatus, materials, equipment, implements, devices, and other personal property designed, used, or intended to be used to violate a provision of this article relating to the unlawful manufacture of alcoholic beverages:

- (1) are contraband; and
- (2) may be seized and forfeited in accordance with this subtitle.

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§ 6-103

A vehicle, a vessel, or an aircraft used with the express or implied knowledge or consent of its owner to violate a provision of this article relating to the unlawful manufacture of alcoholic beverages or to transport, store, or hide unlawful alcoholic beverages:

- (1) is contraband; and
- (2) may be seized by:
 - (i) the Comptroller or the Comptroller's authorized enforcement officers; or
 - (ii) the Executive Director or the Executive Director's authorized enforcement officers; and
- (3) may be forfeited in accordance with this subtitle.

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§ 6-104

A lienholder, or other person showing a legal right, title, or interest in seized property not destroyed in accordance with this subtitle, may file a protest with the Comptroller or the Executive Director, as appropriate:

- (1) within 30 days after seizure of the property; or
- (2) if the seized property is a vehicle, a vessel, or an aircraft, within 30 days after the publication of notice required under § 6-101(c) of this subtitle.

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§ 6-105

- (a) When a protest is filed, the circuit court for the county in which the property was seized shall conduct an in rem proceeding to determine whether the property is subject to forfeiture.
- (b) (1) If the court determines that the property is subject to forfeiture, the court shall determine whether any lienholder filing a timely protest had knowledge of the intended unlawful use.
- (2) If the court determines that a lienholder had knowledge, the lienholder's right, title, and interest to the property is forfeited.
- (3) If the court does not determine that a lienholder had knowledge, but the property is otherwise subject to forfeiture:
- (i) the property shall be forfeited; and
 - (ii) the Comptroller or the Executive Director, as the Comptroller or Executive Director, as appropriate, considers in the best interest of the State, may:
 1. pay the outstanding indebtedness secured by the lien and keep the property; or
 2. deliver the property to the lienholder.

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§ 6-106

- (a) Except as provided in subsections (b) and (c) of this section, property seized and forfeited under this subtitle or provisions of the Tax – General Article relating to the alcoholic beverage tax becomes the property of the county in which it was seized.
- (b) Property seized by State officers and forfeited becomes State property.
- (c) (1) Lawfully manufactured alcoholic beverages forfeited to a county in which there is a liquor control board that operates dispensaries:
- (i) become the property of the liquor control board; and
 - (ii) shall be sold by the dispensaries of the liquor control board.
- (2) Proceeds from the sales shall be treated in the same way as proceeds from ordinary sales made by the dispensaries.

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§ 6-107

- (a) Except as provided in subsection (c) of this section, forfeited property shall be retained for official use, sold, or otherwise disposed of by:
- (1) the Comptroller or the Executive Director, as appropriate, if the property was seized by State officers; or
 - (2) if the property was not seized by State officers:
 - (i) the Mayor and City Council of Baltimore City; or
 - (ii) the board of county commissioners or the county council of the county in which the property was seized.
- (b) The Comptroller, the Executive Director, the Mayor and City Council of Baltimore City, or the board of county commissioners or county council in the county where the property was seized shall retain or dispose of the property in the way it considers to be in the best public interest.
- (c) Illicit alcoholic beverages shall be destroyed and may not be returned or given to any person or disposed of in any other manner.

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§ 6-108

- (a) An officer seizing the following items shall, only to the extent necessary, immediately make them unfit for unlawful use:
- (1) an unlicensed distillery or unlawful distillery materials, equipment, or devices that are seized in a manner that renders them impractical or impossible to move to a safe place of custody and storage; and

(2) illicit alcoholic beverages other than those seized for evidence or forfeiture.

(b) The officer shall report the seizure and destruction conducted under this section to the Executive Director.

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§ 6-201

Subject to Division II of this article, this subtitle applies statewide.

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§ 6-202

(a) A building, vehicle, or premises where alcoholic beverages are authorized to be kept, transported, manufactured, or sold under a license or permit may be inspected and searched, without a warrant, by:

(1) the Comptroller or an authorized deputy, inspector, or clerk of the Comptroller;

(2) the Executive Director or an authorized deputy, inspector, clerk, or other designee of the Executive Director;

(3) the local licensing board of the county or city where the place of business is located or an authorized agent or employee of the local licensing board; and

(4) a peace officer of the county or city where the place of business is located.

(b) Evidence discovered during an inspection or search is admissible in a prosecution for the violation of a public general or public local law and in a hearing for the revocation, suspension, or restriction of the license or permit.

(c) (1) If the license holder or permit holder is found not guilty, alcoholic beverages taken as evidence shall be returned to the license holder or permit holder.

(2) If a license or permit holder is found guilty, alcoholic beverages taken as evidence shall be:

(i) sold to other license holders;

(ii) turned over to State institutions for medicinal use; or

(iii) destroyed.

(3) Proceeds from the sale of alcoholic beverages taken as evidence shall be credited to the General Fund of the State or jurisdiction, as appropriate.

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§ 6-203

To prevent and detect fraud by manufacturers, wholesalers, and retail dealers, the Executive Director, the local licensing board, and an authorized deputy or inspector of the Executive Director or the local licensing board:

(1) may use hydrometers, saccharometers, weighing and gauging instruments, or other means, records, or devices to ascertain the quantity or quality of alcohol in an alcoholic beverage as they consider necessary; and

(2) may adopt rules and regulations to establish a uniform system of inspection, marking, and gauging of alcoholic beverages.

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§ 6-204

(a) For a hearing or inquiry that the Executive Director or a local licensing board may hold or make, the Executive Director or a local licensing board may issue summonses for witnesses and administer oaths or affirmations to the witnesses.

(b) A summons shall be served by the sheriff.

(c) (1) The official issuing a summons may petition the circuit court if a witness summoned neglects or refuses to attend a hearing or inquiry for which the witness was summoned or refuses to testify.

(2) The court may proceed by attachment against the witness as if the witness had been summoned to appear in a case pending before the court and had neglected or refused to do so.

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§ 6-205

(a) The State's Attorneys, sheriffs, bailiffs, police, and other prosecuting and peace officers shall:

- (1) enforce this article; and
- (2) prosecute a person charged with violating this article.

(b) The powers and duties conferred on the Comptroller, the Commission, the Executive Director, or any other State official by this article do not relieve local officials from the duty of enforcement or prosecution.

(c) This section does not restrict the appropriation of funds by a political subdivision of the State to aid enforcement of this article.

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§ 6-206

(a) A charging document may charge an unlawful sale or disposition of an alcoholic beverage without stating the particular kind of alcoholic beverage.

(b) On application by the defendant before trial, the State's Attorney shall give to the defendant a statement of the particular kind of alcoholic beverage.

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§ 6-207

(a) In this section, "tetrahydrocannabinol" has the meaning stated in § 36-1102 of this article.

(b) In a prosecution for selling alcoholic beverages or tetrahydrocannabinol without an appropriate license, proof that the defendant displayed or offered alcoholic beverages or tetrahydrocannabinol for sale, or kept a place of business where alcoholic beverages or tetrahydrocannabinol were displayed or offered for sale, is prima facie evidence that the defendant sold alcoholic beverages or tetrahydrocannabinol.

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§ 6-208

The governing body of a municipality may adopt an ordinance or a resolution to regulate the possession or consumption of alcoholic beverages in a parking lot, common area, or general common element in:

- (1) a leased residential property, including attached single-family homes or a multifamily dwelling unit;
- (2) a condominium; or
- (3) a homeowners association.

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§ 6-209

A local governmental entity that owns or otherwise has jurisdiction over public property may adopt by local law or ordinance standards providing for the authorization of the consumption of alcoholic beverages on public property, otherwise prohibited by this subtitle, and consistent with the intended use of the property by the public.

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§ 6-210

(a) A political subdivision of the State may not adopt an ordinance or a resolution identical to or in addition to § 6-320 of this title.

(b) An existing ordinance, resolution, or other legislation adopted by a political subdivision of the State that is inconsistent with § 6-320 of this title is repealed.

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§ 6-211

Each fine imposed or recognizance forfeited for a violation of this article is payable to the county where the offense was committed.

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§ 6-301

Subject to Division II of this article, this subtitle applies statewide.

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§ 6-304

A license holder or an employee of the license holder may not sell or provide alcoholic beverages to an individual under the age of 21 years.

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§ 6-305

A license holder or an employee of the license holder may accept as proof of an individual's age:

- (1) if the individual is a resident of the State, the individual's driver's license or identification card as provided for in the Maryland Vehicle Law;
- (2) a United States military identification card; or
- (3) the individual's electronic credential issued by the Motor Vehicle Administration under Title 16, Subtitle 10 of the Transportation Article.

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§ 6-306

The establishment of the following facts by a seller of alcoholic beverages to an underage individual is prima facie evidence of innocence and a defense to a prosecution for serving alcoholic beverages to an underage individual:

- (1) the purchaser falsely represented in writing and supported with other documentary evidence that the purchaser was of legal age to purchase alcoholic beverages;
- (2) on the basis of the appearance of the purchaser, an ordinary and prudent individual would believe the purchaser to be of legal age to purchase alcoholic beverages; and
- (3) the sale was made in good faith and in reliance on the written representation and appearance of the purchaser.

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§ 6-307

A license holder or an employee of the license holder may not sell or provide alcoholic beverages to an individual who, at the time of the sale or delivery, is visibly under the influence of an alcoholic beverage.

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§ 6-308

(a) This section does not apply to a Class 4 limited winery that brings wine or pomace brandy manufactured on its licensed premises onto a retail licensed premises if:

- (1) the wine or pomace brandy is being provided for a promotional activity conducted by the limited winery, a retail license holder, an alcoholic beverages trade association, or a nonprofit organization;
- (2) a representative of the limited winery or a trade association representing Maryland wineries is present at all times during the promotional activity;
- (3) the limited winery or winery trade association complies with any regulations that the Executive Director adopts relating to on-premises promotions and product sampling;
- (4) the limited winery or winery trade association has advance written permission of the retail license holder to bring wine products on the retail licensed premises for the promotional activity; and

(5) all unopened or partially consumed containers of wine and pomace brandy are removed from the retail licensed premises at the end of the promotional activity.

(b) A license holder may not allow an individual to consume on the licensed premises an alcoholic beverage that is:

- (1) not purchased on the premises from the license holder; and
- (2) not otherwise allowed by this article to be consumed on the premises.

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§ 6-309

(a) A license holder, a proprietor, or an operator of an establishment that provides alcoholic beverages may not allow on-premises consumption or possession of alcoholic beverages by an individual under the age of 21 years, regardless of who purchased or obtained the alcoholic beverages.

(b) In addition to any other penalty under this article, a license holder, a proprietor, or an operator who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 6-310

(a) (1) Except as provided in paragraph (2) of this subsection, a license holder may not directly or indirectly give or offer without charge food to a customer to induce the customer to purchase alcoholic beverages for on-premises consumption.

(2) This section does not apply to hors d'oeuvres, pretzels, cheese, or crackers that are placed on a counter in the licensed premises for customers to consume without charge.

(b) The placement of food by a license holder in the licensed premises for customers to consume without charge is prima facie evidence of a violation of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10 for each offense.

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§ 6-311

(a) This section does not apply to a holder of a Class E, Class F, or Class G license.

(b) A retail dealer may not:

(1) purchase any alcoholic beverage except from a licensed manufacturer or wholesaler, private bulk sale permit holder, or nonresident winery permit holder;

(2) sell any alcoholic beverage to any other retail dealer except the holder of a Class C per diem beer, beer and wine, or beer, wine, and liquor license; or

(3) keep or allow to be kept any alcoholic beverage on the licensed premises except those that have been purchased by the retail dealer.

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§ 6-312

(a) (1) A person may not manufacture, sell, or offer for sale, or order or allow an employee or other person to sell or offer for sale, a beverage as malt extract or beer unless the beverage has been brewed and fermented as such.

(2) A person may not sell or offer for sale, or order or allow an employee or other person to sell or offer for sale:

(i) beer to which coloring or portering has been added so as to represent the beer to be malt extract, porter, or another beverage; or

(ii) a malt or liquor unless the malt or liquor is identified by its proper name.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

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§ 6-313

(a) (1) A retail dealer or an agent or employee of a retail dealer may not:

(i) tamper with or change the quantity or quality of the contents of a container of an alcoholic beverage:

1. after the container has been lawfully sealed; and
2. while the contents remain in the container; or

(ii) except as specifically authorized by this article with respect to refillable beer and wine containers, refill a container of an alcoholic beverage with a substance after the container has been emptied of its original contents.

(2) A retail dealer may not possess a container of an alcoholic beverage that has been tampered with or refilled in violation of paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 6-314

(a) (1) Except as provided in paragraph (2) of this subsection, a person may not sell or offer for sale at retail an alcoholic beverage container that is:

(i) made from metal or a composite material; and

(ii) designed and constructed with an all-metal tab opening device that detaches from the container when the container is opened in a manner that is normally used to empty the contents of the container.

(2) Paragraph (1) of this subsection does not apply to:

(i) a beverage container sealed with a laminated tape seal, including one with aluminum foil, that is not rigid;

(ii) an all-metal container with a detachable metal pull tab for a frozen beverage concentrate that is customarily and primarily purchased for dilution and use in the home or a similar purpose; and

(iii) a metal beverage container with a detachable metal pull tab for a milk-based, soy-based, or similar product that requires sterilization and pressure in the canning process.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$100 or both.

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§ 6-315

(a) Except as provided in subsection (b) of this section, an alcoholic beverage is presumed to be an illicit alcoholic beverage if it is found in a container that does not have a regular label that:

(1) describes the true contents of the container; and

(2) states the true name of the importer, manufacturer, bottler, or rectifier.

(b) The presumption under subsection (a) of this section does not apply to an alcoholic beverage found in:

(1) a drinking glass or other similar open container for drinking purposes;

(2) a home-type decanter found in a house or a punch bowl or similar receptacle if the circumstances indicate that the alcoholic beverage is for on-premises consumption and is not for sale; or

(3) a container possessed by a retail license holder when the alcoholic beverage is premixed for lawful sale and consumption.

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§ 6-316

(a) A person may not sell at retail an alcoholic beverage with an alcohol content by volume of 95% (190 proof) or more.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

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§ 6-317

(a) A license holder or an employee of a license holder may not require, as a condition of sale of an alcoholic beverage for on-premises consumption, that an individual buy more than one bottle, container, or other serving of an alcoholic beverage at a time.

(b) The issuer of a license may revoke or suspend the license for a violation of this section.

(c) Instead of or in addition to suspending or revoking the license, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both for each offense.

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§ 6-319

(a) This section does not apply to a Class 4 limited winery that brings wine or pomace brandy manufactured on its licensed premises onto a retail licensed premises if:

(1) the wine or pomace brandy is provided for a promotional activity conducted by the limited winery, a retail license holder, an alcoholic beverages trade association, or a nonprofit organization;

(2) a representative of the limited winery or a trade association representing Maryland wineries is present at all times during the promotional activity;

(3) the limited winery or winery trade association complies with any regulations that the Executive Director adopts relating to on-premises promotions and product sampling;

(4) the limited winery or winery trade association has advance written permission of the retail license holder to bring wine products on the retail licensed premises for the promotional activity; and

(5) all unopened or partially consumed containers of wine and pomace brandy are removed from the retail licensed premises at the end of the promotional activity.

(b) An individual may not consume on the licensed premises of a license holder an alcoholic beverage that is:

(1) not purchased on the premises from the license holder; and

(2) not otherwise allowed by this article to be consumed on the premises.

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§ 6-320

(a) An individual may not:

(1) be intoxicated and endanger the safety of another individual or property; or

(2) be intoxicated or consume an alcoholic beverage in a public place and cause a public disturbance.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$100 or both.

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§ 6-321

(a) In this section, "public property" includes property that is:

(1) a structure, road, parking area, or grounds; and

(2) located on land owned, leased, or operated by:

(i) the State;

(ii) a county;

- (iii) a municipality;
 - (iv) the Washington Suburban Sanitary Commission;
 - (v) the Maryland–National Capital Park and Planning Commission;
 - (vi) the Montgomery County Revenue Authority; or
 - (vii) the Washington Metropolitan Area Transit Authority.
- (b) (1) Except as provided in paragraphs (2) and (3) of this subsection, an individual may not consume an alcoholic beverage:
- (i) on public property;
 - (ii) on the mall, adjacent parking area, or other outside area of a shopping center;
 - (iii) on an adjacent parking area or other outside area of any other retail establishment; and
 - (iv) in a parked vehicle located in an area described under item (i), (ii), or (iii) of this paragraph.
- (2) An individual may consume an alcoholic beverage on:
- (i) public property if authorized by the governmental entity that has authority over the property; or
 - (ii) private property described under paragraph (1)(ii) through (iv) of this subsection if authorized by the owner of the property.
- (3) If the owner or operator of a motor home or chartered bus has consented to the consumption of the alcoholic beverages, paragraph (1) of this subsection does not apply to passengers:
- (i) in the living quarters of a motor home equipped with a toilet and central heating; or
 - (ii) of a chartered bus in transit.
- (c) (1) A violation of this section is a Code violation and a civil offense.
- (2) A person who violates this section:
- (i) shall be issued a citation under § 10–119 of the Criminal Law Article; and
 - (ii) is subject to a fine not exceeding \$100.

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§ 6-322

- (a) (1) Except as provided in paragraph (2) of this subsection, an individual may not possess an alcoholic beverage in an open container while:
- (i) on the mall, adjacent parking area, or other outside area of a shopping center;
 - (ii) on an adjacent parking area or other outside area of any other retail establishment; or
 - (iii) in a parked vehicle located in an area described under item (i) or (ii) of this paragraph.
- (2) An individual may possess an alcoholic beverage in an open container on private property described under paragraph (1) of this subsection if the individual is authorized by the owner of the establishment.
- (b) (1) A violation of this section is a Code violation and a civil offense.
- (2) A person who violates this section:
- (i) shall be issued a citation under § 10–119 of the Criminal Law Article; and
 - (ii) is subject to a fine not exceeding \$100.

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§ 6-323

- (a) In this section, “AWOL machine” means an Alcohol Without Liquid device, a Vaportini, or any similar device that mixes an alcoholic product with pure oxygen or other gas to produce a vaporized product that can be inhaled.
- (b) A person may not:

(1) use an AWOL machine to inhale alcohol vapor or otherwise introduce alcohol in any form into the human body; or
(2) with the intent to introduce alcohol into the human body, possess, purchase, transfer, or offer for sale or use an AWOL machine.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

(2) Each violation of this section is a separate offense.

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§ 6-326

(a) A person may not sell or offer for sale alcoholic beverages that are sold in powder or crystalline form for direct use or use in combination with water or any other substance.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

(2) Each violation of this section is a separate offense.

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§ 6-327

(a) (1) A person in the business of selling or distributing alcoholic beverages in or from another state may not ship, cause to be shipped, or deliver alcoholic beverages directly to a recipient in the State if the seller, distributor, shipper, transporter, or recipient does not hold the required license or permit.

(2) The prohibition under paragraph (1) of this subsection applies to alcoholic beverages ordered or purchased through a computer network.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 6-328

(a) A person may not:

(1) knowingly or willfully possess, transport, sell, offer for sale, or, on the person's property, store or authorize storage of an alcoholic beverage on which the tax imposed by the Tax – General Article has not been paid;

(2) evade a tax imposed on an alcoholic beverage under the Tax – General Article;

(3) counterfeit a stamp or certificate required under this article or the Tax – General Article; or

(4) violate a regulation that the Comptroller or the Executive Director adopts under this article or the Tax – General Article.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

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§ 6-329

(a) (1) A person may not remove or destroy or cause to be removed or destroyed property that has been seized under:

(i) this article; or

(ii) the provisions of the Tax – General Article relating to the tax on alcoholic beverages.

(2) A person may not prevent or attempt to prevent the seizure of property by:

(i) pouring out the contents of the property;

(ii) breaking or destroying the property;

(iii) removing the property from the premises; or

(iv) otherwise disposing of the property.

(b) When a premises, place, or thing is being searched or about to be searched, any fluid poured out or otherwise disposed of by a person in violation of subsection (a) of this section is prima facie evidence that the fluid is an alcoholic beverage and intended for sale or other use in violation of this article or the Tax – General Article.

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§ 6-330

(a) A person may not make a false statement when taking an oath or in any of the following documents required under this article:

- (1) a signed statement;
- (2) a report; or
- (3) an affidavit.

(b) A person who violates this section is guilty of the misdemeanor of perjury and on conviction is subject to the penalty stated under § 9–101 of the Criminal Law Article.

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§ 6-401

Subject to Division II of this article, this subtitle applies statewide.

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§ 6-402

(a) If a person violates this article and no penalty other than the suspension or revocation of a license or permit is provided, the person is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

(b) If a court has imposed a penalty on an individual license holder who has obtained a license for or on behalf of a corporation, a partnership, or an unincorporated association:

- (1) if the penalty is a fine, the corporation, partnership, or unincorporated association also shall be liable for the payment of the fine; and
- (2) if the penalty is imprisonment, the individual license holder shall be liable to serve the term of imprisonment.

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Title 9 — Cannabis Revenue

§ 9-101

(a) In this title:

- (1) except as provided in subsection (c) of this section, the definitions in § 1–101 of this article apply without exception or variation; and
 - (2) the following words have the meanings indicated.
- (b) “Board” means the Board of License Commissioners for Allegany County.
- (c) The Board shall determine whether an establishment meets the definition of a “club” under § 1–101 of this article.
- (d) “County” means Allegany County.
- (e) “Light wine” means wine that contains not more than 15.5% of alcohol by volume.

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§ 9-102

This title applies only in Allegany County.

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§ 9-103

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 9-201

There is a Board of License Commissioners for Allegany County.

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§ 9-202

(a) (1) The Governor shall appoint three members to the Board.

(2) The appointments shall be made:

(i) if the Senate is in session, with the advice and consent of the Senate; or

(ii) if the Senate is not in session, by the Governor alone.

(b) (1) Each member of the Board shall be:

(i) a resident and voter of the county; and

(ii) an individual of high character and integrity and of recognized business capacity.

(2) Two members of the Board of License Commissioners shall be members of the political party that at the last preceding general election polled the highest number of votes in the aggregate for seats on the Board of County Commissioners.

(3) One member of the Board of License Commissioners shall be a member of the political party that at the last preceding general election polled the second highest number of votes in the aggregate for seats on the Board of County Commissioners.

(c) (1) The term of a member is 6 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(d) (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the findings of the Governor on the charges.

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§ 9-203

In making the appointments, the Governor shall designate a chair from among the members of the Board.

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§ 9-204

(a) In accordance with Title 28, Subtitle 1 of the Local Government Article, the County Commissioners shall set the annual salary of the members of the Board.

(b) The Board may:

(1) employ:

(i) a secretary;

- (ii) inspectors; and
 - (iii) clerical and other assistants as are necessary; and
 - (2) set the compensation of the employees, subject to subsection (c)(3) of this section.
 - (c) (1) The chair of the Board shall submit to the Director of Finance of the county the total amount of the Board's budget, including:
 - (i) salaries for members and employees of the Board; and
 - (ii) all other necessary expenses.
 - (2) From the receipts collected by the Board, the County Commissioners shall pay:
 - (i) the salaries of the members and employees of the Board once every 2 weeks; and
 - (ii) the expenses of the Board on written approval of the chair of the Board.
 - (3) The salaries and expenses of the employees of the Board are subject to the approval of the County Commissioners.
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§ 9-205

- (a) An inspector has all the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article.
- (b) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.
- (c) (1) An inspector shall provide a penalty bond of \$2,000 to the Board and the County Commissioners jointly on the condition that the inspector faithfully perform the duties of office.
- (2) The county shall pay the cost of the bond.

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§ 9-206

The Board may adopt regulations to carry out this article.

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§ 9-301

There is no liquor control board or department of liquor control in the county.

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§ 9-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-201 ("Issuance by Comptroller");
- (2) § 2-202 ("Class 1 distillery license");
- (3) § 2-203 ("Class 9 limited distillery license");
- (4) § 2-204 ("Class 2 rectifying license");
- (5) § 2-205 ("Class 3 winery license");
- (6) § 2-206 ("Class 4 limited winery license");
- (7) § 2-207 ("Class 5 brewery license");
- (8) § 2-210 ("Class 8 farm brewery license");
- (9) § 2-211 ("Residency requirement");
- (10) § 2-212 ("Additional licenses");
- (11) § 2-213 ("Additional fees");

(12) § 2–214 (“Sale or delivery restricted”);

(13) § 2–215 (“Beer sale on credit to retail dealer prohibited”);

(14) § 2–216 (“Interaction between manufacturing entities and retailers”);

(15) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and

(16) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).

(b) Section 2–208 (“Class 6 pub–brewery license”) does not apply in the county.

(c) Section 2–209 (“Class 7 micro–brewery license”) of Division I of this article applies in the county, subject to § 9–403 of this subtitle.

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§ 9-402

A holder of a manufacturer’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 9-403

(a) This section applies to a Class 7 micro–brewery license in the county.

(b) A holder of the license:

(1) may brew a malt beverage in one location and contract for the bottling of the malt beverage in another location; and

(2) (i) shall meet the requirements for a restaurant for which a Class B beer, wine, and liquor license is sought; but

(ii) need not meet the requirements for a hotel or motel for which a Class B beer, wine, and liquor license is sought; and

(3) is not subject to the manufacturing and licensing prohibitions under § 2–209(e) of this article.

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§ 9-501

Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article applies in the county without exception or variation.

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§ 9-502

(a) Except as provided in subsection (b) of this section and § 9–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

(b) A holder of a beer wholesaler’s license may deliver draft beer to a holder of a retail license on Sunday.

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§ 9-503

(a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 9-504

A holder of a beer wholesaler’s license may not provide equipment to dispense draft beer at a rental price that is less than the fair market cost for the rental.

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§ 9-505

The holder of a Class 1 or Class 2 wholesaler's license may not sell liquor in a container smaller than 23 ounces or 680 milliliters to a holder of a per diem license issued under § 9–1307 of this title.

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§ 9-601

- (a) There is a Class A beer license.
- (b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.
- (2) The license holder shall sell the beer in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on:
 - (i) the premises where the beer was sold; or
 - (ii) any premises in which the license holder has a direct or indirect interest.
- (c) The annual license fee is \$125.

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§ 9-602

A Class B beer license may not be issued in the county.

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§ 9-603

- (a) There is a Class C beer license.
- (b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on– and off–premises consumption.
- (c) The annual license fee is \$150.

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§ 9-604

- (a) There is a Class D beer license.
- (b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.
- (2) A license may not be issued for a drugstore.
- (c) The annual license fee is \$200.

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§ 9-701

A light wine license may not be issued in the county.

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§ 9-801

- (a) There is a Class A beer and light wine license.
- (b) (1) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license.
- (2) The license holder shall sell the beer and light wine in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on:
 - (i) the premises where the beer or light wine is sold; or
 - (ii) a premises in which the license holder has a direct or indirect interest.
- (c) The annual license fee is \$150.

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§ 9-802

A Class B beer and light wine license may not be issued in the county.

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§ 9-803

- (a) There is a Class B–MB (micro–brewery/restaurant) license.
- (b) The Board may issue the license to a holder of a Class 7 micro–brewery license.
- (c) The license authorizes the license holder to sell at retail:
 - (1) beer and light wine by the drink or bottle and liquor by the drink for on–premises consumption, including:
 - (i) in a banquet room or banquet facility that is on the licensed premises; and
 - (ii) on a patio that is part of the licensed premises as evidenced by lease documents or by agreement of the owner of the licensed premises; and
 - (2) beer and light wine by the bottle for off–premises consumption.
- (d) The hours and days of sale are:
 - (1) for on–premises consumption:
 - (i) from Monday through Saturday, from 7 a.m. to 2 a.m. the following day; and
 - (ii) on Sunday, from 1 p.m. to 2 a.m. the following day; and
 - (2) for off–premises consumption, from Monday through Saturday, from 7 a.m. to 2 a.m. the following day.
- (e) The annual license fee is \$900.

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§ 9-804

- (a) There is a Class C beer and light wine license.
- (b) The license authorizes the license holder to sell beer and light wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on– and off–premises consumption.
- (c) The annual license fee is \$150.

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§ 9-805

- (a) There is a Class D beer and light wine license.
- (b) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license, for on– and off–premises consumption.
- (c) The license may not be issued for use by a drugstore.
- (d) The annual license fee is \$210.

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§ 9-901

- (a) There is a Class A beer, wine, and liquor license.
- (b)
 - (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.
 - (2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises or on a premises in which the license holder has a direct or indirect interest.
- (c) A license may not be issued for a drugstore unless the applicant:
 - (1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is \$650.

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§ 9-902

(a) There is a Class B beer, wine, and liquor license.

(b) The Board may issue the license to the owner of a hotel that:

(1) is in a building at least three stories tall that was originally constructed for hotel purposes;

(2) has a capital investment of at least \$500,000; and

(3) contains:

(i) at least one passenger elevator;

(ii) at least 100 rooms for the accommodation of the public; and

(iii) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor by the drink for on–premises consumption.

(2) Subject to paragraph (3) of this subsection, the Board may issue the license for use by a restaurant:

(i) in a hotel or motel with at least 100 bedrooms for public accommodation; or

(ii) operated in conjunction with a Class 7 micro–brewery.

(3) To be licensed, a restaurant:

(i) shall be in a permanent building with ample space and accommodations for preparing, serving, and selling meals to the public during business hours;

(ii) shall derive at least 60% of its gross monthly revenue from the sale of food;

(iii) shall provide waiters to serve customers who are seated at tables for dining; and

(iv) may not be a fast–food style facility.

(d) The license is exempt from any license population quota limitation.

(e) The license may not be transferred to another location.

(f) The annual license fee is \$800.

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§ 9-903

(a) There is a Class C beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at a club, at the place described in the license, for on– or off–premises consumption.

(c) The annual license fee is \$500.

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§ 9-904

(a) There is a Class D beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is \$700.

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§ 9-905

- (a) There is a Class L beer, wine, and liquor license.
- (b) The Board may issue the license to the holder of a manufacturer's license.
- (c) The license authorizes the license holder, for on-premises consumption, to:
 - (1) sell beer, wine, and liquor produced by the holder or another holder of a manufacturer's license; and
 - (2) provide a sample of the beer, wine, or liquor that is authorized under item (1) of this subsection at no cost.
- (d) The hours of sale for a Class L beer, wine, and liquor license are the same as those for the underlying manufacturer's license.
- (e) The annual license fee is \$250.

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§ 9-1001

- (a) There is a Class B–BT (buffet theater) beer, light wine, and liquor license.
- (b) The Board may issue the license for the use of an establishment that:
 - (1) is operated as a nonprofit professional theater;
 - (2) provides to the customers of the establishment live Broadway-style musicals, comedy, drama, live acoustic-style music, or feature films; and
 - (3) is open to the public by reservation.
- (c) The Class B–BT license authorizes the license holder to sell at retail beer and light wine by the drink or by the bottle and liquor by the drink only for on-premises consumption and in conjunction with the buffet theater.
- (d) (1) The license holder may sell beer and light wine for on-premises consumption beginning 2 hours before the performance, during the performance, and for 2 hours after the end of the performance on:
 - (i) Monday through Saturday; and
 - (ii) Sunday no earlier than 1 p.m.
- (2) The license holder may not sell beer, wine, or liquor:
 - (i) for off-premises consumption by the drink or by the bottle; or
 - (ii) at any time except in conjunction with the buffet theater.
- (e) The annual fee for the license is \$350.

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§ 9-1002

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Concessionaire" means a lessee, a sublessee, or any other operator of an establishment that:
 - (i) engages in the sale of beer, wine, and liquor by the drink or by the bottle on its premises for consumption anywhere in a video lottery facility; and
 - (ii) is operated as a concession independent of a Class BWL–VLF license.
- (3) "Video lottery facility" means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.
- (b) There is a Class BWL–VLC (video lottery concessionaire) beer, wine, and liquor license.
- (c) The Board may issue the license to one or more concessionaires operating in a video lottery facility.
- (d) (1) The license authorizes:
 - (i) the license holder to sell beer, wine, and liquor on the premises of the concessionaire for consumption:

1. anywhere in the video lottery facility; or
 2. on grounds controlled by the Class BWL–VLF license holder, as defined in the Class BWL–VLF license;
- (ii) the playing of music and dancing; and
- (iii) the sale and providing of beer, wine, and liquor throughout the video lottery facility and grounds controlled by the Class BWL–VLF license holder during those days and hours that the video lottery facility is open for business.
- (2) Beer, wine, and liquor purchased under a Class BWL–VLC license may be taken anywhere in the video lottery facility or on grounds controlled by the Class BWL–VLF license holder, as defined in the Class BWL–VLF license.
- (e) The hours for the sale of alcoholic beverages under the license are the same as the hours of operation of a video lottery facility.
- (f) (1) The annual license fee is \$5,000.
- (2) The fee shall be paid to the Board on or before May 1.
- (g) A penalty or other sanction that is imposed for a violation of a regulation of the Board on the licensed premises of a holder of a Class BWL–VLC license shall apply to the concessionaire that the Board determines to be responsible for the violation.

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§ 9-1003

- (a) In this section, “video lottery facility” means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.
- (b) There is a Class BWL–VLF (video lottery facility) beer, wine, and liquor license.
- (c) (1) The Board may issue the license to an individual or entity that owns a video lottery facility that contains at least one food service facility, bar, or lounge.
- (2) The Board may not require an applicant for the license to meet any location, voting, or residency requirement.
- (d) (1) The license authorizes:
- (i) the license holder to sell beer, wine, and liquor by the drink and by the bottle on the premises of the video lottery facility for consumption:
1. anywhere in the video lottery facility; or
 2. on grounds controlled by the license holder, as defined in the license;
- (ii) the playing of music and dancing; and
- (iii) the sale and providing of beer, wine, and liquor throughout the video lottery facility and grounds controlled by the license holder during the days and hours that the video lottery facility is open for business.
- (2) Beer, wine, and liquor purchased under the license may be taken anywhere in the video lottery facility or on grounds controlled by the license holder, as defined in the license.
- (e) The hours for the sale of alcoholic beverages under the license are the same as the hours of operation of a video lottery facility.
- (f) (1) The annual license fee is \$15,000.
- (2) The fee shall be paid to the Board on or before May 1.

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§ 9-1004

- (a) There is a Class C (volunteer company) beer, wine, and liquor license.
- (b) The Board may issue the license for use by:
- (1) a volunteer fire company;
 - (2) a volunteer ambulance company; or

(3) a combined volunteer fire and ambulance company.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on-premises or off-premises consumption.

(d) A customer need not be a member of the company for which the license is issued or a member's guest.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 9–2004 of this title.

(f) The annual license fee is \$500.

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§ 9-1101

(a) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 (“Corkage – Consuming wine not purchased from license holder on licensed premises”); and

(2) § 4–1103 (“Removal of partially consumed bottle of wine from licensed premises”).

(b) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article do not apply in the county:

(1) § 4–1104 (“Refillable container permit – Draft beer”); and

(2) § 4–1105 (“Refillable container permit – Wine”).

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§ 9-1102

(a) Subject to subsection (b) of this section, the Board may issue to a holder of a Class D beer or Class D beer and light wine license a permit that allows the sale of beer, wine, and liquor by the drink for on-premises consumption.

(b) The permit holder:

(1) may continue to sell beer or beer and light wine for on- or off-premises consumption; but

(2) may not:

(i) sell liquor for off-premises consumption; or

(ii) purchase or possess liquor on the premises in a container smaller than 23 ounces or 680 milliliters.

(c) Application for the permit may be made not less than 30 days before the day on which the permit is to take effect.

(d) (1) Not more than 50 permits may be in existence at any one time.

(2) A license holder who is issued a permit shall receive a pro rata credit for the unexpired part of the license held when the license holder is issued the permit.

(e) The annual permit fee is \$500.

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§ 9-1301

(a) The following sections of Title 4, Subtitle 12 (“Temporary Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 4–1206 (“License to dispose of stock”);

(2) § 4–1207 (“Temporary move of licensed premises”);

(3) § 4–1208 (“Hours and days of sale”); and

(4) § 4–1209 (“Wine permit for fund-raising event”).

(b) The following sections of Title 4, Subtitle 12 (“Temporary Licenses”) of Division I of this article do not apply in the county:

(1) § 4–1202 (“Per diem licenses”), which is superseded by § 9–1307 of this subtitle;

(2) § 4–1203 (“Class C per diem beer and Class C per diem beer and wine licenses”), which is superseded by § 9–1309 of this subtitle;

(3) § 4–1204 (“Class C per diem beer, wine, and liquor license”), which is superseded by § 9–1309 of this subtitle; and

(4) § 4–1205 (“License fees”), which is superseded by § 9–1308 of this subtitle.

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§ 9-1304

(a) There is a Class D (on-sale) beer and wine Arts and Entertainment District license.

(b) The Board may issue the license to a for-profit festival promoter.

(c) (1) The license authorizes the holder to exercise any of the privileges conferred by the license at an entertainment event that is held in an arts and entertainment district in the county.

(2) During the event for which the license is issued, an individual, within the approved event area in the arts and entertainment district and with a designated container unique to the event, may:

(i) purchase beer or wine from the license holder, or purchase beer or wine from, and consume on the premises of, any other license holder with on-sale privileges within the approved event area;

(ii) transport the beer or wine in the designated container to the premises of another license holder with on-sale privileges within the approved event area; and

(iii) consume the beer or wine within the approved event area, including the premises of any license holder with on-sale privileges.

(d) (1) An applicant for the license shall submit an application under oath on the form that the Board provides.

(2) Subtitles 14 and 15 of this title do not apply to an applicant for the license.

(e) (1) The license holder:

(i) at the entertainment event for which the license is issued shall distribute a wristband to each individual who is at least 21 years old; and

(ii) may not serve beer or wine to an individual who does not wear a wristband.

(2) A person who violates this subsection is subject to:

(i) for a first offense, a fine of \$250; and

(ii) for a second offense, a fine not exceeding \$1,000 and denial of further applications for a Class D (on-sale) beer and wine Arts and Entertainment District license.

(f) The license holder may hold another license of a different class or nature.

(g) The license:

(1) may be used for a maximum of 3 consecutive days; and

(2) may not be issued to an individual for-profit festival promoter more than once in a calendar year.

(h) The license fee is \$500 per day.

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§ 9-1305

(a) There is a Class BWLT beer, wine, and liquor tasting permit.

(b) The Board may issue the permit to a holder of a beer, wine, and liquor license.

(c) The permit authorizes the holder to allow the on-premises consumption, for tasting, of beer, wine, and liquor.

(d) The permit holder shall notify the Board at least 7 days before a tasting event is to be held.

(e) (1) The annual fee for a Class BWLT beer, wine, and liquor tasting permit is \$150.

(2) The annual fee is in addition to:

- (i) a one-time issuing fee of \$150 for a new Class BWLT beer, wine, and liquor tasting permit; and
 - (ii) the annual fee for the underlying beer, wine, and liquor license.
- (f) The Board shall adopt regulations to carry out this section.

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§ 9-1307

- (a) The Board may grant a per diem license of any retail class.
- (b) A per diem license authorizes the holder to exercise any of the privileges conferred by the class of the license:
- (1) at an entertainment event held by a club;
 - (2) at the place described in the license; and
 - (3) for a period not exceeding:
 - (i) 7 consecutive days for a beer or a beer and light wine license; or
 - (ii) 14 consecutive days for a beer, wine, and liquor license.

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§ 9-1308

The fee for a per diem license is:

- (1) \$20 per day for any beer or beer and light wine license; or
- (2) \$50 per day for any beer, wine, and liquor license.

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§ 9-1309

- (a) The Board may issue a per diem entertainment license of any class.
- (b) The license authorizes the holder to exercise a privilege conferred by that class of license at an entertainment event only on property that the county owns.
- (c) To qualify for the license, a person shall submit an application not less than 30 days before the day on which the license is to take effect.
- (d) The license is valid for a period not exceeding 5 consecutive days.
- (e) (1) The fee for the license shall be set by the Board of County Commissioners on the recommendation of the Board of License Commissioners.
- (2) The Board of County Commissioners shall:
- (i) distribute \$100 of the license fee to the Board of License Commissioners; and
 - (ii) donate the balance of the license fee to a charitable organization that is tax exempt under § 501(c)(3) or (4) of the United States Internal Revenue Code.
- (3) The license holder, with the approval of the Board of County Commissioners, shall designate the charitable organization to be the recipient of the donation under paragraph (2)(ii) of this subsection.

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§ 9-1401

- (a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:
- (1) § 4-102 ("Applications to be filed with local licensing board");
 - (2) § 4-103 ("Application on behalf of partnership");
 - (3) § 4-104 ("Application on behalf of corporation or club");
 - (4) § 4-105 ("Application on behalf of limited liability company");

- (5) § 4–106 (“Payment of notice expenses”);
 - (6) § 4–108 (“Application form required by Comptroller”);
 - (7) § 4–111 (“Payment of license fees”);
 - (8) § 4–113 (“Refund of license fees”); and
 - (9) § 4–114 (“Fees for licenses issued for less than 1 year”).
- (b) Section 4–107 (“Criminal history records check”) of Division I of this article does not apply in the county.
- (c) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county:
- (1) § 4–109 (“Required information on application — In general”), in addition to § 9–1403 of this subtitle;
 - (2) § 4–110 (“Required information on application — Petition of support”), in addition to § 9–1404 of this subtitle; and
 - (3) § 4–112 (“Disposition of license fees”), in addition to § 9–1405 of this subtitle.

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§ 9-1402

- (a) Only a United States citizen may have an interest of any kind in a business for which a license is issued.
- (b) The Board may not issue a license to an individual who is not a resident of the county.

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§ 9-1403

An application shall include:

- (1) a statement that the applicant is at least 21 years old;
- (2) a statement that the applicant, for the issuance or renewal of a license, will produce on request all records that an applicant under this article is required to keep:
 - (i) to the Comptroller, a deputy Comptroller, the county sheriff, the Executive Director, or the police of a municipality in the county; or
 - (ii) in a proceeding before the Board or the circuit court for the county relating to the license or business;
- (3) the names of two persons or the name of a bonding company authorized under this article who will act as a surety on the bond required by the county;
- (4) a statement of all persons interested in the license, including the name of a business entity on whose behalf the license application is made; and
- (5) certificates of receipt from the County Tax and Utility Office and the State Department of Assessments and Taxation, showing that, for the calendar year immediately before the year for which the license is to be issued, there are no unpaid taxes on the merchandise, fixtures, or inventory for the business due to the State, county, or municipality in which the licensed activity is to be carried on.

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§ 9-1404

- (a) (1) With the license application, the applicant shall submit a petition signed by at least 10 residents, voters, or property owners who:
- (i) have not signed any other petition for a license; and
 - (ii) live or own property in the vicinity of the place for which the license application is made.
- (2) The petition shall state the full name, residence, or property owned of each person who signs the petition.
- (3) Each person who signs the petition shall certify that the person:
- (i) has been acquainted with the applicant for more than 1 year before the date that license application is made;

- (ii) has good reason to believe that all the statements in the petition are true; and
 - (iii) requests that the petition be approved and that the license be issued.
- (b) The applicant shall verify the petition by affidavit made before a notary or the clerk of the circuit court.

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§ 9-1405

- (a) The Board shall process and the Director of Finance shall collect the fees.
- (b) From the fees collected from licenses issued to a business in a municipality, the Director of Finance shall:
- (1) credit 5% to the general fund of the county to cover administrative costs; and
 - (2) pay 50% of the remaining fees to the municipality where the business is located.

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§ 9-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-205 ("Chain store, supermarket, or discount house");
- (2) § 4-206 ("Limitations on retail sales floor space");
- (3) § 4-207 ("Licenses issued to minors");
- (4) § 4-211 ("License forms; effective date; expiration");
- (5) § 4-212 ("License not property");
- (6) § 4-213 ("Replacement licenses"); and
- (7) § 4-214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article do not apply in the county:

- (1) § 4-208 ("Notice of license application required") and is superseded by § 9-1504 of this subtitle; and
- (2) § 4-210 ("Approval or denial of license application") and is superseded by § 9-1506 of this subtitle.

(c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

- (1) § 4-202 ("Authority of local licensing boards"), subject to § 9-1502 of this subtitle;
- (2) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 9-1503 of this subtitle and Subtitle 13, Part III of this title;
- (3) § 4-204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 9-1503 of this subtitle; and
- (4) § 4-209 ("Hearing"), in addition to § 9-1505 of this subtitle.

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§ 9-1502

The Board may not issue a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license to a person that holds an out-of-state alcoholic beverages license.

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§ 9-1503

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and light wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 9-1504

(a) (1) The Board shall publish a notice of the license application once a week for 2 consecutive weeks in at least one newspaper of general circulation in the municipality nearest to the location described in the application, as determined by the applicant.

(2) The notice shall state:

(i) the residence of the applicant; and

(ii) the location described in the application and the owner of the location.

(3) The first publication under this subsection shall be at least 15 days before the application hearing.

(b) (1) In addition to the newspaper notice required under § 4–208 of this article, the Board shall post a suitable notice in a conspicuous place at the location described in the application for at least 10 days before the application hearing.

(2) A notice under this subsection shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

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§ 9-1505

In a hearing on an application or protest, the general reputation of the following is admissible:

(1) the applicant or license holder;

(2) the location described in the application; and

(3) the persons who congregate at the location described in the application.

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§ 9-1506

(a) The Board may deny a license application if it decides that:

(1) the applicant is unfit to be issued the license; or

(2) the location described in the application is not a proper one with reference to ensuring the public peace, general welfare, or character of the neighborhood.

(b) Due regard shall be given to the number of licenses issued for a neighborhood.

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§ 9-1601

(a) The Board may:

(1) restrict the number of licenses in a neighborhood to the number of licenses that the Board considers sufficient;

(2) regulate the use of mechanical music boxes and other sound-making devices; and

(3) specify areas in which licenses will not be issued.

(b) An applicant or license holder who is aggrieved by any limitation, restriction, or prohibition imposed by the Board under subsection (a) of this section may petition for judicial review.

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§ 9-1602

(a) Subject to subsection (b) of this section, the Board may not issue:

(1) Class A and Class D beer, wine, and liquor licenses so that the number of licenses issued in each of these classes exceeds one for every 1,300 residents in the county, as determined by the latest federal census; and

(2) Class A and Class D beer licenses or Class A and Class D beer and light wine licenses so that the aggregate number in these classes exceeds one for every 1,300 residents in the county, as determined by the latest federal census.

(b) The Board may approve the transfer of a license.

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§ 9-1603

(a) This section applies to:

- (1) Class A beer licenses, beer and light wine licenses, and beer, wine, and liquor licenses;
- (2) Class B beer licenses, beer and light wine licenses, and beer, wine, and liquor licenses; and
- (3) Class D beer, wine, and liquor licenses.

(b) Except as provided in subsection (c) of this section, the Board may not issue a license specified in subsection (a) of this section to a person whose establishment is outside:

- (1) a municipality; or
- (2) a community with at least 500 residents in a 1-mile radius.

(c) Subject to subsection (d) of this section, the prohibition against issuing a license in subsection (b) of this section does not apply to:

- (1) a restaurant that derives more than 50% of its average monthly gross receipts from sales other than alcoholic beverages; or
 - (2) a hotel or motel that has at least 20 rooms regularly for hire and that offers meals for sale as a regular and substantial part of its business.
- (d) A license issued under subsection (c) of this section may not be reissued, renewed, or transferred if the license holder fails to continue to comply with the requirements of this section.

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§ 9-1604

Not more than 60 Class C licenses may be in existence at any one time.

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§ 9-1605

A Class A, Class B, or Class D beer, wine, and liquor license may not be issued for, transferred to, used in conjunction with, used at a location having a direct or indirect connection with, or used at the location of:

- (1) a chain store;
- (2) a supermarket; or
- (3) a discount house.

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§ 9-1606

(a) Except for a club, hotel, or motel, the Board may not issue a license for an establishment that does not front on a public street.

(b) A blind or an obstruction may not prevent an individual passing along the street from having a full view of the licensed premises.

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§ 9-1607

Not more than two Class B–D licenses may be issued in a single year.

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§ 9-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

- (1) § 4–303 ("Chain store, supermarket, or discount house");
- (2) § 4–304 ("Compliance with Bulk Transfers Act required"); and
- (3) § 4–306 ("Substitution of names of officers on license").

(b) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

- (1) § 4–302 ("Transfer of place of business; transfer of license and inventory"), subject to § 9–1702 of this subtitle; and
- (2) § 4–305 ("Filing fee and endorsement"), subject to § 9–1703 of this subtitle.

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§ 9-1702

The Board may not allow the transfer of a license unless the Board is presented with a receipt or certificate from the Director of Finance showing that all personal property taxes due the county or the State are paid.

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§ 9-1703

The fee for a transfer of a license is \$200.

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§ 9-1704

The Board may not transfer a license that is issued under § 9–1603 of this title unless the license holder continues to comply with the requirements of § 9–1602 of this title.

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§ 9-1801

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 9-1802

Notwithstanding § 9–1502 of this title, the Board may renew a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license originally issued to a holder of an out-of-state alcoholic beverages license.

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§ 9-1901

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

- (1) § 4–502 ("Storage of alcoholic beverages");
- (2) § 4–503 ("Solicitations and sales outside of licensed premises");
- (3) § 4–505 ("Alcohol awareness program");
- (4) § 4–506 ("Evidence of purchaser's age");
- (5) § 4–507 ("Retail delivery of alcoholic beverages"); and
- (6) § 4–508 ("Display of license").

(b) Section 4–504 ("Employment of underage individuals") of Division I of this article applies in the county, subject to § 9–1902 of this subtitle.

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§ 9-1902

(a) (1) Except as provided in paragraph (2) of this subsection, a license holder may employ an individual between the ages of 18 and 21 years.

(2) A license holder that derives more than half of its revenues from the sale of food may employ an individual between the ages of 16 and 21 years.

(b) To be allowed to sell or serve beer, light wine, and liquor, an individual shall be at least 18 years old.

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§ 9-1903

(a) Subject to subsections (b) and (c) of this section, a Class C or Class D license holder may allow individuals under the age of 21 years on the premises to hold or attend a dance or other function at which individuals under the age of 21 years may be present.

(b) Alcoholic beverages may not be sold at the function or be present in the room where the function is held.

(c) The sponsor of the function shall provide adult supervision.

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§ 9-1904

(a) A retail dealer may not extend credit to a customer.

(b) A suit may not be maintained by a retail dealer against a person for alcoholic beverages that have been sold on credit.

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§ 9-1905

(a) An establishment licensed for the sale of beer or of beer and wine shall post at least four conspicuous notices on the licensed premises, including a building, a parking lot, a terrace, or grounds that are an integral part of the licensed premises, stating "Unlawful to drink or display liquor on these premises."

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 9-2001

(a) (1) Unless otherwise provided under this title, from 1 a.m. to 7 a.m. on Monday through Saturday and after 1 a.m. on Sunday, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, operator, or manager of a premises licensed under this title may not allow the consumption of alcoholic beverages that is prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 for each offense.

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§ 9-2002

(a) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class A beer license may sell beer:

(i) on Monday through Saturday from 7 a.m. to 2 a.m. the following day; and

(ii) on Sunday from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; or

2. is issued a 2-day Sunday sales permit in accordance with paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class A beer license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer for off-premises consumption on not more than two Sundays in a year from 11 a.m. to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

(c) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class C beer license may sell beer:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day; and

(ii) on Sunday, for on-premises and off-premises consumption, from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; or

2. is issued a 2-day Sunday sales permit in accordance with paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class C beer license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer for on-premises and off-premises consumption on not more than two Sundays in a year from 11 a.m. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

(d) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class D beer license may sell beer:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, for on-premises and off-premises consumption, from 11 a.m. to 2 a.m. the following day if the holder pays an additional fee of \$250; or

(iii) in accordance with a 2-day Sunday sales permit issued under paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class D beer license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer for on-premises and off-premises consumption on not more than two Sundays in a year from 11 a.m. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

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§ 9-2003

(a) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class A beer and light wine license may sell beer and light wine:

(i) on Monday through Saturday from 7 a.m. to 2 a.m. the following day; and

(ii) on Sunday from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; or

2. is issued a 2-day Sunday sales permit in accordance with paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class A beer and light wine license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer and light wine for off-premises consumption on not more than two Sundays in a year from 11 a.m. to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

(c) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class C beer and light wine license may sell beer and light wine:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day; and

(ii) on Sunday, for on-premises and off-premises consumption, from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; or

2. is issued a 2-day Sunday sales permit in accordance with paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class C beer and light wine license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer and light wine for on-premises consumption and off-premises consumption on not more than two Sundays in a year from 11 a.m. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

(d) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class D beer and light wine license may sell beer and light wine:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, for on-premises and off-premises consumption, from 11 a.m. to 2 a.m. the following day if the holder pays an additional fee of \$250; or

(iii) in accordance with a 2-day Sunday sales permit issued under paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class D beer and light wine license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer and light wine for on-premises and off-premises consumption on not more than two Sundays in a year from 11 a.m. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

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§ 9-2004

(a) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor for off-premises consumption:

(i) on Monday through Saturday from 7 a.m. to 2 a.m. the following day; and

(ii) on Sunday from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; or

2. is issued a 2-day Sunday sales permit in accordance with paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class A beer, wine, and liquor license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for off-premises consumption on not more than two Sundays in a year from 11 a.m. to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

(b) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, for on-premises and off-premises consumption, from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250;

2. is issued the license for use in a restaurant in a permanent building with ample space and accommodations where meals are usually prepared, sold, or served to the public when the restaurant is regularly open for business; or

3. is issued a 2-day Sunday sales permit in accordance with paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class B beer, wine, and liquor license, including a Class B beer, wine, and liquor license issued for use in a restaurant or banquet room in a hotel or motel.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for on-premises and off-premises consumption on not more than two Sundays in a year from 11 a.m. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

(c) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class B-D beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on-premises consumption, from 7 a.m. to 2 a.m. the following day; and

(ii) on Sunday:

1. from 11 a.m. to 2 a.m. the following day if the holder pays an additional fee of \$250; or

2. in accordance with a 2-day Sunday sales permit issued under paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class B-D beer, wine, and liquor license.

(ii) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for on-premises consumption on not more than two Sundays in a year from 11 a.m. Sunday to 2 a.m. the following day.

(iii) The permit fee is \$50 for each time the permit is used.

(d) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day; and

(ii) on Sunday, for on-premises and off-premises consumption, from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; or

2. is issued a 2-day Sunday sales permit in accordance with paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class C beer, wine, and liquor license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for on-premises and off-premises consumption on not more than two Sundays in a year from 11 a.m. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

(e) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day; and

(ii) on Sunday:

1. from 11 a.m. to 2 a.m. the following day if the holder pays an additional fee of \$250; or

2. in accordance with a 2-day Sunday sales permit issued under paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class D beer, wine, and liquor license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for on-premises and off-premises consumption on not more than two Sundays in a year from 11 a.m. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

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§ 9-2005

The Board shall determine the hours of sale for December 31 and January 1, regardless of the days of the week on which those dates fall.

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§ 9-2006

A license holder whose premises are also used as a polling place may not exercise any privilege conferred by that license on the day of an election when the polls are open.

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§ 9-2101

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-602 ("Power of local licensing board"); and
- (2) § 4-605 ("Nudity and sexual displays").

(b) Section 4-606 ("Effects of revocation") of Division I of this article does not apply in the county and is superseded by § 9-2105 of this subtitle.

(c) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county:

- (1) § 4-603 ("Revocation and suspension procedures"), subject to §§ 9-2102 and 9-2103 of this subtitle; and
- (2) § 4-604 ("Grounds for revocation or suspension"), subject to § 9-2104 of this subtitle.

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§ 9-2102

In addition to the revocation and suspension procedures provided under § 4-603(a) of this article, a complaint may be made by at least 10 persons in the vicinity of the licensed premises.

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§ 9-2103

In a hearing on a complaint for revocation or suspension of a license, admissible evidence includes the general reputation of:

- (1) the applicant or license holder;
- (2) the establishment; and
- (3) the individuals who congregate at the establishment.

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§ 9-2104

In addition to the grounds for revocation or suspension provided under § 4-604 of this article, the Board shall revoke or suspend a license for conviction of the license holder's agent or employee for a violation of this article.

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§ 9-2105

If a license is revoked because the license holder was convicted of violating this article or a provision of the Tax – General Article that relates to the alcoholic beverage tax, the Board may not issue a license to the former license holder or for the premises within 1 year after the conviction.

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§ 9-2201

(a) Section 4–702(a) (“On death of license holder”) of Division I of this article applies in the county without exception or variation.

(b) The following sections of Title 4, Subtitle 7 (“Expiration of Local Licenses”) of Division I of this article do not apply in the county:

- (1) § 4–702(b) (“After vacation of or eviction from premises”);
- (2) § 4–703 (“Pending or approved transfers or continuation of business”);
- (3) § 4–704 (“License for premises acquired for public use”); and
- (4) § 4–705 (“Postponement to avoid hardship”).

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§ 9-2202

(a) A license expires 180 days after the license holder has closed the business or stopped active alcoholic beverages business operations at the premises for which the license is held unless:

- (1) an application for approval of a transfer to another location or another person under Subtitle 17 of this title has been approved or is pending;
- (2) an application for a certificate of permission or a renewal license for continuation of business under Subtitle 23 of this title has been approved or is pending; or
- (3) a written request for a hardship extension under subsection (b) of this section is filed within the 180–day period.

(b) (1) The license holder or another appropriate interested party may make a written request to the Board to extend the life of the license due to hardship.

(2) The Board may grant the extension if the Board finds after a hearing that existing hardship caused the closing or stopping of business operations.

(3) An extension may not prolong the life of the license beyond 360 days after the date of closing or stopping of alcoholic beverages business operations at the premises for which the license is held.

(c) (1) The period for which a license may be considered unexpired:

- (i) begins at the earlier of the closing of the business or stopping of alcoholic beverages business operations; and
- (ii) may be suspended only by filing an application or request under subsection (a) of this section.

(2) The expiration period resumes on the last to occur of the following events:

- (i) final action of the Board granting or denying a request for a hardship extension under subsection (b) of this section;
- (ii) final action of the Board denying an application described in subsection (a)(1) or (2) of this section;
- (iii) final judgment of the reviewing court if judicial review of the Board's action on an application or request authorized by subsection (a) or (b) of this section has been granted; or
- (iv) dismissal of a petition for judicial review of the Board's action.

(3) If an application or request described in subsection (a) or (b) of this section is withdrawn:

- (i) the period for automatic expiration of the license may not be suspended; and
- (ii) the application or request shall be considered as if it had not been filed.

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§ 9-2301

Title 4, Subtitle 8 (“Death of License Holder”) of Division I of this article applies in the county without exception or variation.

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§ 9-2401

Title 4, Subtitle 9 (“Judicial Review”) of Division I of this article applies in the county without exception or variation.

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§ 9-2501

(a) (1) An individual may not possess or consume an alcoholic beverage during the hours stated in paragraph (2) of this subsection in an establishment that:

(i) is not licensed by the Board; but

(ii) is:

1. a restaurant, tavern, hotel, club, dance studio, or disco;
2. a place of public entertainment;
3. a place open to the public;
4. a place that is licensed by the State or the county; or
5. a place at which setups or other component parts of mixed alcoholic drinks are sold.

(2) The prohibition under paragraph (1) of this subsection is in effect:

(i) from Monday to Saturday, from 1 a.m. to 7 a.m.; and

(ii) on Sunday, after 1 a.m.

(b) An owner or a manager of an establishment under subsection (a) of this section may not allow consumption or possession of alcoholic beverages that is prohibited under this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 for each offense.

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§ 9-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

- (1) § 6–202 ("Inspections");
- (2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");
- (3) § 6–204 ("Power to summon witnesses");
- (4) § 6–205 ("Peace officers");
- (5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");
- (6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");
- (7) § 6–208 ("Regulating possession or consumption of alcohol in public places"); and
- (8) § 6–210 ("State preemption of local disorderly intoxication laws").

(b) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county:

- (1) § 6–209 ("Adoption of standards for authorization of consumption"), subject to § 9–2602 of this subtitle; and
- (2) § 6–211 ("Fines and forfeitures"), subject to § 9–2603 of this subtitle.

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§ 9-2602

A municipality in the county may pass an ordinance consistent with this article to regulate license holders located within the limits and up to 1 mile beyond the limits of the municipality to assist in the enforcement of this article.

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§ 9-2603

Fines imposed in the county shall be distributed as follows:

- (1) one-half of each fine as provided under § 7-507 of the Courts Article; and
- (2) (i) if the offense is committed in a municipality, one-quarter to the municipality and one-quarter to the county; or
- (ii) if the offense is committed outside of a municipality, one-half to the county.

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§ 9-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6-305 ("Proof of age for sale of alcoholic beverages");
- (2) § 6-306 ("Defense to prosecution for sale to underage individual");
- (3) § 6-308 ("Allowing on-premises consumption of alcoholic beverages not purchased from license holder");
- (4) § 6-309 ("Allowing on-premises consumption or possession of alcoholic beverages by individual under the age of 21 years");
- (5) § 6-310 ("Providing free food");
- (6) § 6-311 ("Restrictions on purchases and sales by retail dealer");
- (7) § 6-312 ("Beverage misrepresentation");
- (8) § 6-313 ("Tampering with alcoholic beverage container");
- (9) § 6-314 ("Sale of alcoholic beverage container with detachable metal tab");
- (10) § 6-315 ("Alcoholic beverage in container without regular label presumed illicit");
- (11) § 6-316 ("Maximum alcohol content");
- (12) § 6-317 ("Multiple serving purchase required");
- (13) § 6-319 ("On-premises consumption of alcoholic beverages not purchased from license holder");
- (14) § 6-320 ("Disorderly intoxication");
- (15) § 6-321 ("Consumption of alcoholic beverages in public");
- (16) § 6-322 ("Possession of open container");
- (17) § 6-323 ("Possession or use of Alcohol Without Liquid machine");
- (18) § 6-326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");
- (19) § 6-327 ("Unlicensed out-of-state sale of alcoholic beverages");
- (20) § 6-328 ("Tax evasion");
- (21) § 6-329 ("Destruction of evidence"); and
- (22) § 6-330 ("Perjury").

(b) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

- (1) § 6-304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 9-2702 of this subtitle; and
- (2) § 6-307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 9-2703 of this subtitle.

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§ 9-2702

(a) A license holder or an employee of a license holder who is charged with a violation of § 6-304 of this article:

- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
- (2) may not be required to post bail pending trial in any court of the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) A license holder or an employee of the license holder who violates § 6–304 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

(d) The Board may not proceed against a license holder for a violation of § 6–304 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

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§ 9-2703

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court of the State.

(b) A license holder or an employee of the license holder who violates § 6–307 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

(c) The Board may not proceed against a license holder for a violation of § 6–307 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

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§ 9-2704

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 9-2705

(a) A license holder may not allow gambling that is prohibited by law on the licensed premises.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 9-2706

(a) A license holder whose license has the privilege that allows the sale of alcoholic beverages by clubs may not lease the privilege to a person who, by an agreement with the license holder, may make a profit from the license.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 9-2707

(a) A license holder may not allow disorderly or disreputable individuals to congregate on the licensed premises.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 9-2708

(a) A license holder may not allow an individual who is not a consumer to loiter about the place of business for which the license is issued.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 9-2709

(a) A person may not display or consume in a licensed establishment any alcoholic beverage other than those that the license holder of the licensed establishment may sell.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 9-2801

(a) Section 6–402(b) (“General penalty — Imposition of penalty”) of Division I of this article applies in the county without exception or variation.

(b) Section 6–402(a) (“General penalty — In general”) of Division I of this article does not apply in the county and is superseded by § 9–2802 of this subtitle.

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§ 9-2802

A person who violates a provision of this article for which no other penalty is provided is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

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§ 9-2803

(a) The Board may revoke or suspend a license or impose a fine on a license holder who violates this article.

(b) (1) In lieu of suspension, the Board may impose a fine not exceeding \$2,500, which shall be paid into the general fund of the county.

(2) In deciding whether to fine a license holder or suspend the license, the Board shall consider whether:

(i) the public welfare and morals would be impaired by allowing the license holder to operate during the suspension period; and

(ii) the payment of the fine will achieve the desired disciplinary purposes.

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§ 9-2804

(a) A municipality may impose a penalty for the violation of an ordinance passed for the regulation and control of a license holder under this title.

(b) (1) In lieu of suspension, the municipality may impose a fine not exceeding \$2,500, which shall be paid into the general fund of the county.

(2) In deciding whether to fine a license holder or suspend the license, the municipality shall consider whether:

(i) the public welfare and morals would be impaired by allowing the license holder to operate during the suspension period; and

(ii) the payment of the fine will achieve the desired disciplinary purposes.

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Title 10 — Miscellaneous Provisions

§ 10-101

(a) In this title:

- (1) the definitions in § 1–101 of this article apply without exception or variation; and
- (2) the following words have the meanings indicated.
- (b) “Board” means the Board of License Commissioners for the City of Annapolis.
- (c) “City” means the City of Annapolis.
- (d) “Light wine” means wine that contains not more than 15.5% of alcohol by volume.

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§ 10-102

This title applies only in the City of Annapolis.

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§ 10-103

A copy of any legislation concerning alcoholic beverages enacted by the City Council under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 10-201

The Mayor and the City Council may:

- (1) constitute the Board of License Commissioners for the City; or
- (2) delegate all or part of the authority to regulate license holders to a subsidiary board that the Mayor and City Council establish.

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§ 10-202

The Board of License Commissioners for Anne Arundel County does not have jurisdiction in the City.

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§ 10-203

(a) The Mayor and City Council of the City may adopt regulations that in their judgment give the City more effective control of each licensed establishment.

(b) The regulations:

- (1) may be added to or substituted for provisions of this article; but
- (2) may not be inconsistent with those provisions.

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§ 10-301

There is no liquor control board or department of liquor control in the City.

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§ 10-401

(a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the City without exception or variation:

- (1) § 2–201 (“Issuance by Comptroller”);

(2) § 2–202 (“Class 1 distillery license”);
(3) § 2–203 (“Class 9 limited distillery license”);
(4) § 2–204 (“Class 2 rectifying license”);
(5) § 2–205 (“Class 3 winery license”);
(6) § 2–206 (“Class 4 limited winery license”);
(7) § 2–207 (“Class 5 brewery license”);
(8) § 2–208 (“Class 6 pub–brewery license”);
(9) § 2–209 (“Class 7 micro–brewery license”);
(10) § 2–210 (“Class 8 farm brewery license”);
(11) § 2–211 (“Residency requirement”);
(12) § 2–212 (“Additional licenses”);
(13) § 2–213 (“Additional fees”);
(14) § 2–214 (“Sale or delivery restricted”);
(15) § 2–216 (“Interaction between manufacturing entities and retailers”);
(16) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and
(17) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).
(b) Section 2–215 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article does not apply in the City.

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§ 10-402

A holder of a manufacturer’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday or an election day.

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§ 10-501

(a) The following sections of Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article apply in the City without exception or variation:

(1) § 2–301 (“Licenses issued by Comptroller”);
(2) § 2–302 (“Class 1 beer, wine, and liquor wholesaler’s license”);
(3) § 2–303 (“Class 2 wine and liquor wholesaler’s license”);
(4) § 2–304 (“Class 3 beer and wine wholesaler’s license”);
(5) § 2–305 (“Class 4 beer wholesaler’s license”);
(6) § 2–306 (“Class 5 wine wholesaler’s license”);
(7) § 2–307 (“Class 6 limited wine wholesaler’s license”);
(8) § 2–308 (“Class 7 limited beer wholesaler’s license”);
(9) § 2–309 (“Sale and delivery of beer or wine from wholesaler’s vehicle”);
(10) § 2–310 (“Sale and delivery to retail license holder”);
(11) § 2–311 (“Additional wholesaler’s licenses”);
(12) § 2–312 (“Direct importation of alcoholic beverages”);
(13) § 2–313 (“Sale or delivery restricted to holder of license or permit”);
(14) § 2–315 (“Interaction between wholesaling entities and retailers”);
(15) § 2–316 (“Distribution of alcoholic beverages — Prohibited practices”); and

(16) § 2–317 (“Restrictive agreements between wholesalers and retailers — Prohibited”).

(b) Section 2–314 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article does not apply in the City.

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§ 10-502

Except as provided in § 10–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 10-503

(a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 10-701

A light wine license may not be issued in the City.

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§ 10-801

The Board may issue a license to sell beer and light wine, at retail, for:

- (1) on–premises consumption; or
- (2) on– and off–premises consumption.

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§ 10-901

(a) There is a beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at the place described in the license for on–premises consumption.

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§ 10-1001

(a) There is an art establishment beer and wine license.

(b) (1) The Board may issue the license to a nonprofit organization primarily engaged in:

- (i) the display, sale, or demonstration of art by an individual artist or a group of artists;
- (ii) the instruction of participating clients in creating art; or
- (iii) live performances, including musical acts or theater performances.

(2) The Board may not issue the license to an organization that:

- (i) displays and sells commercially prepared or mass–produced artistic products; or
- (ii) has a corporate purpose that is not dedicated to the activities described under paragraph (1) of this subsection.

(c) The license authorizes the holder to sell or serve beer and wine at retail for on–premises consumption.

(d) The license holder may sell or serve beer and wine during the hours and days set for beer and light wine licenses under § 10–2003 of this title.

(e) The license may not be transferred to another location.

(f) The annual license fee is \$1,000.

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§ 10-1002

- (a) There is a bookstore beer and wine license.
- (b) The Board may issue the license for use by an establishment commonly known as a bookstore that derives at least 70% of its revenue, measured by average daily receipts, from the sale of books.
- (c) The license authorizes the license holder to sell beer and wine to a bookstore customer for consumption in the bookstore during a public lecture, reading, discussion, or similar bookstore event.
- (d) The average daily receipts from the sale of alcoholic beverages at the bookstore may not exceed 17% of average daily receipts of the business.
- (e) The license may not be transferred to another location.
- (f) The license holder is subject to the alcohol awareness training requirements under § 4–505 of this article.
- (g) The annual license fee is \$200.

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§ 10-1101

- (a) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article apply in the City without exception or variation:
 - (1) § 4–1102 (“Corkage — Consuming wine not purchased from license holder on licensed premises”); and
 - (2) § 4–1103 (“Removal of partially consumed bottle of wine from licensed premises”).
- (b) Section 4–1105 (“Refillable container permit — Wine”) of Division I of this article does not apply in the City.
- (c) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article apply in the City:
 - (1) § 4–1104 (“Refillable container permit — Draft beer”), subject to § 10–1102 of this subtitle; and
 - (2) § 4–1106 (“Nonrefillable container permit — Draft beer”), subject to § 10–1103 of this subtitle.

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§ 10-1102

- (a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, Class B license, Class D license, or Class E license.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for a refillable container permit:
 - (1) begin at the same time as those for the underlying license; and
 - (2) end at midnight.
- (d) The Board shall adopt regulations to carry out this section.
- (e) The annual permit fees are:
 - (1) \$50 for an applicant whose license has an off–sale privilege; and
 - (2) \$500 for an applicant whose license does not have an off–sale privilege.

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§ 10-1103

- (a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, Class B license, Class D license, or Class E license.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for a nonrefillable container permit:

- (1) begin at the same time as those for the underlying license; and
 - (2) end at midnight.
 - (d) The Board shall adopt regulations to carry out this section.
 - (e) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:
 - (i) \$50 for an applicant whose license has an off-sale privilege; and
 - (ii) \$500 for an applicant whose license does not have an off-sale privilege.
 - (2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.
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§ 10-1104

- (a) There is a club public event permit.
- (b) The Board may issue the permit to a holder of a Class C license.
- (c) Subject to subsection (d) of this section, the permit authorizes a club to sell alcoholic beverages that are allowed under the club's Class C license:
 - (1) during a public event sponsored by the club at the place described in the license;
 - (2) to an individual who is not a member of the club or a guest of a member; and
 - (3) for on-premises consumption.
- (d) (1) A permit holder shall:
 - (i) submit an application for approval to the Board at least 45 days before a public event; and
 - (ii) obtain the approval of the Board before each public event.
- (2) The Board, in its discretion, may approve up to 12 public events per permit holder in a calendar year.

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§ 10-1301

Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article applies in the City without exception or variation.

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§ 10-1304

- (a) The Mayor and City Council or designee may approve a Class WS wine sampling license.
- (b) The Mayor and City Council or designee may issue the license to a nonprofit organization.
- (c) (1) The license authorizes the on-premises consumption of wine for sampling:
 - (i) on premises for which a Class B beer and wine or beer, wine, and liquor license has been issued, with the consent of the holder of the license for the premises; or
 - (ii) at a location that is not already licensed.
- (2) The license holder may bring wine onto the Class B licensed premises for sampling.
- (d) The nonprofit organization shall apply for the license at least 15 days before the license is issued.
- (e) The Mayor and City Council or designee may issue not more than 12 licenses in a license year to a single nonprofit organization.
- (f) The license holder may serve a quantity of not more than 2 ounces from each offering to an individual.
- (g) The Mayor and City Council or designee shall set the license fee.

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§ 10-1305

- (a) The Mayor and City Council or designee may approve a Class BWT beer and wine tasting license.

(b) The Mayor and City Council or designee may issue the license to a holder of a Class A beer, wine, and liquor license or Class A beer and wine license.

(c) The license authorizes a license holder to allow on-premises consumption of beer and light wine for tasting.

(d) The license holder may serve to an individual:

(1) light wine in a quantity of not more than 1 ounce from each offering; and

(2) beer in a quantity of not more than 3 ounces.

(e) The Mayor and City Council or designee shall set the license fee.

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§ 10-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local License") of Division I of this article apply in the City without exception or variation:

(1) § 4-102 ("Applications to be filed with local licensing board");

(2) § 4-103 ("Application on behalf of partnership");

(3) § 4-104 ("Application on behalf of corporation or club");

(4) § 4-105 ("Application on behalf of limited liability company");

(5) § 4-106 ("Payment of notice expenses");

(6) § 4-108 ("Application form required by Comptroller");

(7) § 4-110 ("Required information on application — Petition of support");

(8) § 4-111 ("Payment of license fees");

(9) § 4-113 ("Refund of license fees"); and

(10) § 4-114 ("Fees for licenses issued for less than 1 year").

(b) Section 4-107 ("Criminal history records check") of Division I of this article does not apply in the City.

(c) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the City:

(1) § 4-109 ("Required information on application — In general"), subject to § 10-1402 of this subtitle; and

(2) § 4-112 ("Disposition of license fees"), subject to § 10-1403 of this subtitle.

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§ 10-1402

An applicant for a license issued in the City may meet the residency requirement in § 4-109(a)(4) of this article by residing anywhere in Anne Arundel County.

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§ 10-1403

The City Clerk shall collect all license fees and pay them to the City.

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§ 10-1404

The Mayor and City Council may:

(1) set the fees for all licenses authorized to be issued in the City; and

(2) determine a periodic basis on which payments for the renewal of a license may be made.

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§ 10-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the City without exception or variation:

- (1) § 4-205 ("Chain store, supermarket, or discount house");
- (2) § 4-206 ("Limitations on retail sales floor space");
- (3) § 4-207 ("Licenses issued to minors");
- (4) § 4-208 ("Notice of license application required");
- (5) § 4-209 ("Hearing");
- (6) § 4-210 ("Approval or denial of license application");
- (7) § 4-211 ("License forms; effective date; expiration");
- (8) § 4-212 ("License not property");
- (9) § 4-213 ("Replacement licenses"); and
- (10) § 4-214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the City:

- (1) § 4-202 ("Authority of local licensing boards"), subject to § 10-1502 of this subtitle;
- (2) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 10-1503 of this subtitle and Subtitle 13, Part III of this title; and
- (3) § 4-204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 10-1503 of this subtitle and Subtitle 13, Part III of this title.

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§ 10-1502

(a) Licenses shall be approved by the Board of License Commissioners of the City and issued by the City Clerk.

(b) The Board of License Commissioners of Anne Arundel County may not issue licenses in the City.

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§ 10-1503

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and light wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 10-1701

Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article applies in the City without exception or variation.

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§ 10-1801

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the City without exception or variation:

- (1) § 4-403 ("Renewal application");
- (2) § 4-404 ("Filing period for renewal application");
- (3) § 4-405 ("Contents of renewal application");
- (4) § 4-406 ("Protests");

(5) § 4–407 (“Denial of renewal application”);

(6) § 4–408 (“Issuance of renewed licenses”);

(7) § 4–409 (“Multiple licenses”); and

(8) § 4–410 (“Chain store, supermarket, or discount house”).

(b) Section 4–402 (“Eligibility for renewal; process”) of Division I of this article applies in the City, subject to § 10–1802 of this subtitle.

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§ 10-1802

The Mayor and City Council may determine a periodic payment schedule for the renewal of a license.

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§ 10-1901

Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article applies in the City without exception or variation.

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§ 10-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption of alcoholic beverages prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 10-2002

The Board may set the hours of sale for beer licenses.

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§ 10-2003

The Board may set the hours of sale for beer and light wine licenses.

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§ 10-2004

The Board may set the hours of sale for beer, wine, and liquor licenses.

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§ 10-2101

Title 4, Subtitle 6 (“Revocation and Suspension of Local Licenses”) of Division I of this article applies in the City without exception or variation.

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§ 10-2201

Title 4, Subtitle 7 (“Expiration of Local Licenses”) of Division I of this article applies in the City without exception or variation.

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§ 10-2301

Title 4, Subtitle 8 (“Death of License Holder”) of Division I of this article applies in the City without exception or variation.

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§ 10-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the City without exception or variation.

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§ 10-2501

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

- (1) an establishment open to the public;
- (2) a place of public entertainment; or
- (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 10-2601

(a) Subject to regulation by the City of the possession or consumption of alcoholic beverages on public property owned by the City or on a public highway, the following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the City without exception or variation:

- (1) § 6-202 ("Inspections");
- (2) § 6-203 ("Use of equipment to measure quantity and quality of alcoholic beverages");
- (3) § 6-205 ("Peace officers");
- (4) § 6-206 ("Charging document for unlawful sale of alcoholic beverage");
- (5) § 6-207 ("Display of alcoholic beverages as prima facie evidence of sale");
- (6) § 6-208 ("Regulating possession or consumption of alcohol in public places");
- (7) § 6-209 ("Adoption of standards for authorization of consumption"); and
- (8) § 6-211 ("Fines and forfeitures").

(b) Section 6-210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the City.

(c) Section 6-204 ("Power to summon witnesses") of Division I of this article applies in the City, in addition to § 10-2602 of this subtitle.

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§ 10-2602

In addition to the sheriff who may serve a summons under § 6-204 of this article, the City Police Department may serve a summons.

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§ 10-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the City without exception or variation:

- (1) § 6-305 ("Proof of age for sale of alcoholic beverages");
- (2) § 6-306 ("Defense to prosecution for sale to underage individual");
- (3) § 6-308 ("Allowing on-premises consumption of alcoholic beverages not purchased from license holder");

- (4) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);
- (5) § 6–310 (“Providing free food”);
- (6) § 6–311 (“Restrictions on purchases and sales by retail dealer”);
- (7) § 6–312 (“Beverage misrepresentation”);
- (8) § 6–313 (“Tampering with alcoholic beverage container”);
- (9) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);
- (10) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);
- (11) § 6–316 (“Maximum alcohol content”);
- (12) § 6–317 (“Multiple serving purchase required”);
- (13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);
- (14) § 6–320 (“Disorderly intoxication”);
- (15) § 6–321 (“Consumption of alcoholic beverages in public”);
- (16) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);
- (17) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);
- (18) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);
- (19) § 6–328 (“Tax evasion”);
- (20) § 6–329 (“Destruction of evidence”); and
- (21) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article do not apply in the City:

- (1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”); and
- (2) § 6–322 (“Possession of open container”).

(c) Section 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”) of Division I of this article applies in the City, subject to § 10–2703 of this subtitle.

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§ 10-2702

(a) A person may not sell or provide directly or indirectly alcoholic beverages to an individual under the age of 21 years for the individual's own use or for the use of any other person.

(b) A defendant may not be found guilty of selling alcoholic beverages to an individual under the age of 21 years if:

- (1) the individual willfully represented that the individual is at least 21 years old and obtained an alcoholic beverage; and
- (2) the defendant proves at the trial that:
 - (i) misrepresentation of age occurred;
 - (ii) due caution was used in ascertaining the age of the individual before providing the alcoholic beverage to the individual;
 - (iii) in the exercise of due caution, the defendant was deceived by the use of documentary evidence; and
 - (iv) because of the use of documentary evidence, the defendant was unable to ascertain that the individual was under the age of 21 years.

(c) The City Council may provide by ordinance that a violation of this section is a municipal infraction.

(d) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of this section does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 10-2703

The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 10-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the City.

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§ 10-2802

The Board may impose a fine not exceeding \$2,000 in lieu of suspending a license for a violation that is cause for license suspension under the alcoholic beverage laws of the City.

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Title 11 — Title 11

§ 11-101

(a) In this title:

(1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Anne Arundel County.

(c) “County” means Anne Arundel County.

(d) “Light wine” means wine that contains not more than 15.5% of alcohol by volume.

(e) “Taxpayer” means an individual who:

(1) owns real property in the county in the individual's own name, individually or jointly with others; and

(2) pays real property taxes to the county.

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§ 11-102

This title applies only in Anne Arundel County.

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§ 11-103

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 11-201

There is a Board of License Commissioners for Anne Arundel County.

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§ 11-202

(a) (1) The Governor shall appoint three members to the Board.

(2) The appointments shall be made:

(i) if the Senate is in session, with the advice and consent of the Senate; or

(ii) if the Senate is not in session, by the Governor alone.

- (b) (1) Each member of the Board shall be:
- (i) a resident and voter of the county; and
 - (ii) an individual of high character and integrity and of recognized business capacity.
- (2) No more than two members of the Board may belong to the same political party.
- (c) (1) The term of a member is 2 years.
- (2) A member may not serve more than four consecutive terms.
- (d) (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.
- (2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.
- (2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.
- (3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

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§ 11-203

In making the appointments, the Governor shall designate a chair from among the members of the Board.

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§ 11-204

- (a) (1) The chair of the Board shall receive an annual salary of not more than \$18,000 and reimbursement for expenses reasonably incurred.
- (2) Each other member of the Board shall receive an annual salary of not more than \$15,000 and reimbursement for expenses reasonably incurred.
- (b) (1) The Board may employ:
- (i) inspectors, subject to § 11–206 of this subtitle; and
 - (ii) clerical and other assistants as are necessary.
- (2) The Board shall employ:
- (i) a full-time executive director whose annual salary shall be fixed by the Board as in a general county classified salary schedule, within pay grade 17;
 - (ii) a full-time administrator whose annual salary shall be fixed by the Board as in a general county classified salary schedule, within pay grade 16;
 - (iii) two full-time secretaries whose annual salaries shall be fixed by the Board as in a general county classified salary schedule, within pay grade 13;
 - (iv) a full-time chief inspector whose annual salary shall be fixed by the Board as in a general county classified salary schedule, within non-represented pay schedule NR-05; and
 - (v) an attorney at an annual salary of \$60,000.
- (3) (i) The Board may hire an attorney on a contractual basis to perform work that the attorney employed by the Board is unable to perform because of a conflict of interest.
- (ii) The Board may spend not more than \$30,000 each year to hire a contractual attorney under subparagraph (i) of this paragraph.
- (4) Except as otherwise provided in this subtitle, the Board may set the compensation of the employees.

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§ 11-205

The Board may allow the sale of alcoholic beverages in or on a parking lot, picnic ground, building, or terrace that is an integral part of the licensed premises.

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§ 11-206

(a) (1) The Board may employ:

(i) one part-time deputy chief inspector at an annual salary of \$18,000; and

(ii) 18 part-time inspectors at an annual salary of \$7,000 each.

(2) Each inspector shall receive a monthly expense allowance of \$300, subject to the approval of the Executive Director.

(b) An inspector:

(1) has all the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article;

(2) may serve a summons under § 11-2604 of this title; and

(3) may issue a civil citation under § 11-2605 of this title.

(c) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

(d) (1) An inspector shall provide a penalty bond of \$2,000 to the Board and the County Council jointly on the condition that the inspector faithfully perform the duties of office.

(2) The county shall pay the cost of the bond.

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§ 11-207

From the fees received, the Executive Director shall:

(1) approve and remit to the county the amounts necessary to pay the salaries and benefits of the Board and its employees;

(2) approve and remit to the county the amount necessary to pay the expenses of the Board; and

(3) at the end of each fiscal year, remit the balance of the fees received to the county for the general purposes of the county.

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§ 11-208

The Board may adopt regulations to carry out this article.

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§ 11-209

(a) The Board shall make available to the public the agenda for an upcoming meeting not less than 1 week before the meeting.

(b) The Board shall make available to the public live video and audio streaming of each open meeting.

(c) In accordance with § 3-306 of the General Provisions Article, the Board shall publish the minutes of each open meeting not later than 1 month after the meeting.

(d) The Board shall archive and store:

(1) recordings of each open meeting for not less than 3 years; and

(2) records of the minutes of each open meeting for not less than 7 years.

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§ 11-301

There is no liquor control board or department of liquor control in the county.

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§ 11-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-201 ("Issuance by Executive Director");
- (2) § 2-202 ("Class 1 distillery license");
- (3) § 2-203 ("Class 9 limited distillery license");
- (4) § 2-204 ("Class 2 rectifying license");
- (5) § 2-205 ("Class 3 winery license");
- (6) § 2-206 ("Class 4 limited winery license");
- (7) § 2-208 ("Class 6 pub-brewery license");
- (8) § 2-210 ("Class 8 farm brewery license");
- (9) § 2-211 ("Residency requirement");
- (10) § 2-212 ("Additional licenses");
- (11) § 2-213 ("Additional fees");
- (12) § 2-214 ("Sale or delivery restricted");
- (13) § 2-216 ("Interaction between manufacturing entities and retailers");
- (14) § 2-217 ("Distribution of alcoholic beverages — Prohibited practices"); and
- (15) § 2-218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

- (1) § 2-207 ("Class 5 brewery license"), subject to § 11-1007.1 of this title;
- (2) § 2-209 ("Class 7 micro-brewery license"), subject to § 11-1007.1 of this title; and
- (3) § 2-215 ("Beer sale on credit to retail dealer prohibited"), subject to § 11-403 of this subtitle.

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§ 11-402

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 11-403

In addition to § 2-215 of this article:

- (1) a cash deposit for a returnable container shall be required at the time of sale or delivery; and
- (2) a check accepted for payment that is not postdated and is promptly deposited for collection is considered cash.

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§ 11-501

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-301 ("Licenses issued by Executive Director");
- (2) § 2-302 ("Class 1 beer, wine, and liquor wholesaler's license");

- (3) § 2–303 (“Class 2 wine and liquor wholesaler’s license”);
 - (4) § 2–304 (“Class 3 beer and wine wholesaler’s license”);
 - (5) § 2–305 (“Class 4 beer wholesaler’s license”);
 - (6) § 2–306 (“Class 5 wine wholesaler’s license”);
 - (7) § 2–307 (“Class 6 limited wine wholesaler’s license”);
 - (8) § 2–308 (“Class 7 limited beer wholesaler’s license”);
 - (9) § 2–309 (“Sale and delivery of beer or wine from wholesaler’s vehicle”);
 - (10) § 2–310 (“Sale and delivery to retail license holder”);
 - (11) § 2–311 (“Additional wholesaler’s licenses”);
 - (12) § 2–312 (“Direct importation of alcoholic beverages”);
 - (13) § 2–313 (“Sale or delivery restricted to holder of license or permit”);
 - (14) § 2–315 (“Interaction between wholesaling entities and retailers”);
 - (15) § 2–316 (“Distribution of alcoholic beverages — Prohibited practices”); and
 - (16) § 2–317 (“Restrictive agreements between wholesalers and retailers — Prohibited”).
- (b) Section 2–314 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article applies in the county, subject to § 11–504 of this subtitle.

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§ 11-502

Except as provided in § 11–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 11-503

(a) A holder of a wholesaler’s license may enter into an agreement with a holder of a Class C per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the Class C per diem license and accept returns on the same day.

(b) (1) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

(2) Before the license expires, a holder of a Class C per diem license shall pay for any equipment, services, personnel, and supplies required for dispensing draft beer.

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§ 11-504

For purposes of applying § 2–314 of this article:

(1) a cash deposit for a returnable container shall be required at the time of sale or delivery of beer; and

(2) a check accepted for payment that is not postdated and is promptly deposited for collection is considered cash.

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§ 11-601

A Class A beer license may not be issued in the county.

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§ 11-602

A Class B beer license may not be issued in the county.

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§ 11-603

A Class C beer license may not be issued in the county.

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§ 11-604

A Class D beer license may not be issued in the county.

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§ 11-701

(a) There is a Class A light wine license in the county.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license light wine produced at the winery.

(2) Light wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is \$60.

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§ 11-801

(a) There is a Class A beer and light wine license.

(b) (1) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and light wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or light wine is sold.

(c) The annual license fee is \$240.

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§ 11-802

(a) There is a Class B beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine at a hotel or restaurant, at retail, at the place described in the license, for on- and off-premises consumption.

(c) Before each renewal of the license, the license holder shall attest in a sworn statement that the gross receipts from food sales for the 12-month period immediately preceding the application for renewal were at least equal to 51% of the gross receipts from the sale of food and alcoholic beverages sold for on-premises consumption.

(d) The annual license fee is \$480.

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§ 11-803

(a) There is a Class C beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on-premises consumption.

(c) The annual license fee is \$120.

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§ 11-804

- (a) There is a Class D beer and light wine license.
- (b) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license, for on- and off-premises consumption.
- (c) The license may not be issued for use by a drugstore.
- (d) The annual license fee is \$480.

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§ 11-805

- (a) There is a Class H beer and light wine license.
- (b) The license authorizes the license holder to sell beer and light wine at a hotel or restaurant, at retail, at the place described in the license, for on-premises consumption.
- (c) Before each renewal of the license, the license holder shall attest in a sworn statement that the gross receipts from food sales for the 12-month period immediately preceding the application for renewal were at least equal to 51% of the gross receipts from the sale of food and alcoholic beverages.
- (d) The annual license fee is \$360.

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§ 11-806

- (a) There is a beer and wine (hotel-limited service) license.
- (b) The Board may issue the license to a person who owns or leases a hotel that contains:
 - (1) at least 50 rooms; and
 - (2) a kitchen licensed to operate as a food service facility.
- (c) The license authorizes the license holder to sell beer and wine every day at one or more locations in the hotel for on-premises consumption.
- (d) The annual license fee is \$2,400 to be paid on or before May 1.

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§ 11-901

- (a) There is a Class A beer, wine, and liquor license.
- (b)
 - (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.
 - (2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (c) A license may not be issued for a drugstore unless the applicant:
 - (1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;
 - (2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or
 - (3) has been engaged in the retail drug business for at least 3 years.
- (d) The annual license fee is \$720.

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§ 11-902

- (a) There is a Class B beer, wine, and liquor license.
- (b) The Board may issue the license for use by a restaurant that:

- (1) has ample space and accommodations for regularly preparing, selling, and serving hot meals to the public at least twice daily;
 - (2) is equipped with a public dining room with sufficient tables, chairs, cutlery, and glassware to serve the meals prepared in the restaurant;
 - (3) is equipped with a kitchen that has complete facilities and utensils for preparing and serving hot and cold meals to the public; and
 - (4) employs a sufficient number of cooks and wait staff to serve the number of customers accommodated in the dining room.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on– or off–premises consumption.
- (d) Before each renewal of the license, the license holder shall attest in a sworn statement that the gross receipts from food sales for the 12–month period immediately preceding the application for renewal were at least equal to 51% of the gross receipts from the sale of food and alcoholic beverages sold for on–premises consumption.
- (e) The annual fee for the license is \$1,080.

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§ 11-903

- (a) There is a Class C beer, wine, and liquor license.
- (b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor at retail, at a club at the place described in the license, for on–premises consumption, including:
- (i) during an event held on the licensed premises; and
 - (ii) to a member of the club or a guest of the member.
- (2) If the license holder hosts an event for an outside group, the outside group shall obtain a Class C per diem beer, wine, and liquor license from the Board.
- (c) The annual license fee is \$480.

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§ 11-904

- (a) There are:
- (1) a Class D beer, wine, and liquor license for on– and off–premises consumption; and
 - (2) a limited Class D beer, wine, and liquor license for on–premises consumption only.
- (b) When an application for a new Class D beer, wine, and liquor license is filed, the Board may limit the sale of beer, wine, and liquor to allow on–premises consumption only.
- (c) The annual license fees are:
- (1) \$1,200 for a Class D license; and
 - (2) \$1,080 for a limited Class D license.

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§ 11-905

- (a) There is a Class H beer, wine, and liquor license.
- (b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on–premises consumption.
- (c) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 11–2004(e) of this title.

(d) Before each renewal of the license, the license holder shall attest in a sworn statement that the gross receipts from food sales for the 12-month period immediately preceding the application for renewal were at least equal to 51% of the gross receipts from the sale of food and alcoholic beverages.

(e) The annual license fee is \$960.

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§ 11-906

(a) There is a beer, wine, and liquor (hotel-limited service) license.

(b) The Board may issue a license to a person who owns or leases a hotel that:

(1) has at least 50 rooms; and

(2) operates a kitchen licensed at least as a food service facility.

(c) The license authorizes the license holder to sell beer, wine, and liquor every day at one or more locations in the hotel for on-premises consumption.

(d) The annual license fee is \$2,800.

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§ 11-907

(a) There is a motel/hotel-restaurant license.

(b) (1) The Board may issue the license to the person owning or leasing a motel-restaurant complex or hotel-restaurant complex that has:

(i) except as provided in paragraph (2) of this subsection, at least \$500,000 in capital investment;

(ii) at least 100 rooms; and

(iii) an enclosed dining room in which, at least twice a day, full-course meals are served with patrons ordering from menus.

(2) A concessionaire to whom the food concession of the complex is leased is exempt from the requirement of having at least \$500,000 in capital investment.

(c) The license authorizes:

(1) the license holder to sell beer, wine, and liquor to a person at one or more locations, including bars or counters, in the licensed motel-restaurant complex or hotel-restaurant complex for on-premises consumption, including bars and counters; and

(2) the playing of music and dancing.

(d) The annual license fee is \$3,600 for each separate establishment.

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§ 11-1001

(a) There is an airport concessionaire license.

(b) (1) The Board may issue the license to a person who is a lessee, sublessee, or concessionaire at an airport.

(2) The Board may not impose additional qualifications for the license as to the residence or voting status of the license holder.

(c) The license authorizes:

(1) the sale of beer, wine, and liquor every day from each location in an airport terminal; and

(2) the playing of music and dancing.

(d) (1) (i) This paragraph does not apply to duty free shops.

(ii) A person who is a lessee, sublessee, or concessionaire at Baltimore-Washington International Thurgood Marshall Airport may hold one license for multiple locations within the terminal of Baltimore-Washington International Thurgood

Marshall Airport, even if the person already holds another license that the Board issues.

(2) On receipt of an application for the license, the Board shall:

(i) give precedence to the application of a person under paragraph (1)(ii) of this subsection over all other license applications; and

(ii) hold a hearing on the application at the Board meeting that immediately follows receipt of the application.

(e) A holder of the license need not obtain a Sunday permit under § 11–1104 of this title to sell alcoholic beverages after 2 a.m. on Sunday.

(f) (1) (i) The annual fee for the license and one location from which alcoholic beverages may be sold is \$5,000.

(ii) The annual fee for each additional location from which alcoholic beverages may be sold is \$5,000.

(2) Each fee shall be paid on or before May 1 to the Board.

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§ 11-1002

(a) There is a barbershop and beauty salon beer and wine license.

(b) The Board may issue the license to a holder of:

(1) a barbershop permit issued under § 4–501 of the Business Occupations and Professions Article; or

(2) a beauty salon permit issued under § 5–501 of the Business Occupations and Professions Article.

(c) The license authorizes the license holder to provide not more than 12 ounces of beer or 5 ounces of wine by the glass for on–premises consumption by a barbershop or beauty salon customer:

(1) when the customer is being provided:

(i) a barbering service under Title 4 of the Business Occupations and Professions Article; or

(ii) a cosmetology service under Title 5 of the Business Occupations and Professions Article; or

(2) while the customer is attending a fund–raising event at the barbershop or beauty salon.

(d) A license holder may serve beer and wine for on–premises consumption during normal business hours but not later than 9 p.m.

(e) A license holder need not obtain a Sunday license under § 11–2004 of this title to provide beer and wine on Sunday.

(f) The annual license fee is \$100.

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§ 11-1003

(a) There is a Class C (country club) license.

(b) The Board may issue the license for use by a country club that:

(1) has at least 200 members paying dues of at least \$75 per year per member; and

(2) maintains at the time of the application for the license:

(i) at least two tennis courts;

(ii) a swimming pool that is at least 30 feet by 80 feet; and

(iii) at least 15 acres used in connection with the licensed premises.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption.

(2) The license does not allow sales for:

(i) off–premises consumption; or

(ii) consumption on the grounds of the country club.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 11–2004 of this title, including Sunday sales restrictions.

(e) The annual license fee is \$750.

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§ 11-1004

(a) (1) In this section the following words have the meanings indicated.

(2) “Concessionaire” means a lessee, a sublessee, or any other operator of an establishment that:

(i) engages in the daily sale of beer, wine, and liquor on its premises for consumption anywhere in an entertainment facility; and

(ii) is operated as a concession adjacent to but independent of the entertainment facility.

(3) “Entertainment facility” means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(b) There is an entertainment concessionaire license.

(c) The Board may issue the license to a concessionaire operating in conjunction with an entertainment facility.

(d) (1) The license authorizes:

(i) the license holder to sell beer, wine, and liquor on the premises of the concessionaire for consumption anywhere in the entertainment facility; and

(ii) the playing of music and dancing in the licensed premises.

(2) Beer, wine, and liquor purchased under the license may be taken into and consumed anywhere in an entertainment facility.

(e) (1) The hours for the sale and consumption of alcoholic beverages under the license are the same as the hours of operation for a video lottery facility established under § 9–1A–23 of the State Government Article.

(2) A holder of the license need not obtain a Sunday sales license under § 11–2004 of this title to sell alcoholic beverages after 2 a.m. on Sunday.

(f) The license may not be counted as a Class B or Class H license for purposes of § 11–1609 of this title.

(g) (1) The annual fee for the license is \$5,000.

(2) The fee shall be paid on or before May 1 to the Board.

(h) Any penalty or other sanction that is imposed for a violation of a regulation of the Board on the licensed premises of the holder of an entertainment concessionaire license shall apply to the holder of a concessionaire’s license who the Board determines to be responsible for the violation.

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§ 11-1005

(a) In this section, “entertainment facility” means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(b) There is an entertainment facility license.

(c) (1) The Board may issue the license for the use of an entertainment facility that contains one or more food service facilities, bars, or lounges that are part of the operation of the entertainment facility.

(2) (i) The license shall be issued to an individual or entity that owns an entertainment facility and holds a license under Title 9, Subtitle 1A of the State Government Article.

(ii) An applicant for the license need not meet any location, voting, or residency requirements.

(d) (1) The license authorizes:

(i) the license holder to sell beer, wine, and liquor by the glass or by the bottle in any location of the entertainment facility that is not covered by an entertainment concessionaire license for consumption anywhere in the entertainment facility; and

(ii) subject to § 4–605 of this article, the playing of music, dancing, plays, live performances, comedy shows, and other artistic shows in the licensed premises.

(2) By administrative action, the Board may allow the sale of alcoholic beverages for a promotional event in an area adjacent to the entertainment facility that:

(i) is controlled by the license holder;

(ii) has controlled access; and

(iii) is a parking lot, picnic ground, building, or terrace.

(3) Beer, wine, and liquor purchased under the license may be taken and consumed anywhere in an entertainment facility.

(e) (1) The hours for the sale and consumption of alcoholic beverages under the license are the same as the hours of operation for a video lottery facility established under § 9–1A–23 of the State Government Article.

(2) A holder of the license need not obtain a Sunday permit under § 11–2004 of this title to sell alcoholic beverages after 2 a.m. on Sunday.

(f) The license may not be counted as a Class B or Class H license for purposes of § 11–1609 of this title.

(g) (1) The annual fee for the license is \$15,000.

(2) The fee shall be paid on or before May 1 to the Board.

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§ 11-1006

(a) There is a Class C (fraternal/sororal) organization license.

(b) The Board may issue the license for use by a local unit of a lodge, political organization, or chapter of a nonprofit and nationwide fraternal or service organization that:

(1) is composed only of inducted members;

(2) was operating in the county before the license application was made;

(3) has a membership of at least 100 individuals and dues of at least \$5 per year per individual; and

(4) owns and operates a home or clubhouse that is principally for the use of its members and guests when accompanied by members.

(c) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor at retail for on–premises consumption, including during an event held on the licensed premises, to:

(i) a member of the local unit for which the license was issued; or

(ii) a member’s guest when accompanied by the member.

(2) If the license holder hosts an event for an outside group, the outside group shall obtain a Class C per diem beer, wine, and liquor license from the Board.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 11–2004 of this title.

(e) The annual license fee is \$400.

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§ 11-1007

(a) There is a racetrack license.

(b) (1) The Board may issue the license to the owner of a licensed racing establishment that holds race meetings at which pari–mutuel betting is allowed.

(2) There are no residential or voting qualifications for a license applicant.

(c) The racetrack license authorizes:

- (1) the sale of beer, wine, and liquor in a location of the licensed racing establishment not covered by a racetrack concessionaire license that is issued in accordance with § 11–1007.1 of this subtitle; and
 - (2) the playing of music and dancing on the licensed premises.
 - (d) Beer, wine, and liquor sold under a racetrack license may be carried and consumed anywhere on the licensed premises.
 - (e) (1) The license holder may sell alcoholic beverages Monday through Sunday from 6 a.m. to 2 a.m. the following day.
 - (2) A holder of a racetrack license need not obtain a Sunday license to sell alcoholic beverages on Sunday.
 - (f) A racetrack license may not be counted as a Class B license or a Class H license under § 11–1609 of this title.
 - (g) The annual license fee is \$25,000 to be paid to the Board on or before January 1 for the racing of the preceding year.
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§ 11-1008

- (a) In this section, “resort complex” means a recreational area:
 - (1) of at least 10 acres; and
 - (2) with beach facilities and other facilities to serve and accommodate at least 500 individuals at one time.
 - (b) There is a resort complex license.
 - (c) The Board may issue the license to the person owning or leasing a resort complex.
 - (d) The license authorizes:
 - (1) the license holder to sell beer, wine, and liquor at bars or counters at one or more locations in the resort complex daily for on–premises consumption; and
 - (2) the playing of music and dancing.
 - (e) (1) A license holder may serve alcoholic beverages:
 - (i) at one or more outside locations in the resort complex, from 8 a.m. to midnight for each outing; and
 - (ii) in a main, permanent area from 6 a.m. to 2 a.m. the next day.
 - (2) A holder of the license need not obtain a Sunday permit under § 11–2004 of this title to sell alcoholic beverages after 2 a.m. on Sunday.
 - (f) (1) The annual license fee is \$1,800.
 - (2) The fee shall be paid on or before May 1 to the Board.
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§ 11-1009

- (a) There is a Class C (veterans’ organization) license.
- (b) The Board shall issue the license for use by a local unit of a nationwide nonprofit organization or club that:
 - (1) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;
 - (2) has a charter from a national veterans’ organization that was granted before the application for the license was made;
 - (3) has a bona fide membership of at least 100 individuals and dues of at least \$5 per year per individual; and
 - (4) operates for its members and meets in a clubhouse principally used for its members.
- (c) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption, including:
 - (i) during an event held on the licensed premises; and
 - (ii) to a member of the veterans’ organization or a guest of the member.

(2) If the license holder hosts an event for an outside group, the outside group shall obtain a Class C per diem beer, wine, and liquor license from the Board.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C (veterans' organization) license under § 11–2004 of this title.

(e) (1) A holder of a Class C beer, wine, and liquor license issued under § 11–903 of this title that qualifies as a veterans' organization under subsection (b) of this section may apply to convert the license to a Class C (veterans' organization) license.

(2) The conversion to and issuance of a Class C (veterans' organization) license under paragraph (1) of this subsection shall be considered a license renewal and not an issuance of a new license.

(f) (1) The annual license fee is \$300.

(2) The Board may provide application and administrative fee discounts to an organization that:

(i) qualifies as a veterans' organization under subsection (b) of this section; and

(ii) 1. holds a Class C (veterans' organization) license;

2. applies for an initial or renewal Class C (veterans' organization) license; or

3. holds a Class C beer, wine, and liquor license that is converted to a Class C (veterans' organization) license under subsection (e) of this section.

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§ 11-1010

(a) There is a Class C (yacht club) license.

(b) An application for the license shall be signed by at least one officer of the club who is a resident, registered voter, and taxpayer of the county.

(c) The Board may issue the license for use by a yacht club that:

(1) has at least 50 members paying dues of at least \$75 per year per member; and

(2) at the time of application for the license, maintains:

(i) a clubhouse with a seating capacity of at least 100;

(ii) slips, boat parking spaces, or berths for at least 50 boats; and

(iii) at least 1 acre.

(d) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption at retail at the place described in the license to:

(1) a member of the yacht club; or

(2) a member's guest when accompanied by the member.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for Class C beer, wine, and liquor licenses under § 11–2004 of this title.

(f) The annual license fee is \$1,800.

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§ 11-1101

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4-1104 ("Refillable container permit — Draft beer"), subject to § 11-1103 of this subtitle; and

(2) § 4-1106 ("Nonrefillable container permit — Draft beer"), subject to § 11-1103.1 of this subtitle.

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§ 11-1102

(a) (1) On the premises, or on adjacent property over which a license holder has ownership or control, a license holder:

(i) may allow piped-in background music or one television screen; but

(ii) unless issued a permit described in this section that authorizes the activity, may not allow:

1. the playing of music, including live music;
2. the operation of a karaoke machine;
3. the playing of music by a disc jockey; or
4. dancing, floor shows, or any other similar type of entertainment.

(2) The Board may issue a permit described in this section only if the Board finds that:

(i) the applicant can control the individuals using the licensed premises;

(ii) the operation of the premises under the permit will not unduly disturb the peace of the residents of the neighborhood in which the place of business is located; and

(iii) the issuing of the permit:

1. is necessary to accommodate the public;
2. will not be detrimental to the public welfare; and
3. will not violate a county fire, health, or building regulation.

(b) (1) There is a music permit.

(2) The Board may issue the permit to a holder of a Class B license, a Class BLX license, a Class D license, or a Class H license.

(3) The permit authorizes the playing of recorded music or live music with not more than two musicians.

(4) The permit holder may not allow dancing, floor shows, or similar live entertainment.

(5) The annual permit fee is \$100.

(c) (1) There is an entertainment permit.

(2) The Board may issue the permit to a holder of a Class B license, a Class BLX license, a Class D license, or a Class H license.

(3) The permit authorizes:

(i) live music with not more than four musicians; and

(ii) the playing of:

1. more than one television;
2. a karaoke machine; and
3. music by a disc jockey.

(4) The permit holder may not allow dancing, floor shows, or similar live entertainment.

(5) The annual permit fees are:

(i) \$200 for a holder of a beer and wine license; and

(ii) \$300 for a holder of a beer, wine, and liquor license.

- (d) (1) There is a dancing permit.
- (2) The Board may issue the permit to a holder of:
- (i) a Class B license;
 - (ii) except as provided in paragraph (4) of this subsection, a Class BLX license;
 - (iii) a Class C license;
 - (iv) a Class D license; or
 - (v) except as provided in paragraph (4) of this subsection, a Class H license.
- (3) The permit authorizes the holder to provide music, dancing, and other legal forms of entertainment.
- (4) (i) The Board may not issue the permit to a holder of a Class BLX license or a Class H license if the premises for which the Class BLX license or Class H license is issued is within 1,000 feet in a straight line from entry to entry from a place of worship or school.
- (ii) Notwithstanding subparagraph (i) of this paragraph, the Board may issue the permit to the holder of a Class H license if the licensed premises is located within 1,000 feet in a straight line from entry to entry from a school located at the Annapolis Mall.
- (5) The annual permit fees are:
- (i) \$200 for a holder of a beer and wine license;
 - (ii) \$400 for a holder of a beer, wine, and liquor license; and
 - (iii) no charge for a holder of a Class C license.
- (e) (1) There is a limited special event permit.
- (2) The Board, in its sole discretion, may issue the permit to a holder of:
- (i) a Class B license;
 - (ii) except as provided in paragraph (4) of this subsection, a Class BLX license;
 - (iii) a Class C license;
 - (iv) a Class D license; or
 - (v) except as provided in paragraph (4) of this subsection, a Class H license.
- (3) The permit authorizes the holder to provide music, dancing, and other legal forms of entertainment.
- (4) The Board may not issue the permit to a holder of a Class BLX license or a Class H license if the premises for which the Class BLX license or Class H license is issued is within 1,000 feet in a straight line from entry to entry from a place of worship or school.
- (5) Before issuing a permit, the Board may require a license holder to provide information on the planned event for which the permit is requested .
- (f) (1) There is an outdoor permit.
- (2) The Board may issue the permit to a holder of a Class B license, a Class BLX license, a Class C license, a Class D license, or a Class H license.
- (3) The permit authorizes the holder to provide outdoor table service to customers on the grounds of the licensed establishment.
- (4) The annual permit fee is \$100.
- (5) Before the permit may be renewed, a holder shall obtain approval from the Board.
- (g) (1) There is an outdoor entertainment permit.
- (2) The Board may issue the permit to a holder of a Class B license, a Class BLX license, a Class C license, a Class D license, or a Class H license who also holds a music permit, an entertainment permit, or a dancing permit under this section.

(3) The permit authorizes the holder to provide:

- (i) the same form of entertainment outdoors that the holder is allowed to provide indoors under the holder's music permit, entertainment permit, or dancing permit; and
- (ii) outdoor table service or cafe service.

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§ 11-1103

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

- (1) begin at the same time as those for the underlying license; and
- (2) end at midnight.

(d) The Board shall adopt regulations to carry out this section.

(e) The annual permit fees are:

- (1) \$50 for an applicant whose license has an off-sale privilege; and
- (2) \$500 for an applicant whose license does not have an off-sale privilege.

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§ 11-1104

(a) This section does not apply to a person who holds:

- (1) a hotel-limited service license; or
- (2) a beach and amusement park license.

(b) There is a Sunday permit.

(c) Any license holder may be issued the permit.

(d) (1) The holder of the permit may sell the alcoholic beverages on Sunday that are authorized by the license already held.

(2) The permit is subject to the same hours, restrictions, and other provisions for the license already held.

(e) An applicant shall be issued the permit on:

- (1) approval of an application made in the same manner for a new license; and
- (2) payment of the required fee.

(f) The annual permit fees are:

- (1) \$60 for a beer and light wine Sunday permit; and
- (2) \$120 for a beer, wine, and liquor Sunday permit.

(g) The permit may be renewed in the same manner as a license.

(h) If the license held by the license holder of a Sunday permit is suspended or revoked, the permit is also suspended or revoked.

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§ 11-1301

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-1202 ("Per diem licenses");

(2) § 4–1203 (“Class C per diem beer and Class C per diem beer and wine licenses”);

(3) § 4–1206 (“License to dispose of stock”);

(4) § 4–1207 (“Temporary move of licensed premises”);

(5) § 4–1208 (“Hours and days of sale”); and

(6) § 4–1209 (“Wine permit for fund–raising event”).

(b) Section 4–1205 (“License fees”) of Division I of this article does not apply in the county and is superseded by § 11–1311 of this subtitle.

(c) Section 4–1204 (“Class C per diem beer, wine, and liquor license”) of Division I of this article applies in the county, subject to § 11–1312 of this subtitle.

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§ 11-1304

(a) In this section, “festival” means the Anne Arundel County Beer and Wine Festival, the Benson–Hammond House Strawberry Festival, or any other festival that the Board approves under this section.

(b) There is a beer and wine festival (BWF) license.

(c) (1) The Board may issue the license to a holder of a retail license, a Class 3 winery license, or a Class 4 limited winery license.

(2) The Board may issue the license to a nonprofit organization, as defined by § 501(c) of the Internal Revenue Code, that meets the requirements of:

(i) this section; and

(ii) any regulations that the Board adopts.

(d) The license authorizes the holder to display and sell:

(1) wine that is:

(i) manufactured and processed in any state; and

(ii) distributed in the State when the license application is filed; and

(2) beer that is brewed by a brewer:

(i) that brews less than 60,000 barrels of beer annually; and

(ii) whose product is distributed in the State when the license application is filed.

(e) A license holder shall display and sell beer and wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for a festival.

(f) The Board:

(1) each year may choose 1 weekend, Friday through Sunday inclusive, for a festival to take place;

(2) may not choose a weekend that occurs within 14 days before or after the Maryland Wine Festival in Carroll County;

(3) shall choose a location that is not already licensed; and

(4) shall ensure that the primary focus of a festival is the promotion of Maryland beer and wine.

(g) (1) The license holder may hold another license of a different class or nature.

(2) The license holder may display and sell beer or wine at a festival without holding a nonprofit beer, wine, and liquor festival permit under § 2–131 of this article.

(h) Beer and wine displayed and sold shall be:

(1) invoiced to the license holder by a wholesaler, a Class 3 winery, or a Class 4 limited winery; and

(2) delivered to a festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.

(i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder to:

- (1) deliver beer and wine not earlier than 2 days before the effective date of the license; and
- (2) accept returns not later than 2 days after the expiration date of the license.

(j) The Board may set the license fee.

(k) The Board shall adopt regulations to carry out this section.

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§ 11-1305

(a) There is a Class WS wine sampling license.

(b) The Board may issue the license to a nonprofit organization.

(c) (1) The license authorizes the on-premises consumption of wine for sampling:

(i) on premises for which a Class B beer and wine or beer, wine, and liquor license has been issued, with the consent of the holder of the license for the premises; or

(ii) at a location that is not already licensed.

(2) The license holder may bring wine onto the Class B licensed premises for sampling.

(d) The nonprofit organization shall apply for the license at least 15 days before the license is issued.

(e) The Board may issue not more than 12 licenses in a license year to a single nonprofit organization.

(f) The license holder may serve a quantity of not more than 2 ounces from each offering to an individual.

(g) The license fee is \$15 per day.

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§ 11-1306

(a) There is a Class WT wine tasting license.

(b) The Board may issue the license to a holder of a Class BW license or Class BWL license.

(c) The license authorizes the license holder to allow on-premises consumption for tasting of light wine.

(d) The license holder may serve a quantity of not more than 1 ounce from each offering to an individual.

(e) The annual license fee is:

(1) \$50 for a holder of a Class BW license; and

(2) \$150 for a holder of a Class BWL license.

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§ 11-1307

(a) There is a BWT beer and wine tasting license.

(b) The Board may issue the license to a holder of a Class A beer, wine, and liquor license or Class A beer and wine license.

(c) The license authorizes a license holder to allow on-premises consumption of beer and light wine for tasting.

(d) The license holder may serve to an individual:

(1) light wine in a quantity of not more than 1 ounce from each offering; and

(2) beer in a quantity of not more than 3 ounces.

(e) In addition to the Class A annual fee, the annual license fee is \$150.

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§ 11-1308

- (a) There is a BWLT beer, wine, and liquor tasting license.
- (b) The Board may issue the license to a holder of a Class A beer, wine, and liquor license or Class A beer and wine license.
- (c) The license authorizes a license holder to allow on-premises consumption of beer, light wine, and liquor for tasting.
- (d) The license holder may serve to an individual:
 - (1) liquor in a quantity of not more than one-half ounce each from any of five offerings per day;
 - (2) light wine in a quantity of not more than 1 ounce from each offering; and
 - (3) beer in a quantity of not more than 3 ounces.
- (e) In addition to the Class A annual fee, the annual license fee is \$500.

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§ 11-1311

- (a) The fee for a Class C per diem beer license and a Class C per diem beer and wine license is \$25 per day.
- (b) The fee for a Class C per diem beer, wine, and liquor license is \$50 per day.

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§ 11-1312

(a) Section 3–102 of the General Provisions Article and provisions regarding applications for licenses under Subtitle 14 of this title and issuance of licenses under Subtitle 15 of this title do not apply to an applicant for:

- (1) a Class C per diem beer license;
 - (2) a Class C per diem beer and wine license; and
 - (3) a Class C per diem beer, wine, and liquor license.
- (b) A Class C per diem beer, wine, and liquor license holder may purchase beer from a wholesaler.

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§ 11-1401

(a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–102 (“Applications to be filed with local licensing board”);
- (2) § 4–106 (“Payment of notice expenses”);
- (3) § 4–108 (“Application form required by Comptroller”);
- (4) § 4–109 (“Required information on application — In general”);
- (5) § 4–111 (“Payment of license fees”); and
- (6) § 4–114 (“Fees for licenses issued for less than 1 year”).

(b) (1) Section 4–110 (“Required information on application – Petition of support”) of Division I of this article does not apply in the county.

(2) Section 4–113 (“Refund of license fees”) of Division I of this article does not apply in the county and is superseded by § 11–1407 of this subtitle.

(3) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article do not apply in the county to racetrack licenses or beach and amusement park licenses:

- (i) § 4–103 (“Application on behalf of partnership”);
- (ii) § 4–104 (“Application on behalf of corporation or club”); and
- (iii) § 4–105 (“Application on behalf of limited liability company”).

(c) (1) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county except for racetrack license or beach and amusement park licenses:

- (i) § 4–103 ("Application on behalf of partnership"), subject to § 11–1408 of this subtitle;
- (ii) § 4–104 ("Application on behalf of corporation or club"), subject to § 11–1408 of this subtitle; and
- (iii) § 4–105 ("Application on behalf of limited liability company"), subject to § 11–1408 of this subtitle.

(2) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:

- (i) § 4–107 ("Criminal history records check"), subject to §§ 11–1403 and 11–1404 of this subtitle; and
- (ii) § 4–112 ("Disposition of license fees"), subject to § 11–1406 of this subtitle.

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§ 11-1402

(a) An application for a license is not prima facie evidence that the applicant is entitled to the license.

(b) The applicant has the burden of proof to show the Board that approval of the license is necessary to accommodate the public at the premises of the applicant.

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§ 11-1403

(a) The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

(b) The Board may obtain criminal history record information on license applicants and their agents from the county police.

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§ 11-1404

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

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§ 11-1405

(a) (1) An administrative fee shall be charged for an administrative action by the county that requires a hearing, including:

- (i) an application for a new license; and
- (ii) a change of ownership of a majority interest in a license.

(2) The administrative fee does not apply to the renewal of a license for the same premises.

(b) The administrative fee is:

- (1) \$200 payable to the Board, in addition to any other fee required for a license; and
- (2) nonrefundable, whether the requested administrative action is granted or denied.

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§ 11-1406

The Board shall:

- (1) collect all license fees required under this article;
- (2) issue all licenses in the county; and
- (3) remit all fees collected to the Executive Director.

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§ 11-1407

A retail license holder is not entitled to a refund for a license issued in the county.

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§ 11-1408

(a) An individual who is a resident of the State at the time an application for a license is filed under this title meets the residency requirements under §§ 4–103, 4–104, and 4–105 of this article.

(b) The license remains valid only for as long as the resident applicant remains a resident of the State.

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§ 11-1501

(a) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–205 (“Chain store, supermarket, or discount house”);
- (2) § 4–206 (“Limitations on retail sales floor space”);
- (3) § 4–207 (“Licenses issued to minors”);
- (4) § 4–209 (“Hearing”);
- (5) § 4–210 (“Approval or denial of license application”);
- (6) § 4–211 (“License forms; effective date; expiration”); and
- (7) § 4–212 (“License not property”).

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:

- (1) § 4–202 (“Authority of local licensing boards”), subject to §§ 11–1502 through 11–1504 of this subtitle;
- (2) § 4–203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to §§ 11–1505, 11–1506, and 11–1507 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;
- (3) § 4–204 (“Prohibition against issuing multiple licenses for same premises”), subject to § 11–1506 of this subtitle and Subtitle 13, Part III of this title;
- (4) § 4–208 (“Notice of license application required”), subject to § 11–1508 of this subtitle;
- (5) § 4–213 (“Replacement licenses”), subject to § 11–1509 of this subtitle; and
- (6) § 4–214 (“Waiting periods after denial of license applications”), subject to § 11–1510 of this subtitle.

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§ 11-1502

The Board may not issue a license for use in the City of Annapolis.

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§ 11-1503

(a) The Board shall accept and process a license application before the construction of the establishment at the location described in the application, if the application includes detailed plans of:

- (1) the establishment to be constructed;
- (2) the parking area to be provided; and
- (3) the general traffic flow in the area.

(b) (1) The license application shall be processed in the same manner as a license application for a location on which the establishment is already constructed.

(2) Approval of the application is subject to:

- (i) completion of the establishment in accordance with the plans under subsection (a) of this section; and

(ii) approval by the county building inspector, the county health department, and an inspector for the Board.

(c) (1) If an approved license application is not used within 1 year after the date of approval, the approval is void unless the applicant files a written application with the Board for an extension.

(2) The Board may approve or deny an extension.

(3) The Board shall provide written notice to the applicant at the time of application that the approval is void if the license is not in use within 1 year after the date of approval.

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§ 11-1504

The Board may not issue a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license to a person that holds an out-of-state alcoholic beverages license.

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§ 11-1505

(a) Subject to subsection (b) of this section, unless expressly authorized by this article, a person may not have an interest in more than one license issued by the Board, regardless of whether that interest is held or controlled by direct or indirect ownership, stock ownership, interlocking directors or interlocking stock ownership, franchise operation, chain store operation, or any other direct or indirect manner.

(b) Except for an interest held or controlled by franchise operation or chain store operation, an individual may have an interest in more than one Class B license, Class H license, or Class BLX license issued by the Board, regardless of whether that interest is held or controlled by direct or indirect ownership, stock ownership, interlocking directors or interlocking stock ownership, or any other direct or indirect manner.

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§ 11-1506

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and light wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 11-1507

The prohibition against issuing multiple licenses to an individual or for use of an entity does not apply to:

(1) resort complexes;

(2) entertainment facilities, including entertainment concessions;

(3) motel–restaurant complexes;

(4) hotel–restaurant complexes having at least 100 rooms; or

(5) hotel–limited service (on–sale) licenses.

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§ 11-1508

(a) (1) The Board may fulfill the notice requirement under § 4–208 of this article by posting online a completed application at least 10 days before the application hearing.

(2) In addition to the newspaper notice required under § 4–208 of this article or the online notice required under paragraph (1) of this subsection, the Board shall require the applicant for a license to post a suitable notice, similar to a notice used for zoning purposes, in a conspicuous place at the location described in the application for at least 10 days before the application hearing.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

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§ 11-1509

The Board shall determine the fee for a replacement license.

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§ 11-1510

(a) If a license application is denied, another license application for the same location may not be made for 1 year after the denial.

(b) If a license application for a location is denied twice, a license may not be issued for the same location for 2 years after the second denial.

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§ 11-1601

(a) (1) The Board may restrict the number of licenses in a specified area in the county to the existing number of licenses in that area or to any other number of licenses that the Board considers appropriate.

(2) Before the number of licenses in a specified area is restricted, the Board shall conduct a hearing in accordance with subsection (b) of this section.

(b) (1) A hearing on a proposed restriction of the number of licenses in a specified area shall be advertised in the manner required for the issuance of a new license.

(2) If, after taking testimony for and against restricting the number of licenses in a specified area, the Board decides to order the restriction, the Board:

(i) shall determine the boundaries of the area; and

(ii) may prohibit the issuance of additional licenses or establish the number of additional licenses to be issued in the area, if the Board determines that the area has:

1. sufficient licensed premises to accommodate the public;
2. become so saturated with licensed premises that special policing is required and traffic hazards are created; or
3. changed character so that the existing number of licensed premises is inconsistent with the current use of the area, and an increase in the number of licensed premises will unduly disturb the peace of residents.

(3) (i) The Board may restrict the number of licenses in a specified area for a period between 1 and 4 years.

(ii) After the period that the Board sets, the restrictions shall end unless the Board holds another hearing and further restricts the number of licenses.

(c) The Board shall conduct a hearing on restricting the number of licenses in a specified area if the Board receives a petition that:

(1) requests the restriction;

(2) designates the specific area to be restricted; and

(3) is signed by at least 25 individuals who are property owners and registered voters of the precinct in which the proposed restricted area is located.

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§ 11-1603

(a) Except as provided in subsection (b) of this section, the Board may not issue a new license for an establishment whose entry is within 1,000 feet in a straight line from the entry of a place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

- (1) the transfer of a license from the current license holder to a new license holder, unless the transfer would allow the sale of alcoholic beverages by another establishment within the 1,000-foot restriction;
 - (2) a nonprofit club or nonprofit organization;
 - (3) a restaurant that held a license at the time the restaurant was destroyed by fire, flood, windstorm, or other act of God, if a new place of worship or school has not been constructed within the 1,000-foot restriction;
 - (4) the issuance of a Class H beer and wine (on-sale) license or beer, wine, and liquor (on-sale) license;
 - (5) the issuance of a motel–restaurant complex or hotel–restaurant complex beer, wine, and liquor (on-sale) license;
 - (6) the issuance of a Class BLX (deluxe restaurant) (on-sale) beer, wine, and liquor license;
 - (7) the issuance of a gift basket permit; or
 - (8) the issuance of a Class B beer and wine (on-sale) license or Class B beer, wine, and liquor (on-sale) license for an establishment located within 1,000 feet of a school located at the Annapolis Mall.
- (c) For an establishment that is within 1,000 feet of the grounds of a place of worship or school, the Board:
- (1) may renew a license;
 - (2) may extend the area of the licensed premises; but
 - (3) may not change the operational classification of an existing license, unless the change is from a Class B, Class C, or Class D license to a Class H license.

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§ 11-1604

The Board may not issue a Class H beer and light wine license:

- (1) for use in conjunction with, on the site of, or to a restaurant in a bowling alley, billiard hall, or drugstore; or
- (2) for use in an establishment with a door, an archway, an opening, or other passageway providing direct public access to a bowling alley, billiard hall, or drugstore.

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§ 11-1607

- (a) (1) A license holder may hold not more than 10 licenses of any class in accordance with this section.
- (2) Of the licenses held by a license holder:
 - (i) not more than four licenses may be licenses in which the license holder holds a direct interest; and
 - (ii) the remaining licenses may only be licenses in which the license holder holds an indirect interest, as evidenced by any of the following relationships involving the license holder and another license holder or the license holder and an applicant for a license:
 1. a common parent company;
 2. a franchise agreement;
 3. a licensing agreement;
 4. a concession agreement;
 5. membership by the license holder and the other person in a chain of businesses commonly owned and operated and so portrayed to the public;
 6. sharing of directors or stockholders or sharing of directors or stockholders of parent companies or subsidiaries;
 7. common direct or indirect sharing of profit from the sale of alcoholic beverages;
 8. sharing of a common trade name, trademark, logo, or theme; or
 9. except for hotels and motels, sharing of a mode of operation identifiable by the public.
- (b) The Board may issue one Class B license, Class BLX license, or Class H license to a person for a restaurant located anywhere in the county.

(c) The Board may issue a second license to a license holder if:

(1) the license holder holds a Class B license that has a restriction prohibiting off-sales, a Class H license, or a Class BLX license;

(2) the license sought is a Class H license or a Class BLX license; and

(3) the restaurant for which the license is sought is located in:

(i) the Glen Burnie Urban Renewal Area;

(ii) the Parole Town Center Growth Management Area;

(iii) the Odenton Town Center Growth Management Area;

(iv) the Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by the county in accordance with § 6–301(f)(8) of the Economic Development Article;

(v) a shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 General Commercial or MXD–C (Mixed Use Commercial) by the zoning article of the County Code;

(vi) the Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Maryland Route 32 on the east to the Prince George's County–Anne Arundel County line on the west;

(vii) a community revitalization zone with a designation in the series “A” through “P”, inclusive, as shown on the map adopted by the County Council by Bill 97–01 of the county ordinances;

(viii) the Severn Commercial District, consisting of properties designated as “commercial zoning” by the comprehensive rezoning maps adopted by the County Council and located on that portion of Maryland Route 174 west of Maryland Route 100 and east of the railroad right-of-way owned by the National Railroad Passenger Corporation (Parcel 117, Anne Arundel County Tax Map 29);

(ix) the Edgewater/Mayo Commercial District, consisting of those properties that are designated “commercial zoning districts” on the comprehensive rezoning maps adopted by the County Council for the Edgewater/Mayo Small Area Planning District;

(x) the Pasadena Commercial District, consisting of those properties that are designated “commercial zoning areas”, including Lake Shore Crossing, Lake Shore Plaza, and the Mountain Marketplace Shopping Center on the comprehensive zoning maps adopted by the County Council for the Pasadena Small Area Planning District; or

(xi) the area in Pasadena known as the Brumwell Property.

(d) The Board may issue a third license to a license holder if:

(1) the license sought is a Class BLX license; and

(2) the restaurant for which the license is sought is located in:

(i) the Glen Burnie Urban Renewal Area;

(ii) the Parole Town Center Growth Management Area;

(iii) the Odenton Town Center Growth Management Area;

(iv) the Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by the county in accordance with § 6–301(f)(8) of the Economic Development Article;

(v) a shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 General Commercial or MXD–C (Mixed Use Commercial) by the zoning article of the County Code;

(vi) the Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Maryland Route 32 on the east to the Prince George's County–Anne Arundel County line on the west;

(vii) a community revitalization zone with a designation in the series “A” through “P”, inclusive, as shown on the map adopted by the County Council by Bill 97–01 of the county ordinances;

(viii) the Severn Commercial District, consisting of properties designated as “commercial zoning” by the comprehensive rezoning maps adopted by the County Council and located on that portion of Maryland Route 174 west of Maryland Route 100 and east of the railroad right-of-way owned by the National Railroad Passenger Corporation (Parcel 117, Anne

Arundel County Tax Map 29);

(ix) the Edgewater/Mayo Commercial District, consisting of those properties that are designated "commercial zoning districts" on the comprehensive rezoning maps adopted by the County Council for the Edgewater/Mayo Small Area Planning District;

(x) the Pasadena Commercial District, consisting of those properties that are designated "commercial zoning areas", including Lake Shore Crossing, Lake Shore Plaza, and the Mountain Marketplace Shopping Center on the comprehensive zoning maps adopted by the County Council for the Pasadena Small Area Planning District; or

(xi) the area in Pasadena known as the Brumwell Property.

(e) (1) The Board may issue a fourth, fifth, sixth, seventh, eighth, ninth, or tenth license to a license holder if the license sought is a Class BLX license.

(2) The restaurant for which the license is sought may be located anywhere in the county.

(f) (1) Except as provided in paragraph (2) of this subsection, a license that was issued on or before June 30, 2006, and in which a license holder holds a direct interest or an indirect interest shall be counted against the maximum number of 10 licenses that the license holder may hold under this section but is exempt from the restrictions under subsections (b) through (e) of this section.

(2) A Class H license that was issued in the period beginning on March 14, 2005, and ending on December 1, 2005, may not be counted against the maximum number of 10 licenses that the license holder may hold under this section.

(g) The Board shall adopt regulations to carry out this section.

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§ 11-1608

(a) (1) In this section the following words have the meanings indicated.

(2) "Capital investment" means amounts paid for the acquisition of property:

(i) for a useful life greater than 1 year; or

(ii) for a permanent improvement or betterment of the property that has a useful life greater than 1 year.

(3) "Cost of land" includes:

(i) the purchase price, taxes and fees incidental to the purchase, and costs related to obtaining appropriate zoning and licensing;

(ii) the cost of site grading, preparation, paving, sidewalks, gutters, curbs, and landscaping; and

(iii) the cost of the construction and installation of all utilities to the exterior of the building shell.

(4) "Cost of the building shell" includes the cost attributable to a structure with a roof, sidewalls, doors, and windows completely enclosed and weatherproofed on a slab or other subflooring.

(b) The Board may issue a 7-day Class BLX deluxe restaurant on-sale beer, wine, and liquor license.

(c) The license may only be used in an establishment that:

(1) qualifies as a restaurant under the regulations of the Board;

(2) has a minimum seating capacity of 100 individuals for dining;

(3) has a cocktail lounge or bar area seating capacity not exceeding 25% of the seating capacity for dining;

(4) has parking facilities to accommodate a minimum of 75 vehicles; and

(5) has a minimum capital investment by the applicant for the license of \$800,000, exclusive of the cost of the land and buildings.

(d) (1) If an applicant for the license purchases an existing building, the capital investment attributable to the cost of the building shell will be based on the fair market value of the structures for which the cost of the building shell was incurred, determined at the time of purchase.

(2) The capital investment, excluding land and building shell, shall also be evaluated at the fair market value at the time of purchase.

(3) If the premises are leased, the rent paid for the land shall be considered a cost of land and any rent paid for a building shall be considered a cost of the building shell.

(e) The license may not be issued for use in an establishment that is a fast-food style restaurant.

(f) A license holder may exercise the privileges of sale under a Class BLX license during the same hours and days as those for a Class B on-sale beer, wine, and liquor license in the county.

(g) (1) This subsection does not apply to a transfer of license holders for the same premises or a renewal of a Class BLX license.

(2) A Class BLX license may not be transferred from the location site of the first issuance of the license.

(h) The annual license fee is \$1,200.

(i) The Board shall adopt regulations to carry out this section.

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§ 11-1609

(a) (1) Subject to paragraph (2) of this subsection, the Board may issue:

(i) a second license, if the second license is any Class H license, to:

1. a holder of any Class B license that has a restriction prohibiting sales for consumption off the premises; or
2. a holder of any Class H license; or

(ii) not more than four additional licenses, if each additional license is a Class H beer and light wine license, to:

1. a holder of a Class B beer and light wine license that has a restriction prohibiting sales for consumption off the premises; or
2. a holder of a Class H beer and light wine license.

(2) At least one restaurant for which the Class H license under paragraph (1) of this subsection is sought or to which the original Class B or Class H license applies must be in:

(i) a suburban community center designated by the county in accordance with Bill Nos. 36–96 and 70–96 of the county ordinances; or

(ii) one of the following locations as the location existed on October 1, 1999:

1. the Glen Burnie Urban Renewal Area;
2. the Parole Town Center Growth Management Area;
3. the Odenton Town Center Growth Management Area;
4. the Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by the county in accordance with § 6–301(f)(8) of the Economic Development Article;
5. a shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 General Commercial by the zoning article of the County Code; or
6. the Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Maryland Route 32 on the east to the Prince George's County–Anne Arundel County line on the west.

(b) The Board may not issue more than 60 Class H licenses under this section.

(c) (1) Subject to paragraph (2) of this subsection, the Board may issue a maximum of:

- (i) two licenses to a person in the county if each license is a Class H beer, wine, and liquor license; or
- (ii) five licenses to a person in the county if each license is a Class H beer and light wine license.

(2) At least one restaurant for which one of the Class H licenses under paragraph (1) of this subsection is sought must be in:

(i) a suburban community center designated by the county in accordance with Bill Nos. 36–96 and 70–96 of the county ordinances; or

(ii) one of the following locations as the location existed on October 1, 1999:

1. the Glen Burnie Urban Renewal Area;
2. the Parole Town Center Growth Management Area;
3. the Odenton Town Center Growth Management Area;
4. the Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by the county in accordance with § 6–301(f)(8) of the Economic Development Article;
5. a shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 General Commercial by the zoning article of the County Code; or
6. the Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Route 32 on the east to the Prince George’s County–Anne Arundel County line on the west.

(d) A franchisor may not have a direct ownership interest, as defined by the Board, in more than five licenses under this section.

(e) The Board shall adopt regulations:

- (1) to carry out this section; and
- (2) that define “direct ownership interest” for the purposes of subsection (d) of this section.

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§ 11-1701

(a) The following sections of Title 4, Subtitle 3 (“Transfer of Local Licenses; Substitution of Names on License”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–303 (“Chain store, supermarket, or discount house”); and
- (2) § 4–304 (“Compliance with Bulk Transfers Act required”).

(b) The following sections of Title 4, Subtitle 3 (“Transfer of Local Licenses; Substitution of Names on License”) of Division I of this article apply in the county:

- (1) § 4–302 (“Transfer of place of business; transfer of license and inventory”), subject to § 11–1702 of this subtitle;
- (2) § 4–305 (“Filing fee and endorsement”), subject to § 11–1703 of this subtitle; and
- (3) § 4–306 (“Substitution of names of officers on license”), subject to § 11–1706 of this subtitle.

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§ 11-1702

(a) (1) Subject to subsection (b) of this section, the Board may not approve an application for the transfer of a license unless:

- (i) all obligations of the transferor pertaining to the licensed establishment have been paid; or
- (ii) an arrangement concerning debts and obligations satisfactory to the transferor’s creditors has been made.

(2) Paragraph (1) of this subsection also applies to approval of an application for a new license if the Board believes that the application is being used to avoid provisions regarding the transfer of a license.

(b) (1) The Board is not bound by subsection (a) of this section unless:

- (i) a creditor submits a claim, under affidavit, to the Board before the hearing held on the transfer; and
- (ii) the claim involves an indebtedness incurred through the purchase or sale of alcoholic beverages in connection with the licensed premises.

(2) If the Board determines that a properly filed claim is outside the expertise of the Board, the Board may approve an application for the transfer of a license or an application for a new license if there is:

(i) an amicable resolution of the claim; or

(ii) a judicial determination on the claim.

(c) Within 1 year after the date of final approval by the Board, and in accordance with all applicable laws and regulations on transfers of licenses, an approved applicant may transfer the license to other premises within one-half mile if the premises for which the license was issued is:

(1) substantially destroyed by fire, explosion, or catastrophe;

(2) taken by condemnation;

(3) taken by the exercise of the power of eminent domain; or

(4) no longer leased by the license holder due to the delay of a court case or other administrative process delay.

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§ 11-1703

(a) This section does not apply to a club license.

(b) The fee for a transfer of location or ownership of a license is \$200.

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§ 11-1704

Notwithstanding § 11–1505 of this title, a person that has an interest in more than one license may transfer each license to a similar type of business establishment.

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§ 11-1705

(a) A license may not be transferred unless the license holder has actively engaged in the sale of alcoholic beverages as authorized by the license within 1 year before the date of application for transfer.

(b) An attempted transfer of a dormant license not in accordance with this section is void.

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§ 11-1706

(a) (1) In addition to the conditions stated under § 4–306(a) of this article, a corporation or club holding a license may substitute on the license the name of a different officer for the name of any officer who:

(i) has moved from the county; or

(ii) no longer has a financial interest in the corporation or club.

(2) The substitution may not be accompanied by a sale of corporate stock that results in a change of the controlling interest of the corporation or club.

(b) The corporation or club may apply to the Board for a substitution by submitting a letter that is signed by the new license applicant and the two remaining license holders.

(c) The Board may not approve the application for the substitution unless:

(1) all obligations of the corporation or club have been paid; or

(2) an arrangement concerning debts and obligations satisfactory to the creditors of the corporation or club has been made.

(d) (1) On the approval of the Board and the payment of the necessary costs and fees, a corrected license shall be issued.

(2) In all other cases a formal transfer of the license shall be accomplished in accordance with §§ 4–302, 4–304, and 4–305 of this article.

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§ 11-1801

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 11-1802

An applicant for a license renewal shall pay to the local collecting agent a nonrefundable renewal fee of \$50 in addition to the annual license fee.

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§ 11-1803

Notwithstanding § 11–1504 of this title, the Board may renew a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license originally issued to a holder of an out-of-state alcoholic beverages license.

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§ 11-1804

Notwithstanding § 11–1505 of this title, a person that has an interest in more than one license may renew the licenses.

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§ 11-1805

(a) (1) (i) A license may not be renewed unless the license holder has actively engaged in the sale of alcoholic beverages as authorized by the license within 1 year before the date of application for renewal.

(ii) An attempted renewal of a dormant license not in accordance with this section is void.

(2) Except as provided in paragraph (3) of this subsection, the reissuance of a dormant license is subject to the hearing, notice, and other provisions of Title 4, Subtitle 2 of this article.

(3) The Board may renew or reissue the dormant license of a license holder without holding a hearing if:

(i) the main building of the licensed premises has been destroyed by fire, wind, or flood; and

(ii) the license holder proves that substantial efforts are being made to restore, replace, or repair the licensed premises.

(b) (1) A license reissuance is in effect for 1 year after the Board approves the reissuance.

(2) The license holder may seek a reissuance for an additional year by following the procedures of this section.

(3) The license holder shall pay the annual license fee for each year of the reissuance, including any year that the licensed premises is not open.

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§ 11-1901

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 11–1902 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 11–1902.1 of this subtitle.

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§ 11-1902

- (a) A holder of a Class A license may employ an individual at least 16 years old to stock alcoholic beverages.
- (b) An individual at least 18 years old may serve alcoholic beverages while acting as a server.
- (c) An individual under the age of 21 years may not act as a bartender or in any solely bar-related capacity.

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§ 11-1903

- (a) A holder of a Class D beer, wine, and liquor license may sell alcoholic beverages or allow alcoholic beverages to be provided only in a room with at least one plain glass window facing the street.
- (b) (1) The window shall enable an individual standing on the ground to observe the interior of the premises when sales of alcoholic beverages are prohibited.
- (2) The view afforded by the window may not be obstructed when sales of alcoholic beverages are prohibited.

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§ 11-2001

- (a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.
- (2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption of alcoholic beverages that is prohibited under paragraph (1) of this subsection.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 11-2003

- (a) (1) A holder of a Class A beer and light wine license may sell beer and light wine on Monday through Saturday from 6 a.m. to 2 a.m. the following day.
- (2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer or light wine after 2 a.m. on Sunday.
- (3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer and light wine on Sunday according to terms that the license states.
- (b) (1) A holder of a Class B beer and light wine license may sell beer and light wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.
- (2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer or light wine after 2 a.m. on Sunday.
- (3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer and light wine on Sunday according to terms that the license states.
- (4) The license holder may sell or provide beer and light wine at a bar or counter on any day on which the sale of beer and light wine is allowed by law.
- (c) (1) A holder of a Class C beer and light wine license may sell beer and light wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.
- (2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer or light wine after 2 a.m. on Sunday.
- (3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer and light wine on Sunday according to terms that the license states.
- (4) The license holder may sell or provide beer and light wine at a bar or counter on any day on which the sale of beer and light wine is allowed by law.

(d) (1) A holder of a Class D beer and light wine license may sell beer and light wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer or light wine after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer and light wine on Sunday according to terms that the license states.

(e) (1) A holder of a Class H beer and light wine license may sell beer and light wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer or light wine after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer and light wine on Sunday according to terms that the license states.

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§ 11-2004

(a) (1) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer, wine, or liquor after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer, wine, and liquor on Sunday according to terms that the license states.

(b) (1) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer, wine, or liquor after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer, wine, and liquor on Sunday according to terms that the license states.

(4) The license holder may sell or provide beer, wine, and liquor at a bar or counter on any day on which the sale of beer, wine, and liquor is allowed by law.

(c) (1) Except as provided in paragraph (4) of this subsection, a holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraphs (3) and (4) of this subsection, the license holder may not sell beer, wine, or liquor after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer, wine, and liquor on Sunday according to terms that the license states.

(4) A holder of a Class C (veterans' organization) license under § 11–1009 of this title may sell beer, wine, and liquor on Monday through Sunday from 6 a.m. to 2 a.m. the following day without obtaining a Sunday license under paragraph (3) of this subsection.

(5) The license holder may sell or provide beer, wine, and liquor at a bar or counter on any day on which the sale of beer, wine, and liquor is allowed by law.

(d) (1) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer, wine, or liquor after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer, wine, and liquor on Sunday according to terms that the license states.

(e) (1) A holder of a Class H beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer, wine, or liquor after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer, wine, and liquor on Sunday according to terms that the license states.

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§ 11-2005

Except as otherwise provided in this article, a license holder may not sell alcoholic beverages after 2 a.m. on Sunday.

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§ 11-2006

A holder of an on-sale license may not be required to close the licensed premises at any time on January 1.

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§ 11-2007

(a) Except as provided in subsection (b) of this section and § 11–2006 of this subtitle, a licensed premises may not remain open to the public or to a private person for any purpose for more than 15 minutes after the hours and days of sale specified in this title, even if alcoholic beverages are not sold.

(b) (1) The Board may allow a license holder to sell food or other nonalcoholic items until a specified time if:

(i) the applicant satisfies the Board that suitable precautions have been taken to prevent the sale or consumption of alcoholic beverages on the licensed premises after the hours of closing; and

(ii) the applicant holds:

1. a Class B license;
2. a motel/hotel–restaurant complex license, as described in § 11–907 of this title;
3. a Class A license, with retail sales of alcoholic beverages not exceeding 25% of the license holder's total retail volume; or
4. a Class H license.

(2) The Board shall issue a permit to a license holder who receives permission to sell nonalcoholic items under this subsection.

(c) The annual fee for the privilege to sell food or other nonalcoholic items after hours is \$10.

(d) A person who violates this section is subject to the same penalty imposed for selling alcoholic beverages after hours.

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§ 11-2008

(a) Subject to subsection (b) of this section, the Board may authorize a bowling alley with 20 lanes or more that has a Class B or Class D license to stay open for bowling and serve food until a specified hour.

(b) (1) All alcoholic beverages shall be kept under lock and key from 2 a.m. to 6 a.m.

(2) An individual under 18 years old may not be on the premises from 2 a.m. to 6 a.m. unless the individual is accompanied by a spouse, parent, or guardian.

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§ 11-2009

Notwithstanding any other provision of this article, when a per diem license is issued under Subtitle 11, Part 3 of this title, a holder of a wholesaler's license may agree with the holder of the Class C license to deliver beer on the effective date of the license and accept returns on the same day.

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§ 11-2010

(a) In this section, “premises” means:

- (1) a restaurant, tavern, hotel, club, dance studio, disco, or place of public entertainment;
- (2) a place open to the public; or
- (3) a place licensed by the State or the county.

(b) (1) Except as provided in paragraph (2) of this subsection, a person may not provide or allow to be consumed on the premises or on premises under its possession or control any alcoholic beverages other than as specifically allowed under this article.

(2) Paragraph (1) of this subsection does not apply to the room of a registered guest in a hotel, motel, or hospice.

(c) A person who knowingly allows consumption in violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$250.

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§ 11-2011

A patron may consume an alcoholic beverage authorized by law to be sold at a bar or counter on a day on which the sale of the alcoholic beverage is authorized by law.

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§ 11-2101

(a) The following sections of Title 4, Subtitle 6 (“Revocation and Suspension of Local Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–602 (“Power of local licensing board”);
- (2) § 4–604 (“Grounds for revocation or suspension”); and
- (3) § 4–606 (“Effects of revocation”).

(b) The following sections of Title 4, Subtitle 6 (“Revocation and Suspension of Local Licenses”) of Division I of this article apply in the county:

- (1) § 4–603 (“Revocation and suspension procedures”), subject to §§ 11–2102 and 11–2103 of this subtitle; and
- (2) § 4–605 (“Nudity and sexual displays”), subject to § 11–2104 of this subtitle.

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§ 11-2102

(a) (1) In addition to the revocation and suspension procedures provided under § 4–603 of this article, the Board may immediately suspend a license if it is alleged by a person specified under paragraph (2) of this subsection that the license holder has sold or provided alcoholic beverages to an individual under the age of 21 years with such frequency and during such a limited time so as to demonstrate a willful failure to comply with § 6–304 of this article.

(2) An allegation under paragraph (1) of this subsection may be made by:

- (i) the Comptroller or an agent or employee of the Comptroller;
- (ii) the Executive Director or an agent or employee of the Executive Director;
- (iii) the Board or an agent or employee of the Board; or
- (iv) a peace officer.

(b) A suspension under this section may not exceed 7 days.

(c) If a license is suspended under this section, the Board shall:

- (1) hold a hearing on the matter within 7 days after the suspension begins; and

(2) give notice to the license holder at least 2 days before the hearing.

(d) If the Board fails to provide the license holder with notice of a hearing before the end of the fifth day after a suspension begins:

(1) the suspension shall end; and

(2) the license holder shall be allowed to resume the sale of alcoholic beverages on the next day allowed under the license.

(e) This section does not prevent a license holder whose license is suspended under this section from seeking an injunction or other appropriate relief.

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§ 11-2103

(a) Subject to subsection (b) of this section, instead of ordering the revocation or suspension of a license, the Board may order a license holder to exchange the license for a lesser license:

(1) under which only alcoholic beverages of a lower alcoholic content or of a more limited kind than under the license ordered exchanged may be sold; and

(2) that has fewer privileges or more or greater restrictions than the license ordered exchanged.

(b) Subsection (a) of this section applies only if:

(1) after a hearing, the Board finds that a license holder or the operation of a licensed premises has violated or is violating this article; and

(2) the penalty for the violation requires or allows a license to be revoked or suspended.

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§ 11-2104

(a) This section applies only to an entertainment facility license issued under § 11-1005 of this title.

(b) Notwithstanding the mandatory revocation requirement for local licensing boards under § 4-605(a) of this article, after a finding that an activity listed in § 4-605 of this article has occurred, the Board may revoke the license.

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§ 11-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 11-2301

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

(1) § 4-802 ("Expiration of license on death of license holder");

(2) § 4-804 ("Transfer or reinstatement of license");

(3) § 4-805 ("Rights of protest, revocation, suspension, and restriction"); and

(4) § 4-806 ("Refund").

(b) Section 4-803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 11-2302 of this subtitle.

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§ 11-2302

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

- (i) the surviving spouse;
 - (ii) the surviving partners for the benefit of the partnership; or
 - (iii) the senior surviving officer of the corporation for the benefit of the corporation.
- (2) The new license shall be issued:
- (i) for the balance of the license year; and
 - (ii) without further proceedings.
- (b) A renewal license may be issued to the following if they are qualified to hold the license:
- (1) the surviving spouse;
 - (2) the surviving partners of a partnership; or
 - (3) the senior surviving officer of a corporation for the benefit of the corporation.

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§ 11-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 11-2402

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

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§ 11-2501

A person may not give or allow to be consumed on the premises or on premises under its control or possession an alcoholic beverage other than as authorized under this article.

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§ 11-2502

- (a) This section applies to an establishment that:
- (1) includes a restaurant, hotel, club, room, dance studio, disco, place of public entertainment, and place open to the public; and
 - (2) is subject to a license issued by the State or the county other than a license issued under this article.
- (b) An owner or a manager of an establishment under subsection (a) of this section may not serve, keep, or allow to be consumed by a customer alcoholic beverages from supplies that the customer purchased, reserved, or brought to the establishment.
- (c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 11-2503

- (a) This section does not apply to the room of a registered guest in a hotel, motel, or hospice.
- (b) Except as provided elsewhere in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:
- (1) a restaurant, tavern, hotel, club, dance studio, or disco;
 - (2) a place open to the public;
 - (3) a place of public entertainment;
 - (4) a place that is licensed by the State or the county; or

(5) a place at which setups or other component parts of mixed alcoholic drinks are sold under a license issued under the Business Regulation Article.

(c) An owner or a manager of an establishment or a place specified in subsection (b) of this section may not knowingly allow consumption of alcoholic beverages between the hours provided in subsection (b) of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$250.

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§ 11-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6-202 ("Inspections");

(2) § 6-203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6-205 ("Peace officers");

(4) § 6-206 ("Charging document for unlawful sale of alcoholic beverage");

(5) § 6-207 ("Display of alcoholic beverages as prima facie evidence of sale");

(6) § 6-208 ("Regulating possession or consumption of alcohol in public places");

(7) § 6-209 ("Adoption of standards for authorization of consumption"); and

(8) § 6-211 ("Fines and forfeitures").

(b) Section 6-210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 11-2602 of this subtitle.

(c) Section 6-204 ("Power to summon witnesses") of Division I of this article applies in the county, in addition to § 11-2604 of this subtitle.

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§ 11-2602

The county may:

(1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6-320 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

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§ 11-2603

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

(c) (1) The Board shall charge fees for the production and service of a summons.

(2) The fees may be assessed only against a license holder or party whom the Board has adjudicated responsible for a violation of a law concerning alcoholic beverages.

(3) The fees are:

(i) \$20, for the production of a summons by the clerk to the Board;

(ii) \$5, for an address provided by the clerk to the Board and the service is by mail; and

(iii) \$30, for each address if the service is by an investigator employed by the Board.

(4) In addition to other fines, penalties, or costs that may be imposed, the Board shall also impose costs of \$100 against a license holder or party whom the Board has found to have violated a law concerning alcoholic beverages.

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§ 11-2604

In addition to the sheriff who may serve a summons under § 6–204 of this article, an inspector that the Board employs and county police may serve a summons.

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§ 11-2605

An inspector who investigates a license violation may issue a civil citation as provided in § 10–119 of the Criminal Law Article.

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§ 11-2606

The Board may call on other county administrative departments and all prosecuting officers to provide information and assistance that the Board considers necessary to carry out this article.

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§ 11-2701

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

- (1) § 6–305 (“Proof of age for sale of alcoholic beverages”);
- (2) § 6–306 (“Defense to prosecution for sale to underage individual”);
- (3) § 6–310 (“Providing free food”);
- (4) § 6–311 (“Restrictions on purchases and sales by retail dealer”);
- (5) § 6–312 (“Beverage misrepresentation”);
- (6) § 6–313 (“Tampering with alcoholic beverage container”);
- (7) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);
- (8) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);
- (9) § 6–316 (“Maximum alcohol content”);
- (10) § 6–317 (“Multiple serving purchase required”);
- (11) § 6–320 (“Disorderly intoxication”);
- (12) § 6–321 (“Consumption of alcoholic beverages in public”);
- (13) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);
- (14) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);
- (15) § 6–327 (“Unlicensed out-of-state sale of alcoholic beverages”);
- (16) § 6–328 (“Tax evasion”);
- (17) § 6–329 (“Destruction of evidence”); and
- (18) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article do not apply in the county:

- (1) § 6–308 (“Allowing on-premises consumption of alcoholic beverages not purchased from license holder”);
- (2) § 6–309 (“Allowing on-premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);
- (3) § 6–319 (“On-premises consumption of alcoholic beverages not purchased from license holder”); and

(4) § 6–322 (“Possession of open container”).

(c) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

(1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 11–2702 of this subtitle; and

(2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 11–2703 of this subtitle.

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§ 11-2702

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual is not a resident of the State.

(c) The Board may not proceed against a license holder for a violation of § 6–304 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

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§ 11-2703

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The Board may not proceed against a license holder for a violation of § 6–307 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

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§ 11-2704

(a) In this section, “premises” includes a building, parking lot, picnic grounds, terrace, or grounds that form an integral part of the licensed premises.

(b) Except as provided in subsection (c) of this section:

(1) an individual may not consume, display, or possess on the licensed premises an alcoholic beverage not purchased from the license holder; and

(2) a license holder may not allow an individual to consume, display, or possess on the licensed premises an alcoholic beverage that is not purchased from the license holder.

(c) A holder of a beach and amusement park license may grant written permission to a patron of the license holder’s beach or park to bring and consume on the licensed premises an alcoholic beverage not purchased from the license holder.

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§ 11-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 11-2802

- (a) The Board may impose a fine not exceeding \$2,500 or suspend a license or both for a violation that is cause for license suspension under the alcoholic beverage laws affecting the county.
- (b) A fine or suspension under subsection (a) of this section is in addition to any term or condition that the Board may impose as a result of the violation.

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Title 12 — Title 12

§ 12-101

(a) In this title:

- (1) except as provided in subsection (e) of this section, the definitions in § 1–101 of this article apply without exception or variation; and
- (2) the following words have the meanings indicated.
- (b) “Board” means the Board of License Commissioners for Baltimore City.
- (c) “City” means Baltimore City.
- (d) “Light wine” means wine that contains not more than 15.5% of alcohol by volume.
- (e) The definition of “restaurant” under § 1–101 of this article applies in the City, subject to § 12–104 of this subtitle.
- (f) “Total daily receipts” does not include:
 - (1) sales of novelty items;
 - (2) income from vending machines; or
 - (3) other receipts not resulting from the sale of food or beverages.

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§ 12-102

This title applies only in Baltimore City.

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§ 12-103

- (a) Subject to subsections (b) and (c) of this section, the Mayor and City Council may adopt an ordinance restricting the placement on the side of a building or any other publicly visible location of any form of advertising for alcoholic beverages, including a sign, a poster, a placard, a device, a graphic display, an outdoor billboard, and a freestanding signboard.
- (b) An ordinance may be adopted if:
 - (1) the ordinance is necessary to promote the welfare and temperance of minors exposed to advertisements for alcoholic beverages placed in publicly visible locations, including outdoor billboards, sides of buildings, and freestanding signboards; and
 - (2) the restrictions do not unduly burden legitimate business activities of a license holder to sell alcoholic beverages at retail.
- (c) The ordinance may not restrict:
 - (1) the placement of a sign, including an advertisement:
 - (i) inside licensed premises;
 - (ii) on a commercial vehicle used to transport alcoholic beverages; or
 - (iii) in conjunction with a temporary license;
 - (2) a sign that contains the name or slogan of the licensed premises that has been placed to identify the licensed premises;

- (3) except for a billboard and freestanding signboard, a sign for which zoning board approval or a minor privilege permit is required;
 - (4) a sign that contains a generic description of beer, wine, or liquor, or any other generic description of alcoholic beverages;
 - (5) a neon or electrically charged sign on licensed premises that is provided as part of a promotion of a particular brand of alcoholic beverage;
 - (6) a sign on an MTA vehicle or a taxicab;
 - (7) a sign on property owned, leased, or operated by the Maryland Stadium Authority;
 - (8) a sign at a facility that operates in accordance with a license issued under § 11–304 of the Business Regulation Article; or
 - (9) a sign on property adjacent to an interstate highway.
- (d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

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§ 12-104

- (a) To be considered a restaurant, an establishment shall meet the requirements of this section.
- (b) An establishment shall have average daily receipts from the sale of food that are at least 40% of its total daily receipts.
- (c) The Board may not consider as food an ingredient or a garnish used with or mixed with an alcoholic beverage that is prepared and served for on–premises consumption.
- (d) (1) The Board may waive the food requirement specified under subsection (b) of this section for a restaurant:
 - (i) owned and operated by a nonprofit organization in the area bounded by South Ellwood Avenue on the west, Bank Street on the north, South Bouldin Street on the east, and Fleet Street on the south; or
 - (ii) operated in the area bounded by South Eden Street on the west, Bank Street on the north, South Spring Street on the east, and Eastern Avenue on the south.
- (2) For a license that meets the qualifications under paragraph (1) of this subsection, the Board may approve an expansion of the licensed premises onto a noncontiguous property with a second separate use permit issued by the City, if the second separate use permit specifically refers to the alcoholic beverages license at the primary location.

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§ 12-105

A copy of any legislation concerning alcoholic beverages enacted by the Mayor and City Council under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 12-201

There is a Board of License Commissioners for Baltimore City.

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§ 12-202

- (a) (1) The Governor shall appoint three regular members and one substitute member to the Board.
- (2) The appointments shall be made:
 - (i) if the Senate is in session, with the advice and consent of the Senate; or
 - (ii) if the Senate is not in session, by the Governor alone, subject to the advice and consent of the Senate when the Senate next convenes.
- (b) (1) Each member of the Board shall be:

- (i) a resident and voter of the City; and
- (ii) an individual of high character and integrity and of recognized business capacity.
- (2) At least one member of the Board shall be a member of the Bar of the Supreme Court of Maryland.
- (3) When evaluating an applicant for membership on the Board, the Governor shall consider the need for geographic, political, racial, ethnic, cultural, and gender diversity on the Board.
- (c) The substitute member may serve on the Board if a regular member is absent or recused.
- (d) (1) The term of a member is 2 years and begins on July 1.
- (2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.
- (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
- (4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (e) (1) To fill a vacancy that occurs during the term of office, the Governor shall appoint an eligible individual.
- (2) An appointment under paragraph (1) of this subsection shall be made within 15 days after the vacancy occurs.
- (3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (f) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.
- (2) A member who is charged shall be given by the Governor a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.
- (3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings made on the charges.

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§ 12-203

The Board shall designate a chair from among the regular members of the Board.

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§ 12-204

- (a) The Board or the Board's designee governs, administers, and enforces this article in the City, including:
 - (1) supervising the activities and investigations of the inspectors and other employees of the Board;
 - (2) examining the location and general character of license holders in the City;
 - (3) reviewing the zoning of applicants and license holders during the license application, license transfer, and license renewal processes; and
 - (4) subject to § 12–210 of this subtitle, adopting regulations concerning zoning of license holders and methods of enforcement to carry out the purposes and enforcement of this article.
- (b) (1) In accordance with Article VI, § 4 of the Baltimore City Charter, the Board shall provide to the Director of Finance of the City the estimates of the Board for the next fiscal year of the appropriations needed to effectively and efficiently achieve the mission and goals of the Board.
- (2) The Board shall:
 - (i) submit a budget request to the City annually in the form that the Director of Finance of the City requires; and
 - (ii) provide additional budget justification material that the Director of Finance of the City requests.
- (c) (1) The Board shall establish annual performance measures using the CitiStat program of the City for activities such as:
 - (i) financial management;
 - (ii) issuance of licenses; and

(iii) enforcement of alcoholic beverages laws.

(2) The Board shall make the performance measures available to the public on the Open Baltimore website.

(3) On request, the Board shall submit to the Office of Legislative Audits performance accountability reports to ensure that the Board is on track to meet its annual performance measures.

(d) The Board shall:

(1) (i) digitize and post online all records for public review; and

(ii) adopt regulations to carry out this paragraph; and

(2) prominently list on the website of the Board each fee or fine that the Board imposes and collects.

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§ 12-205

The revenue from license fees, permit fees, fines, and advertising fees shall be payable to the Director of Finance of the City.

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§ 12-207

(a) (1) In this subsection, "direct or indirect interest" means an interest that is:

(i) proprietary;

(ii) obtained by a loan, mortgage, or lien or in any other manner; or

(iii) beneficially owned through an investment vehicle, estate, trust, or other intermediary when the beneficiary does not control the intermediary or may supervise or participate in the intermediary's investment decisions.

(2) A member or an employee of the Board may not:

(i) have a direct or indirect interest in or on a premises where alcoholic beverages are manufactured, distributed, or sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture, distribution, or sale of alcoholic beverages;

(iii) own stock in a corporation that has a direct or indirect interest in:

1. a premises where alcoholic beverages are manufactured, distributed, or sold; or

2. a business wholly or partly devoted to the manufacture, distribution, or sale of alcoholic beverages;

(iv) receive a salary or other compensation or any other thing of value from a business engaged in the manufacture, distribution, or sale of alcoholic beverages;

(v) solicit or receive, directly or indirectly or on behalf of another person, a commission, political contribution, remuneration, or gift from a person engaged in the manufacture, distribution, or sale of alcoholic beverages or an agent or employee of the person; or

(vi) solicit or receive, directly or indirectly, a commission, remuneration, or gift from:

1. a person engaged in the manufacture, distribution, or sale of alcoholic beverages or an agent or employee of the person; or

2. a license holder.

(b) (1) Unless the public office or employment poses a conflict of interest, a member or an employee of the Board may hold any other federal, State, or local public office or employment.

(2) A member of the Board who applies for government employment that poses a conflict of interest as determined by the State Ethics Commission shall resign from the Board by a letter addressed to the Governor.

(3) (i) If an individual who is a member or an employee of the Board seeks election to an office that would pose a conflict of interest, on filing a certificate of candidacy for election or within 30 days before the filing deadline for the primary election for the office sought, whichever occurs later, the individual shall certify to the City Board of Elections under oath that the individual is no longer a member or an employee of the Board.

(ii) The certification shall be accompanied by a letter addressed to the Governor containing the resignation of the member from the Board.

(c) (1) An employee of the Board shall devote the employee's whole time and attention to the business of the Board during the hours designated by the Board for the performance of official duties.

(2) An employee of the Board may not:

(i) engage in an occupation, a business, or a profession that in any way is connected or associated, directly or indirectly, with the manufacture, distribution, or sale of alcoholic beverages; or

(ii) transact any business beyond the official duties of the employee:

1. with a license holder; or

2. in connection with the operation of an establishment licensed for the manufacture, distribution, or sale of alcoholic beverages.

(3) Subject to § 12–206(e)(1) of this subtitle, an employee of the Board who violates this subsection shall be removed.

(d) (1) A member or an employee of the Board shall comply with the public ethics laws of the State and the financial disclosure requirements set by the State Ethics Commission.

(2) An action of a member or an employee of the Board is subject to State requirements for open or public meetings, including requirements for open sessions under Title 3 of the General Provisions Article.

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§ 12-208

(a) (1) Subject to paragraph (2) of this subsection, an inspector may examine any identification used as proof of age by an individual to purchase alcoholic beverages.

(2) The examination shall be made on the premises of the licensed establishment where the purchase is attempted.

(b) An inspector may serve a summons under § 12–2603 of this title.

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§ 12-209

The Mayor and City Council shall:

(1) pay from the general fund of the City that includes revenue from the Board the salaries and expenses of the Board and its employees; and

(2) devote the balance of the revenue from the Board to the general purposes of the City.

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§ 12-210

(a) The Board may adopt regulations to carry out this article.

(b) Before the Board may adopt a regulation:

(1) the Board shall provide a period of at least 30 days for public comment; and

(2) the City Solicitor shall review the regulation to ensure that the regulation complies with the authority granted to the Board by the State.

(c) (1) The Board shall publish and post online regulations that the Board adopts and distribute them to the license holders whom the regulations affect.

(2) The Board may require a license holder to display prominently in the license holder's place of business any regulation of the Board or excerpt from this article.

(d) At least once every 5 years after October 31, 2015, the Board shall review its regulations to ensure that the regulations comply with:

(1) the current policies and practices of the Board; and

(2) federal, State, and local law.

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§ 12-211

At least 3 months before the start of the regular session of the General Assembly each year, the Board shall give notice to the following persons regarding any legislative proposal the Board intends to submit to the City delegation to the General Assembly for introduction as a bill:

- (1) the Mayor of Baltimore City;
- (2) the Baltimore City Council; and
- (3) community and residential groups in the City that have opted to receive notices from the Board.

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§ 12-301

There is no liquor control board or department of liquor control in the City.

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§ 12-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the City without exception or variation:

- (1) § 2-201 ("Issuance by Executive Director");
- (2) § 2-202 ("Class 1 distillery license");
- (3) § 2-203 ("Class 9 limited distillery license");
- (4) § 2-204 ("Class 2 rectifying license");
- (5) § 2-205 ("Class 3 winery license");
- (6) § 2-206 ("Class 4 limited winery license");
- (7) § 2-207 ("Class 5 brewery license");
- (8) § 2-208 ("Class 6 pub-brewery license");
- (9) § 2-210 ("Class 8 farm brewery license");
- (10) § 2-211 ("Residency requirement");
- (11) § 2-212 ("Additional licenses");
- (12) § 2-213 ("Additional fees");
- (13) § 2-214 ("Sale or delivery restricted");
- (14) § 2-215 ("Beer sale on credit to retail dealer prohibited");
- (15) § 2-217 ("Distribution of alcoholic beverages — Prohibited practices"); and
- (16) § 2-218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the City:

- (1) § 2-209 ("Class 7 micro-brewery license"), subject to § 12-403 of this subtitle; and
- (2) § 2-216 ("Interaction between manufacturing entities and retailers"), subject to § 12-404 of this subtitle.

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§ 12-402

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday or an election day.

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§ 12-403

(a) This section applies to a Class 7 micro–brewery license in the City.

(b) The license may be issued only to the holder of:

(1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the City; or

(2) a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license located in the 40th alcoholic beverages district of the City.

(c) (1) Subject to paragraphs (2), (3), and (4) of this subsection, the holder of a Class 7 micro–brewery license may:

(i) brew in two locations using the same Class 7 micro–brewery license; and

(ii) obtain a Class 2 rectifying license for the premises at the two locations authorized under item (i) of this paragraph.

(2) The holder of a Class 7 micro–brewery license may brew in two locations using the same Class 7 micro–brewery license if the license holder:

(i) requests permission by submitting a written application to the Executive Director; and

(ii) obtains written approval from the Executive Director.

(3) Before authorizing a holder of a Class 7 micro–brewery license to brew in two locations using the same Class 7 micro–brewery license, the Executive Director shall:

(i) make a determination that a second location to brew additional capacity is necessary due to insufficient space at the existing Class 7 license location; and

(ii) consider any other factor relevant to approval of the application.

(4) Notwithstanding any other provision of this article, a holder of a Class 7 micro–brewery license may not serve or sell beer for on– or off–premises consumption at the second brewing location authorized under this subsection.

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§ 12-404

(a) Section 2–216(b) and (d) of this article does not apply to a holder of a Class 3 winery license or Class 4 limited winery license who is issued a Class A2 light wine on–sale and off–sale license with respect to the wine manufactured or bottled on the winery premises.

(b) (1) This subsection applies only to a Class 1 distillery and a retail dealer located on contiguous premises in the area commonly known as Port Covington.

(2) The Class 1 distillery:

(i) may lend a thing of value, make a gift, or offer a gratuity to the retail dealer; but

(ii) may not lend money to the retail dealer.

(3) The retail dealer:

(i) may accept, receive, or make use of a gift or an advertisement provided by the Class 1 distillery; but

(ii) may not become indebted to the distillery except for the purchase of alcoholic beverages and allied products purchased for resale.

(4) Section 2–216(d) of this article regarding advertisements does not apply to the Class 1 distillery and the licensed retailer.

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§ 12-501

Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article applies in the City without exception or variation.

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§ 12-502

Except as provided in § 12–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 12-503

(a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 12-601

A Class A beer license may not be issued in the City.

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§ 12-602

A Class B beer license may not be issued in the City.

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§ 12-603

A Class C beer license may not be issued in the City.

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§ 12-604

(a) There is a Class D beer license.

(b) The license may be issued to a holder of a Class 5 brewery license.

(c) The license authorizes the license holder to sell at retail beer brewed on the brewery premises for on–premises consumption.

(d) The Board shall establish the hours and days of sale under the license.

(e) The annual license fee is \$300.

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§ 12-701

A Class A light wine license may not be issued in the City.

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§ 12-702

(a) There is a Class A2 light wine license in the City.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) The license authorizes the license holder to sell at retail light wine produced or bottled on the winery premises:

(1) for off–premises consumption; or

(2) for on–premises consumption by the drink in a restaurant that is:

(i) owned and operated by the holder of the Class 4 limited winery license; and

(ii) located immediately adjacent to the winery premises.

(d) The Board shall establish the hours and days of sale under the license.

(e) The annual license fee is \$250.

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§ 12-801

- (a) There is a Class A beer and light wine license.
- (b) (1) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license.
- (2) The license holder shall sell the beer and light wine in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or light wine is sold.
- (c) The annual license fee is \$171.

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§ 12-802

- (a) There is a Class B beer and light wine license.
- (b) The license authorizes the license holder to sell beer and light wine at a hotel or restaurant, at retail, at the place described in the license, for on- and off-premises consumption.
- (c) The annual license fee is \$310.

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§ 12-803

- (a) There is a Class C beer and light wine license.
- (b) The license authorizes the license holder to sell beer and light wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on-premises consumption.
- (c) The annual license fee is \$128.

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§ 12-804

- (a) There is a Class D beer and light wine license.
- (b) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license, for on- and off-premises consumption.
- (c) The license may not be issued for use by a drugstore.
- (d) The annual license fee is \$260.

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§ 12-901

- (a) There is a Class A beer, wine, and liquor license.
- (b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.
- (2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (c) A license may not be issued for a drugstore unless the applicant:
 - (1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;
 - (2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or
 - (3) has been engaged in the retail drug business for at least 3 years.
- (d) The annual license fee is \$2,060.

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§ 12-902

- (a) There is a Class A–2 beer, wine, and liquor (package goods) license.
- (b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.
- (2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (c) (1) A Class B–D–7 beer, wine, and liquor license may not be reissued as a Class A–2 license.
- (2) A Class A–2 license may not be converted or substituted for any other class of license, including a Class B–D–7 beer, wine, and liquor license.
- (d) The hours and days of sale for the license are from 9 a.m. to midnight, Monday through Saturday.
- (e) The annual license fee is \$2,060.

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§ 12-903

- (a) There is a Class B beer, wine, and liquor license.
- (b) The license authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant at the place described in the license, for on– or off–premises consumption.
- (c) (1) In this subsection, “46th alcoholic beverages district” means an area that has the same boundaries as the 46th legislative district in the Legislative Districting Plan of 2022.
- (2) In addition to meeting all other requirements of this section, a restaurant for which the license is issued in the 46th alcoholic beverages district shall have:
 - (i) capital investment of at least \$500,000 for restaurant facilities, not including the cost of:
 - 1. the land;
 - 2. the building; or
 - 3. improvements other than to the interior of a building on the licensed premises; and
 - (ii) except as provided in § 12–1604(c) of this title:
 - 1. average daily receipts from the sale of food that are at least 51% of the total daily receipts of the restaurant; and
 - 2. seating for 75 but not more than 150 individuals.
- (d) (1) In this subsection, “47th alcoholic beverages district” means an area with the same boundaries as the 47th alcoholic beverages district as that district existed before the Legislative Districting Plan ordered by the Supreme Court of Maryland on June 21, 2002.
- (2) Except as provided in paragraph (3) of this subsection, the license issued for use by a restaurant in the 47th alcoholic beverages district may not include an off–sale privilege.
- (3) A license issued before July 1, 1991, with on– and off–sale privileges may continue to be renewed or transferred in the 47th alcoholic beverages district with both privileges.
- (4) The license may include an off–sale privilege for sales of refillable containers under a refillable container permit issued in accordance with § 12–1102 of this title.
- (e) (1) The annual license fee is \$2,060.
- (2) In addition, the license holder annually shall pay:
 - (i) \$500, if the license holder provides live entertainment; and
 - (ii) \$200, if the license holder provides outdoor table service.
- (f) In the 45th legislative district, a Class B beer, wine, and liquor license may be exchanged for a Class B–D–7 beer, wine, and liquor license if:
 - (1) the licensed premises is in an area bounded by the unit block of West Preston Street, the 1200 block of North Charles Street, the 1200 block of Morton Street, and the unit block of West Biddle Street; and

(2) the applicant executes a memorandum of understanding with the Mount Vernon–Belvedere Improvement Association.

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§ 12-904

(a) This section does not apply to:

- (1) a restaurant not located in a hotel or motel; or
- (2) a catering establishment.

(b) There is a Class B–BWL (H–M) license.

(c) The Board may issue the license for use by a hotel or motel that has:

- (1) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating;
- (2) at least 100 rooms for the accommodation of the public; and
- (3) a capital investment of not less than \$500,000.

(d) (1) The annual license fee is \$10,108.

(2) In addition, the license holder annually shall pay:

- (i) \$1,000, if the licensed premises has fewer than 100 rooms;
- (ii) \$500, if the license holder provides live entertainment; and
- (iii) \$200, if the license holder provides outdoor table service.

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§ 12-905

(a) There is a Class B–D–7 beer, wine, and liquor license.

(b) (1) The Board may issue a Class B–D–7 license if the Board determines that the license is reasonably necessary for the convenience of the public.

(2) In making the determination, the Board shall consider the number of beer, wine, and liquor outlets in a given area and the number of days the outlets are open, rather than the nature of the outlets.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on– and off–premises consumption.

(2) The holder of a license exchanged in accordance with § 12–903 of this subtitle is authorized to provide outdoor table service.

(d) A license holder may sell beer, wine, and liquor during the hours and days set out under § 12–2004(c) of this title.

(e) The Board shall adopt regulations to determine the manner of operation of a licensed premises.

(f) The annual license fee is \$2,336.

(g) (1) The Board may reissue a Class B–D–7 beer, wine, and liquor license as a Class A–2 beer, wine, and liquor (package goods) license if the licensed premises is:

- (i) within the 41st legislative district; and
- (ii) equipped with high–definition cameras that provide continuous, 24–hour monitoring inside and outside the licensed premises.

(2) The hours of sale for the 7–day beer, wine, and liquor (package goods) license authorized under this subsection are from 9 a.m. to midnight Monday through Sunday.

(3) A holder of a 7–day beer, wine, and liquor (package goods) license authorized under this subsection that unlawfully sells or provides alcoholic beverages to an individual under the age of 21 years is subject to:

- (i) for a first offense, a fine of not less than \$1,500 or more than \$3,000; and
- (ii) for a second or subsequent offense, a license suspension or revocation.

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§ 12-906

- (a) There is a Class C beer, wine, and liquor license.
- (b) The license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license, for on-premises consumption.
- (c) The annual license fee is \$860.

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§ 12-907

- (a) There is a Class D beer, wine, and liquor license.
- (b) The license authorizes the license holder to sell beer, wine, and liquor at the place described in the license for on- and off-premises consumption.
- (c) The license may not be issued for use by a drugstore.
- (d) The annual license fee is \$1,284.

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§ 12-1001

- (a) In this section, "arena" means:
 - (1) an athletic facility;
 - (2) an auditorium;
 - (3) a banquet hall;
 - (4) a catering hall;
 - (5) a concert facility;
 - (6) a theater; or
 - (7) a stadium.
- (b) There is an arena license.
- (c) (1) The Board may issue the license only to:
 - (i) the person, firm, or corporation that owns or leases the arena; or
 - (ii) a concessionaire designated by the person, firm, or corporation that owns or leases the arena.
- (2) At least one of the individuals who apply for and are issued the license on behalf of the person that owns or leases the arena is required to be a resident of the State.
- (3) A concessionaire to whom a license is issued need not be a resident of the State.
- (d) (1) Subject to paragraph (2) of this subsection, the license holder is authorized to sell beer, wine, and liquor by the drink and by the bottle within the arena, from one or more outlets, for on-premises consumption.
- (2) (i) The license may not be issued in the Second or Third Ward after October 1, 1994.
- (ii) A license issued before October 1, 1994, is valid and may be treated like any other license.
- (3) The Board may grant an off-sale privilege to the holder of a license issued for a premises in the 3300 block of Annapolis Road, subject to the following conditions:
 - (i) beer, wine, or liquor may be sold for off-premises consumption only from a location in the licensed premises not exceeding 2,000 square feet;
 - (ii) beer, wine, or liquor purchased from the location may not be consumed anywhere on the licensed premises;
 - (iii) the hours of sale are from 8 a.m. to 10 p.m. Monday through Sunday; and
 - (iv) the annual fee for the privilege is \$858.

(e) The arena shall have:

- (1) a minimum capital investment, not including any real property, of \$1,000,000; and
- (2) a minimum capacity of 1,000 people, as determined by the City Fire Department.

(f) (1) The annual license fee is \$21,780.

(2) In addition to the annual license fee, a license holder shall pay annually:

- (i) \$500, if the license holder provides live entertainment; and
- (ii) \$200, if the license holder provides outdoor table or cafe service.

(g) The Board shall adopt regulations concerning the manner of dispensing alcoholic beverages, the number of outlets authorized to dispense alcoholic beverages, and the hours and days of sale.

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§ 12-1002

(a) This section applies only to a municipal golf course that is:

- (1) on land that is owned by the City; and
- (2) operated by a City golf course manager or a golf course manager under a management agreement with the City.

(b) There is a Class M–G beer, wine, and liquor license for use at a municipal golf course.

(c) The Board may issue the license to a manager of a municipal golf course.

(d) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption on the land and in the facilities used for golfing purposes.

(e) (1) The license holder may designate an agent to sell beer, wine, and liquor at the municipal golf course.

(2) The agent shall be considered the vendor for purposes of collecting and remitting the sales and use tax.

(f) On request of the City and subject to § 12–1703 of this title, the Board may transfer the license to a different golf course manager.

(g) The annual license fee is \$936.

(h) The Board shall adopt regulations to carry out this section.

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§ 12-1003

(a) There is a racetrack license.

(b) (1) The Board may issue the license to the owner of a regularly licensed racing establishment or the concessionaire or catering organization at the establishment.

(2) There are no residential or voting qualifications for a license applicant.

(c) The license authorizes the holder to sell beer, wine, and liquor at one or more locations in the confines of the racing park.

(d) (1) The license fee is \$100 for each day that the racing park is open and operating.

(2) In addition to the annual license fee, the license holder shall pay annually:

- (i) \$500, if the license holder provides live entertainment; or
- (ii) \$200, if the license holder provides outdoor table or cafe service.

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§ 12-1004

(a) (1) In this section the following words have the meanings indicated.

(2) "Concessionaire" means a lessee, a sublessee, or any other operator of an establishment that:

- (i) engages in the sale of beer, wine, and liquor by the drink or by the bottle on its premises for consumption anywhere in a video lottery facility; and
- (ii) is operated as a concession independent of a holder of a Class BWL–VLF license.
- (3) “Video lottery facility” means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.
- (b) There is a Class BWL–VLC (video lottery concessionaire) beer, wine, and liquor license.
- (c) The Board may issue a Class BWL–VLC license to one or more concessionaires operating in a video lottery facility.
- (d) (1) The license authorizes:
 - (i) the license holder to sell beer, wine, and liquor on the premises of the concessionaire for consumption:
 1. anywhere in the video lottery facility; or
 2. on grounds controlled by the Class BWL–VLF license holder, as defined in the Class BWL–VLF license;
 - (ii) the playing of music and dancing; and
 - (iii) the sale and providing of beer, wine, and liquor throughout the video lottery facility and grounds controlled by the Class BWL–VLF license holder during those days and hours that the video lottery facility is open for business.
- (2) Beer, wine, and liquor purchased under the Class BWL–VLC license may be taken anywhere in a video lottery facility or on grounds controlled by the Class BWL–VLF license holder, as defined in the Class BWL–VLF license.
- (e) (1) The annual license fee is \$7,500.
- (2) The fee shall be paid to the Board on or before May 1.
- (f) A penalty or other sanction that is imposed for a violation of a regulation of the Board on the licensed premises of a holder of a Class BWL–VLC license shall apply to the concessionaire that the Board determines to be responsible for the violation.

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§ 12-1005

- (a) In this section, “video lottery facility” means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.
- (b) There is a Class BWL–VLF (video lottery facility) beer, wine, and liquor license.
- (c) (1) The Board may issue a Class BWL–VLF license to an individual or entity that:
 - (i) owns a video lottery facility that contains at least one food service facility, bar, or lounge; and
 - (ii) holds a license under Title 9, Subtitle 1A of the State Government Article.
- (2) An applicant for a Class BWL–VLF license need not meet any voting or residency requirement.
- (d) (1) The license authorizes:
 - (i) the license holder to sell beer, wine, and liquor by the drink and by the bottle on the premises of the video lottery facility for consumption:
 1. anywhere in the video lottery facility; or
 2. on grounds controlled by the license holder, as defined in the license;
 - (ii) the playing of music and dancing; and
 - (iii) the sale and providing of beer, wine, and liquor throughout the video lottery facility and grounds controlled by the license holder during those days and hours that the video lottery facility is open for business.
- (2) Beer, wine, and liquor purchased under the license may be taken anywhere in a video lottery facility or on grounds controlled by the license holder, as defined in the Class BWL–VLF license.
- (e) (1) The annual license fee is \$17,500.
- (2) The annual license fee shall be paid to the Board on or before May 1.

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§ 12-1006

- (a) There is a Class BWL–MZ license for use at a zoo in Druid Hill Park.
- (b) (1) The license authorizes the holder to sell beer, wine, and liquor for consumption only on the land and in the facilities used by the zoo.
- (2) On approval by the Board, beer, wine, and liquor may be sold at the zoo in multiple locations.
- (c) (1) The license holder may designate an agent to sell beer, wine, and liquor at the zoo.
- (2) The agent shall be considered the vendor for collecting and remitting the sales and use tax.
- (d) The license holder may sell beer, wine, and liquor on Monday through Sunday, from noon to 11 p.m.
- (e) The annual license fee is \$778.

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§ 12-1101

- (a) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article apply in the City without exception or variation:
 - (1) § 4–1102 (“Corkage — Consuming wine not purchased from license holder on licensed premises”); and
 - (2) § 4–1103 (“Removal of partially consumed bottle of wine from licensed premises”).
- (b) Section 4–1105 (“Refillable container permit — Wine”) of Division I of this article does not apply in the City.
- (c) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article apply in the City:
 - (1) § 4–1104 (“Refillable container permit — Draft beer”), subject to § 12–1102 of this subtitle; and
 - (2) § 4–1106 (“Nonrefillable container permit — Draft beer”), subject to § 12–1102.1 of this subtitle.

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§ 12-1102

- (a) The Board may issue a refillable container permit for draft beer to a holder of any class of license except a Class C license or a Class M–G license.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for the permit:
 - (1) begin at the same time as those for the underlying license; and
 - (2) end at midnight.
- (d) Receipts collected under the permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under § 12–104 of this title.
- (e) The Board shall adopt regulations to carry out this section.
- (f) The annual permit fees are:
 - (1) \$50 for an applicant whose license has an off–sale privilege; and
 - (2) \$500 for an applicant whose license does not have an off–sale privilege.

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§ 12-1103

- (a) There is a special amusement permit.
- (b) The Board may grant the permit to a holder of a Class D beer, wine, and liquor license who regularly specializes in the entertainment of customers by providing approved types of amusement, such as:
 - (1) singing;
 - (2) dancing;

- (3) music that is other than recorded music or radio programs;
 - (4) floor shows;
 - (5) acrobatic acts;
 - (6) theatricals; and
 - (7) movies.
- (c) The permit holder may sell beer, wine, and liquor at the hours that the Board specifies.
- (d) The Board may not issue a Class B beer, wine, and liquor license for an establishment that provides entertainment under subsection (b) of this section unless the Board finds that the establishment is a restaurant.
- (e) In addition to the annual fee for a Class D beer, wine, and liquor license, the annual permit fee is \$750.
- (f) The Board shall adopt regulations for issuing the permit to carry out this section.

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§ 12-1104

In the Planned Unit Development for Belvedere Square as approved by the Mayor and City Council of Baltimore City in Ordinance 84–187, alcoholic beverages purchased from a licensed establishment located at 511 through 529 East Belvedere Avenue may be consumed:

- (1) within any indoor or outdoor seating area located at 511 through 529 East Belvedere Avenue; and
- (2) while crossing from the south side of East Belvedere Avenue to the north side of East Belvedere Avenue during a permitted special event that results in the closure of East Belvedere Avenue.

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§ 12-1201

- (a) There is an off-sale caterer privilege.
- (b) (1) Subject to paragraph (3) of this subsection, the Board may grant the privilege to a holder of an on-sale:
- (i) beer and wine license of any class; or
 - (ii) beer, wine, and liquor license of any class.
- (2) The privilege is not a separate class of license but is incorporated in the holder's beer and wine license or beer, wine, and liquor license.
- (3) Before the Board grants or renews the privilege, an applicant or a holder of the privilege shall:
- (i) have the facilities to prepare and deliver food to the site of a catered event; and
 - (ii) obtain a caterer's license from the City Health Department after the Department approves the facilities.
- (c) The privilege authorizes a holder to:
- (1) contract with a sponsor of a public or private catered event held off the premises of the holder to provide food and alcoholic beverages for consumption at the event; and
 - (2) exercise the privilege only during the hours and on the days authorized for the holder's license.
- (d) The privilege may be renewed.
- (e) The annual fee for the privilege is \$500 in addition to the annual fee for the license to which the privilege is incorporated.

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§ 12-1301

- (a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the City without exception or variation:
- (1) § 4–1202 ("Per diem licenses");

(2) § 4–1203 (“Class C per diem beer and Class C per diem beer and wine licenses”);

(3) § 4–1206 (“License to dispose of stock”);

(4) § 4–1207 (“Temporary move of licensed premises”);

(5) § 4–1208 (“Hours and days of sale”); and

(6) § 4–1209 (“Wine permit for fund–raising event”).

(b) Section 4–1205 (“License fees”) of Division I of this article does not apply in the City and is superseded by § 12–1311 of this subtitle.

(c) Section 4–1204 (“Class C per diem beer, wine, and liquor license”) of Division I of this article applies in the City, subject to § 12–1312 of this subtitle.

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§ 12-1304

(a) (1) There is a beer festival license.

(2) The Board may designate not more than two times each calendar year for which a beer festival license may be issued.

(b) (1) The Board may issue the license to a holder of a Class 5 brewery license, Class 6 pub–brewery license, Class 7 micro–brewery license, or Class 8 farm brewery license.

(2) Each manufacturer that participates in the beer festival shall obtain a beer festival license.

(c) (1) If the beer festival is held on a Class B licensed premises, the products displayed and sold shall be:

(i) owned, produced, and provided by the beer festival license holder; or

(ii) provided by the holder of the Class B license.

(2) If the beer festival is held on a location that is not already licensed, the products displayed and sold shall be:

(i) owned, produced, and provided by the beer festival license holder; or

(ii) directly obtained from a licensed wholesaler.

(d) Each festival shall be held:

(1) on premises for which a Class B license has been issued; or

(2) at a location that is not already licensed.

(e) The license holder shall display and sell beer:

(1) at retail for on–premises consumption; and

(2) during the hours and days designated for the festival.

(f) The license for each festival may be in effect for a period of not more than 3 days.

(g) The license holder may hold another license of a different class or nature.

(h) The Board shall set the license fee.

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§ 12-1305

(a) (1) There is a Baltimore Wine Festival (WF) license.

(2) The Board may issue not more than four licenses each year.

(b) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 winery license.

(c) The license authorizes the holder to display and sell wine.

(d) The license holder shall display and sell wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for a wine festival.

(e) The Board:

- (1) may select four 4-day periods annually for the wine festival;
 - (2) except as provided in item (3) of this subsection, shall choose a location for a festival for which a license has not been issued; and
 - (3) may not issue a license for use in election district 46, except for the 1st precinct of the 22nd ward.
- (f) The license holder may hold another alcoholic beverages license of a different class or nature.
- (g) The Board shall set the license fee.
- (h) The Board shall adopt regulations to carry out this section.

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§ 12-1306

- (a) There is a wine sampling (WS) license.
- (b) The Board may issue the license to a nonprofit organization.
- (c) The license authorizes the transportation and consumption of wine for sampling:
- (1) on premises for which a Class B or Class B-D-7 license has been issued, with the authorization of the holder of the license for the premises; or
 - (2) at a location that is not already licensed.
- (d) The nonprofit organization shall apply for the license at least 15 days before the license is issued.
- (e) The Board may issue not more than 12 licenses in a license year to a single nonprofit organization.
- (f) A license holder may serve a quantity of not more than 2 ounces of wine from an offering to an individual.
- (g) The Board shall set the license fee.

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§ 12-1307

- (a) There is a 1-day Class BWT beer and wine tasting license.
- (b) The Board may issue the license to a holder of a Class A beer and light wine license or Class A beer, wine, and liquor license.
- (c) The license authorizes the license holder to allow on-premises consumption of beer and light wine for tasting.
- (d) The Board may issue not more than 12 licenses per year to each license holder.
- (e) A license holder may exercise the privileges under the license only during the hours and days provided for under the license holder's Class A license.
- (f) A license holder may serve to an individual:
- (1) light wine in a quantity of not more than 1 ounce from an offering; and
 - (2) beer in a quantity of not more than 3 ounces from an offering.
- (g) At the end of the day for which a license is valid, the license holder shall dispose of any beer or wine that remains in a container opened for tasting.
- (h) (1) The Board shall set the license fee.
- (2) The license fee is in addition to the Class A annual license fee.

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§ 12-1308

- (a) This section applies in:
- (1) ward 27, precincts 42 and 44 of the 41st legislative district of the City;

- (2) ward 27, precincts 41 and 48 of the 43rd legislative district of the City;
- (3) ward 12, precinct 3 of the 43rd legislative district of the City;
- (4) ward 11, precinct 5 of the 44th legislative district of the City;
- (5) the 3000 block of Frederick Avenue in ward 20, precinct 9 of the 44A legislative district of the City, based on the Legislative Districting Plan of 2022; and
- (6) the 46th legislative district of the City.
- (b) There is a Class BWLT beer, wine, and liquor (on premises) tasting license.
- (c) The Board may issue the license to a holder of a:
 - (1) Class A beer, wine, and liquor license only in a location specified in subsection (a)(1) through (5) of this section; or
 - (2) Class A–7 beer, wine, and liquor license only in the 46th legislative district of the City.
- (d) The license authorizes the holder to allow on–premises consumption of beer, light wine, and liquor for tasting.
- (e) The license may be issued as:
 - (1) a daily tasting license, that may be issued not more than 12 times to a single license holder in a license year;
 - (2) a 26–day or 52–day tasting license, each of which may be used consecutively or nonconsecutively; and
 - (3) a tasting license that may be used daily throughout the year.
- (f)
 - (1) An applicant shall apply for the license on a form that the Board provides.
 - (2) The form shall specify the date or dates on which the tasting is requested to occur.
 - (3) The application and payment for the daily license shall be submitted at least 7 days before the tasting event.
 - (4) The application and payment for the 26–day tasting license and the 52–day tasting license shall be made at least 7 days before the first proposed tasting event.
 - (5) The holder of a 26–day tasting license and the holder of a 52–day tasting license shall notify the Board, on a form that the Board approves, of additional tasting events authorized by the licenses.
- (g) The license holder may exercise the privileges under the license during the hours and days provided for under the license holder’s Class A license.
- (h) An individual may consume beer, light wine, or liquor covered by the license in a quantity of not more than:
 - (1) 1 ounce of light wine from an offering in a day;
 - (2) 3 ounces of beer from an offering in a day; and
 - (3) one–half ounce of liquor from an offering in a day.
- (i) At the end of each day for which the license is valid, the license holder shall dispose of any alcoholic beverage that remains in a container opened for tasting.
- (j) The Board shall set the license fee.

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§ 12-1311

- (a) The Board shall set the license fee for a Class C per diem beer license and a Class C per diem beer and wine license.
- (b)
 - (1) The Board shall set the license fee for a Class C per diem beer, wine, and liquor license.
 - (2) The Board may collect from the license holder reimbursement for costs incurred while monitoring the event for which the license is issued.
- (c) The Board shall impose a fee of not more than \$250 for expedited processing of a per diem license application if the application is submitted less than 2 weeks before the scheduled event requiring the per diem license.

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§ 12-1312

A holder of a Class C per diem beer, wine, and liquor license may purchase beer and light wine from a wholesaler.

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§ 12-1313

(a) The Board may not charge a fee for a temporary license permit extension if:

(1) the applicant is an officially recognized and active main street organization established by the City that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code; and

(2) the event is a single event where the attendance is limited to 750 or fewer individuals.

(b) The Board shall enforce this section.

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§ 12-1314

(a) The Board shall adopt regulations relating to the application process for Class C per diem licenses issued in accordance with §§ 4–1203 and 4–1204 of this article.

(b) Regulations adopted by the Board under this section may authorize the Board to:

(1) deny or revoke a Class C per diem license; or

(2) limit the number of Class C per diem licenses that may be issued to a person for the same location within a calendar year.

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§ 12-1401

(a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the City without exception or variation:

(1) § 4–102 (“Applications to be filed with local licensing board”);

(2) § 4–103 (“Application on behalf of partnership”);

(3) § 4–104 (“Application on behalf of corporation or club”);

(4) § 4–106 (“Payment of notice expenses”);

(5) § 4–108 (“Application form required by Executive Director”);

(6) § 4–111 (“Payment of license fees”);

(7) § 4–112 (“Disposition of license fees”);

(8) § 4–113 (“Refund of license fees”); and

(9) § 4–114 (“Fees for licenses issued for less than 1 year”).

(b) Section 4–110 (“Required information on application — Petition of support”) of Division I of this article does not apply in the City and is superseded by § 12–1405 of this subtitle.

(c) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the City:

(1) § 4–105 (“Application on behalf of limited liability company”), subject to § 12–1402 of this subtitle;

(2) § 4–107 (“Criminal history records check”), subject to § 12–1403 of this subtitle; and

(3) § 4–109 (“Required information on application — In general”), subject to § 12–1404 of this subtitle.

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§ 12-1402

An authorized person of a limited liability company who holds a license for the use of the limited liability company that was granted on or before June 1, 2012, need not be a registered voter in the City.

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§ 12-1403

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

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§ 12-1404

The statement and acknowledgment required under § 4–109(b) of this article authorizing inspection and search without warrant of the premises is not required when an applicant applies for a license under § 12–1603(c) of this title if the applicant:

- (1) files an affidavit that the applicant is the lessee of the premises; and
- (2) provides a copy of the executed lease with the affidavit.

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§ 12-1405

The application shall include a petition signed by at least three residents who are owners of real property and registered voters in the City stating that:

- (1) the applicant:
 - (i) is personally known to the signers of the petition; and
 - (ii) is a resident or taxpayer of the City at the time the applicant presents the application to the signers of the petition;
- (2) if the applicant is a corporation, at least one of the applicants:
 - (i) is personally known to the signers of the petition;
 - (ii) is a resident or taxpayer of the City at the time the applicant presents the application to the signers of the petition; and
 - (iii) is a registered voter in the State; and
- (3) if the applicant is a partnership, all members of the partnership are residents of the City at the time the applicants present the application to the signers of the petition.

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§ 12-1406

(a) In this section, “community association” means:

- (1) a nonprofit association, corporation, or other organization that is:
 - (i) composed of residents of a community within which a nuisance is located;
 - (ii) operated exclusively for the promotion of social welfare and general neighborhood improvement and enhancement; and
 - (iii) exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code; or
- (2) a nonprofit association, corporation, or other organization that is:
 - (i) composed of residents of a contiguous community that is defined by specific geographic boundaries, within which a nuisance is located;
 - (ii) operated for the promotion of the welfare, improvement, and enhancement of that community; and
 - (iii) in good standing with the State Department of Assessments and Taxation.
- (b) If a community association and an applicant for the issuance or renewal of an alcoholic beverages license have entered into a memorandum of understanding that expressly acknowledges the authority of the Board under this article, the Board may make the issuance or renewal of the license conditional on the substantial compliance of the applicant with the memorandum of understanding.
- (c) The existence of a memorandum of understanding does not affect any requirement of any individuals to file a protest under § 4–406 of this article or a complaint under § 4–603 of this article.

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§ 12-1407

- (a) (1) The Board or the Board's designee shall examine each application for the issuance or transfer of a license within 45 days of receipt of the application to determine whether the application is complete.
- (2) Except as provided in paragraph (3) of this subsection, an application for the issuance, transfer, or renewal is not complete unless the applicant has:
- (i) obtained zoning approval or verification of zoning if the application is for renewal;
 - (ii) submitted all documents required in the application;
 - (iii) paid all fines and fees that are due; and
 - (iv) for the renewal of a Class A beer, wine, and liquor license, a Class A–2 beer, wine, and liquor license, or a Class A–7 beer, wine, and liquor license, submitted an affidavit as required by § 12–1804.2 of this title.
- (3) An application for the issuance, transfer, or renewal of a Class B–D–7 license that may be issued under § 12–1603(c)(8) of this title in the Old Goucher Revitalization District under § 12–1603(e) of this title is complete without an applicant obtaining zoning approval or verification of zoning.
- (b) (1) A license hearing may not be scheduled unless the Board determines that the application is complete.
- (2) A complete application with all submitted documents shall be posted online at least 14 days before the hearing date.
- (3) The postponement of a hearing shall be posted online not less than 72 hours before the hearing date.
- (c) (1) To incorporate a change in the application document after the Board or the Board's designee has determined the application to be complete, the applicant shall submit the change to the Board not later than 15 days before the scheduled hearing.
- (2) After the hearing on the application, an applicant may change the application only at a new hearing.
- (d) The Board shall impose a fine that it determines for failure to comply with the requirements under this section.

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§ 12-1501

- (a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the City without exception or variation:
- (1) § 4–205 ("Chain store, supermarket, or discount house");
 - (2) § 4–206 ("Limitations on retail sales floor space");
 - (3) § 4–207 ("Licenses issued to minors");
 - (4) § 4–209 ("Hearing");
 - (5) § 4–210 ("Approval or denial of license application");
 - (6) § 4–211 ("License forms; effective date; expiration");
 - (7) § 4–212 ("License not property"); and
 - (8) § 4–213 ("Replacement licenses").
- (b) Section 4–214 ("Waiting periods after denial of license applications") of Division I of this article does not apply in the City and is superseded by § 12–1507 of this subtitle.
- (c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the City:
- (1) § 4–202 ("Authority of local licensing boards"), subject to §§ 12–1502 and 12–1503 of this subtitle;
 - (2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to §§ 12–1504 and 12–1505 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;
 - (3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 12–1505 of this subtitle and Subtitle 13, Part III of this title; and
 - (4) § 4–208 ("Notice of license application required"), subject to § 12–1506 of this subtitle.

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§ 12-1502

(a) On approving a license application, the Board shall present a certificate of approval for licensure to the Director of Finance.

(b) The Board may not issue a license until it receives clearance from the Director of Finance that all personal property taxes due to the City or the State are paid.

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§ 12-1503

The Board may not issue a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license to a person that holds an out-of-state alcoholic beverages license.

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§ 12-1504

A person may not have an interest in more than one license issued by the Board, regardless of whether that interest is held or controlled by direct or indirect ownership, stock ownership, interlocking directors or interlocking stock ownership, franchise operation, chain store operation, or any other direct or indirect manner.

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§ 12-1505

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and light wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 12-1506

(a) The notice of license application required under § 4-208 of this article shall be published in two newspapers of general circulation in the City.

(b) (1) This subsection applies to an application for a new license, a change in the class of a license, a request for live entertainment on the licensed premises, and an extension of the licensed premises.

(2) In addition to the newspaper notice required under § 4-208 of this article, the Board shall post a suitable notice in a conspicuous place at the location described in the application for at least 10 days before holding a hearing on the application.

(3) A notice under this subsection shall state the class of license for which application is made and the date, time, and place set by the Board for an application hearing.

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§ 12-1507

(a) Except as provided in subsection (b) of this section, if an application for a license is denied, the Board may not issue the same class of license to the same applicant or for the same location for 6 months after the denial.

(b) The restriction against the issuance of a license for the same location does not apply if the Board decides that the denial was directed against the applicant and not against the location.

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§ 12-1508

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Owners of real or leasehold property" includes holders of leasehold improvements subject to a ground rent, the City, and the State.

(ii) "Owners of real or leasehold property" does not include the owner of the location described in the application.

(3) "Tenant" means an individual who rents a single-family dwelling and is residing there for at least 1 year immediately before the application hearing.

(b) A license application shall be denied if:

(1) more than 50% of the owners of real or leasehold property within 200 feet of the location described in the application oppose the issuing of the license; or

(2) more than 50% of those owners and tenants, in combination, of real or leasehold property located within 200 feet of the location described in the application oppose the issuing of the license.

(c) (1) If an owner of a dwelling participates as a protestant or proponent of the application, the owner and the tenant of the dwelling shall each have one-half vote.

(2) If property is rented jointly and one tenant appears in person at the hearing as a protestant, the other tenants' protest may be recorded by affidavit.

(d) (1) If the City or the State owns more than one building within 200 feet of the location described in the application, protest may be made solely for the building that is closest to the location described in the application.

(2) The City or the State may protest through an authorized representative of the Mayor and City Council.

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§ 12-1509

(a) The Board:

(1) may not require that protests against the issuance of a license be accompanied by an abstract of title from the land records of the City substantiating the protestants' ownership of the real or leasehold property; but

(2) may require that a qualified person familiar with the land records of the City appear at the hearing and testify as to who is the holder of full legal title as shown by the land records.

(b) If an owner of property that is owned jointly appears in person at the hearing as a protestant, the other owners' protest may be recorded by an affidavit.

(c) On request, the Board shall provide an affidavit form to any person who claims to be a protestant.

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§ 12-1601

The Board may not issue a new license to a location with a nonconforming use in an area zoned as "residential".

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§ 12-1602

(a) In the area bounded by Twenty-Fifth (25th) Street on the north, Centre Street on the south, Howard Street on the west, and Guilford Avenue on the east, the Board may not issue:

(1) a new license other than a Class B license; or

(2) an amusement license to the holder of a Class D beer, wine, and liquor license.

(b) The Board may not issue a Class A (off-sale) or a Class D (on- and off-sale) license in the area that is bounded:

(1) on the north by Thirty-Ninth (39th) Street, then following Ellerslie Avenue, then following Chestnut Hill Avenue;

(2) on the east by Loch Raven Boulevard, then following Walpert Avenue, then following Homewood Avenue;

(3) on the south by North Avenue; and

(4) on the west by Howard Street, then following Art Museum Drive, then following North Charles Street.

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§ 12-1603

(a) The alcoholic beverages districts described in this section at all times are coterminous with the legislative districts in the Legislative Districting Plan of 2022.

(b) Except as provided in subsection (c) of this section, the Board may not issue a new license in:

- (1) the 40th alcoholic beverages district;
- (2) the 41st alcoholic beverages district;
- (3) the 43rd alcoholic beverages district;
- (4) the 44th alcoholic beverages district; and
- (5) the 45th alcoholic beverages district.

(c) The Board may issue:

(1) in the alcoholic beverages districts specified in subsection (b) of this section:

(i) a 1-day license; or

(ii) a Class B beer, wine, and liquor license to a restaurant that:

1. has a minimum capital investment, not including the cost of land and buildings, of \$200,000 for restaurant facilities; and
2. has a minimum seating capacity of 75 individuals;

(2) subject to item (22) of this subsection, a Class C beer, wine, and liquor license in the 45th alcoholic beverages district;

(3) a Class C beer, wine, and liquor license in ward 5, precinct 1 of the 44th alcoholic beverages district;

(4) a Class C beer, wine, and liquor license in the 200 block of West Saratoga Street in ward 4, precinct 3 of the 40th alcoholic beverages district;

(5) if the applicant executes a memorandum of understanding with the Charles North Community Association, a Class C beer, wine, and liquor license to a club in the area bounded by North Charles Street on the west, East Lafayette Avenue on the north, North Lovegrove Street on the east, and East Lanvale Street on the south in the 45th alcoholic beverages district;

(6) a Class B-D-7 license in the unit block of West North Avenue in the 45th alcoholic beverages district;

(7) two Class B-D-7 licenses in the 2100 block of North Charles Street in the 43rd alcoholic beverages district;

(8) two Class B-D-7 licenses in the 2100 block of Maryland Avenue in the 43rd alcoholic beverages district;

(9) subject to the requirements under subsection (e) of this section, four Class B-D-7 licenses in the 43rd alcoholic beverages district;

(10) a Class B-D-7 license in the 5400 block of Harford Road in the 45th alcoholic beverages district if:

(i) average daily receipts from the sale of food are at least 65% of the applicant's total daily receipts;

(ii) the applicant executes a memorandum of understanding with a community association;

(iii) the applicant does not create a separate package goods department;

(iv) alcoholic beverages are served to patrons seated at tables; and

(v) alcoholic beverages are served only with meals to patrons provided with outdoor table service;

(11) a Class B-D-7 license in the 4800 block of Harford Road in the 45th alcoholic beverages district if:

(i) average daily receipts from the sale of food are at least 65% of the applicant's total daily receipts;

(ii) the applicant executes a memorandum of understanding with a community association;

(iii) the applicant does not create a separate package goods department;

(iv) alcoholic beverages are served to patrons seated at tables; and

(v) alcoholic beverages are served only with meals to patrons provided with outdoor table service;

(12) a Class B–D–7 license on the eastern side of the 400 block of North Howard Street in the 40th alcoholic beverages district if:

- (i) the applicant does not convert the license to a different license class;
- (ii) alcoholic beverages are served outdoors only to patrons seated at tables or standing in a courtyard area;
- (iii) the applicant does not allow the off–premises sale of alcoholic beverages;
- (iv) alcoholic beverages sales begin no earlier than 10 a.m.; and
- (v) the applicant executes memorandums of understanding with the Downtown Partnership of Baltimore and the Market Center Merchants Association;

(13) if the applicant executes a memorandum of understanding with the Bolton Hill Community Association, a Class C beer, wine, and liquor license in the 1200 block of Eutaw Place in the 40th alcoholic beverages district;

(14) a Class B–D–7 license in the 700 block of Washington Boulevard in the 40th alcoholic beverages district if:

- (i) average daily receipts from the sale of food are at least 65% of the applicant's total daily receipts;
- (ii) the applicant executes a memorandum of understanding with a community association;
- (iii) the applicant does not create a separate package goods department;
- (iv) alcoholic beverages are served to patrons seated at tables; and
- (v) alcoholic beverages are served only with meals to patrons provided with outdoor table service;

(15) a Class B–D–7 license in the 300 block of North Charles Street in the 40th alcoholic beverages district to an establishment that has a minimum capital investment, not including the cost of land and buildings, of \$50,000 for the establishment's facilities;

(16) a Class C beer, wine, and liquor license in the 3600 block of Hickory Avenue in the 40th alcoholic beverages district to a holder of a Class C beer and light wine license;

(17) a Class A–7 beer, wine, and liquor license in the 1200 block of West North Avenue in the 40th alcoholic beverages district, if:

- (i) the applicant executes a memorandum of understanding with the Penn North Community Association;
- (ii) alcoholic beverages are sold only as part of a gift basket or floral arrangement; and
- (iii) the applicant does not hold or apply for a Class BWLT beer, wine, and liquor (on–premises) tasting license;

(18) a Class B beer, wine, and liquor license for a restaurant on the even side of the 400 block of West 29th Street in the 40th alcoholic beverages district if:

- (i) the applicant executes a memorandum of understanding with the Greater Remington Improvement Association; and
- (ii) the Board waives a minimum seating requirement under item (1)(ii)2 of this subsection;

(19) a Class B–D–7 license in the 2600 block of Huntingdon Avenue in the 43rd alcoholic beverages district if:

- (i) average daily receipts from the sale of items other than package goods are at least 51% of the applicant's total daily receipts;
- (ii) the applicant executes a memorandum of understanding with the Greater Remington Improvement Association; and
- (iii) the applicant does not create a separate package goods department;

(20) three Class B–D–7 licenses in the 2700 block of Huntingdon Avenue in the 43rd alcoholic beverages district if:

- (i) average daily receipts from the sale of items other than package goods are at least 51% of the applicant's total daily receipts;
- (ii) the applicant executes a memorandum of understanding with the Greater Remington Improvement Association; and
- (iii) the applicant does not create a separate package goods department;

(21) a Class B–D–7 license in the 300 block of West 29th Street in the 43rd alcoholic beverages district if:

- (i) average daily receipts from the sale of items other than package goods are at least 51% of the applicant's total daily receipts;
 - (ii) the applicant executes a memorandum of understanding with the Greater Remington Improvement Association; and
 - (iii) the applicant does not create a separate package goods department;
- (22) a Class C beer, wine, and liquor license in the 400 block of East Oliver Street in the 45th alcoholic beverages district, only if:
- (i) the applicant does not convert the license to a different license class;
 - (ii) alcoholic beverages are served outdoors only to patrons seated at tables or standing in a courtyard area;
 - (iii) the applicant does not allow the off-premises sale of alcoholic beverages;
 - (iv) alcoholic beverages sales begin not earlier than 10 a.m.; and
 - (v) the applicant executes a memorandum of understanding with the Greenmount West Community Association;
- (23) a Class C beer and light wine license in the 2500 block of West North Avenue in the 40th alcoholic beverages district to be used during on-campus events if:
- (i) the applicant executes a memorandum of understanding with the Greater Mondawmin Coordinating Council; and
 - (ii) the Board waives any requirements that sales can be made only to members and the guests of members;
- (24) a Class C beer and wine license on the odd side of the 800 block of North Howard Street in the 40th alcoholic beverages district if:
- (i) the applicant does not convert the license to a different license class;
 - (ii) the applicant does not transfer the license to a different location;
 - (iii) alcoholic beverages are served only to patrons indoors;
 - (iv) alcoholic beverages sales begin not earlier than 10 a.m. and end not later than 9 p.m.;
 - (v) the applicant provides not more than two 12-ounce offerings of beer or two 6-ounce offerings of wine by the glass for on-premises consumption by a patron while the patron is provided a barbering service regulated under Title 4, Subtitle 5 of the Business Occupations and Professions Article;
 - (vi) the Board waives any requirements that sales can be made only to members and the guests of members; and
 - (vii) the applicant executes a memorandum of understanding with the Mount Vernon – Belvedere Association;
- (25) a Class B beer, wine, and liquor license for a restaurant on the even side of the unit block of South Carrollton Avenue in the 40th alcoholic beverages district if:
- (i) the applicant executes a memorandum of understanding with the Hollins Roundhouse Association; and
 - (ii) the Board waives the minimum seating requirement under item (1)(ii)2 of this subsection; and
- (26) a Class C beer, wine, and liquor license on the odd side of the 800 block of North Howard Street in the 40th alcoholic beverages district if:
- (i) the applicant does not convert the license to a different license class;
 - (ii) the applicant does not transfer the license to a different location;
 - (iii) alcoholic beverages are served only to patrons indoors;
 - (iv) alcoholic beverages sales begin not earlier than 10 a.m. and end not later than 9 p.m.;
 - (v) the applicant provides not more than two 12-ounce offerings of beer, two 6-ounce offerings of wine by the glass, or two 1.5-ounce offerings of liquor for on-premises consumption by a patron while the patron is provided a barbering service regulated under Title 4, Subtitle 5 of the Business Occupations and Professions Article;
 - (vi) the Board waives any requirements that sales can be made only to members and the guests of members; and
 - (vii) the applicant executes a memorandum of understanding with the Mount Vernon – Belvedere Association.

(d) One Class B–D–7 license issued for a property surrounded by Morton Street on the west, West Eager Street on the north, North Charles Street on the east, and West Read Street on the south may be transferred to a property surrounded by 21st Street on the north, Morton Street on the west, North Charles Street on the east, and 20th Street on the south.

(e) (1) In this subsection, “Old Goucher Revitalization District” means the area surrounded by Howard Street on the west, 25th Street on the north, Hargrove Street on the east, and 21st Street on the south.

(2) If an establishment has a minimum capital investment, not including land and acquisition costs, of \$50,000, the Board may issue one Class B–D–7 license for use in each of the following properties in the Old Goucher Revitalization District:

(i) a property that is surrounded by Maryland Avenue on the west, 24th Street on the north, Morton Street on the east, and 22nd Street on the south;

(ii) a property that is surrounded by Morton Street on the west, 23rd Street on the north, Lovegrove Street on the east, and 22nd Street on the south;

(iii) a property that is surrounded by Morton Street on the west, Ware Street on the north, Charles Street on the east, and 24th Street on the south; and

(iv) a property that is surrounded by Maryland Avenue on the west, 24th Street on the north, Morton Street on the east, and 23rd Street on the south.

(3) A Class B–D–7 license that may be issued under subsection (c)(6) or (7) of this section may be transferred within the Old Goucher Revitalization District.

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§ 12-1604

(a) This section applies only to the 46th alcoholic beverages district, which at all times is coterminous with the 46th legislative district in the Legislative Districting Plan of 2022.

(b) Except as provided in subsections (c), (d), (i), and (j) of this section, the Board may not issue a new license in the 46th alcoholic beverages district.

(c) (1) The Board may issue:

(i) a 1–day license; and

(ii) except as provided in paragraph (2) of this subsection, and subject to paragraphs (3) and (4) of this subsection, a Class B beer, wine, and liquor license for use by a restaurant if the average daily receipts from the sale of food are at least 51% of the total daily receipts of the restaurant.

(2) The Board may issue a Class B beer, wine, and liquor license:

(i) for a restaurant in ward 26, precinct 8, ward 4, precinct 1, or ward 3, precinct 3 that has:

1. seating for more than 150 individuals;

2. a minimum capital investment of \$700,000; and

3. subject to paragraph (3) of this subsection, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant;

(ii) for a restaurant in ward 4, precinct 1, or ward 22, precinct 1, if the restaurant has:

1. seating for more than 75 individuals;

2. a minimum capital investment of \$700,000;

3. average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant; and

4. except as provided in paragraph (5) of this subsection, no sales for off–premises consumption;

(iii) for not more than three restaurants in a residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04–697 on June 23, 2004, if each restaurant has:

1. a minimum capital investment of \$700,000;

2. seating for more than 75 individuals;

3. average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant; and

4. except as provided in paragraph (6) of this subsection, no sales for off-premises consumption;

(iv) for not more than three restaurants in a business planned unit development in ward 24, precinct 5, if each restaurant:

1. has a minimum capital investment of \$700,000;

2. has seating for more than 75 individuals, but not more than 150 individuals;

3. has average daily receipts from the sale of food that are at least 51% of the total daily receipts of the restaurant; and

4. except as provided in paragraph (6) of this subsection, may not sell for off-premises consumption;

(v) for a restaurant in the area that is commonly known as Port Covington, bounded on the north by Interstate 95, on the east by the South Locust Point Terminal, and on the south and west by the Patapsco River, and that has:

1. seating for more than 150 individuals;

2. a minimum capital investment of \$700,000; and

3. subject to paragraph (3) of this subsection, average daily receipts from the sale of food that are at least 60% of the total daily receipts of the restaurant;

(vi) for a restaurant in Unit G of 3700 Toone Street in ward 26, precinct 8, if the restaurant has:

1. seating for at least 75 individuals;

2. a minimum capital investment of \$700,000;

3. average daily receipts for the sale of food that are at least 65% of the total daily receipts of the restaurant; and

4. executed a memorandum of understanding with Brewer's Hill Neighbors, Inc.; and

(vii) for a restaurant in the area bounded on the north by Eastern Avenue, on the east by South Duncan Street, on the south by Fleet Street, and on the west by South Chester Street, if the restaurant has:

1. a physical duckpin bowling alley; and

2. a minimum capital investment of \$500,000, excluding residential improvements.

(3) When a license is renewed, the license holder shall file with the Board a statement of average daily receipts and an affidavit of a licensed certified public accountant that verify that the license holder has met the requirement under paragraph (1)(ii) or (2)(i)3 or (v)3 of this subsection.

(4) (i) A license may not be issued under paragraph (1)(ii) of this subsection for use in an establishment that is a fast-food-style restaurant.

(ii) A license issued under paragraph (1)(ii) of this subsection may not be transferred from the location of its first issuance.

(5) The Board may issue a Class B beer, wine, and liquor license for a restaurant in ward 21, precinct 4:

(i) in the 1400 block of Warner Street that has:

1. seating for more than 150 individuals;

2. average daily receipts from the sale of food that are at least 40% of the total daily receipts of the restaurant; and

3. no sales for off-premises consumption; and

(ii) in the 1300 block of Warner Street that has:

1. average daily receipts from the sale of food that are at least 40% of the total daily receipts of the restaurant, unless the license holder offers food truck options on the licensed premises, in which case the average daily receipts from the sale of food may be at least 20% of the total daily receipts of the restaurant; and

2. no sales for off-premises consumption.

(6) A license specified under this subsection, including a license that does not allow sales for off-premises consumption, may include an off-sale privilege for sales of refillable containers under a refillable container license issued in accordance with § 12-1102 of this title.

(7) A license issued under paragraph (2)(vii) of this subsection:

(i) is not required to have a minimum amount of seating for patrons or a minimum amount of food sales to maintain licensure; and

(ii) may not be transferred from the location of its first issuance.

(d) (1) The Board may issue a Class D beer, wine, and liquor license to an applicant who holds or has applied for a Class 9 limited distillery license.

(2) A Class D beer, wine, and liquor license issued under this subsection may be transferred only to a holder of a Class 9 limited distillery license.

(3) Notwithstanding any restrictions or requirements in this title, a holder of a Class 9 limited distillery license who also holds a Class D (6-day) beer, wine, and liquor license and is located on the 4200 block of East Pratt Street may apply to the Board to convert the existing Class D (6-day) beer, wine, and liquor license into a Class D (7-day) beer, wine, and liquor license.

(e) The Board may issue:

(1) a Class C beer, wine, and liquor license in the 200 block of Holliday Street in ward 3, precinct 3;

(2) a Class C beer, wine, and liquor license in the 200 block of South Central Avenue in ward 3, precinct 3; and

(3) subject to subsection (f) of this section, a Class D beer license for the area in ward 24, precinct 5 that is bounded by East Fort Avenue on the north, the CSX access way on the east, East McComas Street on the south, and Whetstone Way on the west.

(f) A Class D beer license may be transferred into the area specified under subsection (e)(3) of this section if originally issued for another area.

(g) (1) Notwithstanding subsection (c)(1) and (2) of this section, the Board may not issue a Class B beer, wine, and liquor restaurant license in:

(i) the area covered by the Key Highway East Industrial Area Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June 29, 1987;

(ii) the area covered by the Key Highway Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986;

(iii) 1. except as provided in paragraph (2) of this subsection, ward 1, precinct 4 or 5;

2. ward 23, precinct 1; and

3. ward 24, precinct 5; and

(iv) the area known as Pen Lucy, ward 9, precincts 1 and 2.

(2) (i) The Board may issue one Class B beer, wine, and liquor license for a restaurant in ward 1, precinct 4, in the 2700 block of Boston Street that has:

1. seating for more than 75 individuals;

2. average daily receipts from the sale of food that are at least 51% of the total daily receipts of the restaurant;

3. a minimum capital investment of at least \$700,000 for restaurant facilities; and

4. executed a memorandum of understanding with the Canton Community Association.

(ii) The license described in this paragraph may not:

1. except for delivery to a vessel docked at an adjacent marina, be used for off-premises sales; or

2. be transferred from the location of its original issuance.

(h) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Board may not issue a license for:

(i) ward 1, precincts 4 and 5;

(ii) ward 23, precinct 1; or

(iii) ward 24, precinct 5.

(2) (i) The Board may issue not more than a combined total of five Class B beer, wine, and liquor licenses for use by establishments on the north side of the 900 block of East Fort Avenue and on the west side of the 1400 block of Lawrence Street.

(ii) A license issued for an establishment in these areas may not be transferred to another establishment.

(3) The Board may issue not more than one Class B–HM (hotel–motel) beer, wine, and liquor license to a hotel in the 1200 block of East Fort Avenue.

(i) The Board may issue a Class D beer and light wine license for an establishment in ward 26, precinct 8 on the west side of the 1200 block of South Haven Street that has executed a memorandum of understanding with Brewer's Hill Neighbors, Inc.

(j) (1) In the area bounded on the north by Interstate 95, on the east by the South Locust Point Terminal, and on the south and west by the Patapsco River, the Board may issue not more than:

(i) a total of 10 new Class B–D–7 licenses; and

(ii) a total of 2 new Class A–7 licenses.

(2) Any license issued under this subsection may not be transferred outside the bounded area as defined under paragraph (1) of this subsection.

(3) The Board may not authorize the transfer of a license into the bounded area as defined under paragraph (1) of this subsection.

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§ 12-1605

(a) (1) (i) Except as otherwise provided in this subsection, a new license may not be issued for and an existing license may not be moved to a building that is within 300 feet of the nearest point of the building of a place of worship or school.

(ii) In the 45th legislative district, a new Class A license of any type may not be issued for a building that is within 500 feet of the nearest point of the building of a place of worship or school.

(2) Paragraph (1)(i) of this subsection does not apply to:

(i) a Class A–7 beer, wine, and liquor license issued under § 12–1603(c)(17) of this subtitle;

(ii) a Class B beer and wine license outside the 46th legislative district;

(iii) a Class B beer, wine, and liquor license outside the 46th legislative district;

(iv) a Class B–D–7 license in the Old Goucher Revitalization District under § 12–1603(e) of this subtitle;

(v) a Class C beer and wine license; and

(vi) a Class C beer, wine, and liquor license.

(3) A license for use in a building that is within 300 feet of the grounds of a place of worship or school may be renewed or extended for the same building.

(4) (i) This paragraph applies only to an area bounded by:

1. High Street on the west, Pratt Street on the north, Central Avenue on the east, and Eastern Avenue on the south;

2. West Cross Street and Amity Street on the west, Clifford Street on the north, Scott Street on the east, and Carroll Street on the south;

3. Holliday Street on the west, Saratoga Street on the north, Gay Street on the east, and Lexington Street on the south; or

4. subject to subparagraph (iii) of this paragraph, Fagley Street on the west, Gough Street on the north, Grundy Street on the east, and Chestle Place on the south.

(ii) The Board may waive the distance restrictions in paragraph (1)(i) of this subsection for an application for the transfer of a license into an area specified in subparagraph (i) of this paragraph if:

1. the application is approved by:

A. each community association representing the area;

B. each business association in the area; and

C. the ordained leader and the board or council for each place of worship that is within 300 feet of the proposed location of the establishment for which the license transfer is sought; and

2. a memorandum of understanding is executed by the applicant for the license transfer and each community association in the area.

(iii) The Board may not issue a license in or approve the transfer of a license into the area specified in subparagraph (i)4 of this paragraph if:

1. the proposed location of the establishment is in an area that is zoned "residential"; or

2. the license to be issued or transferred is a Class A license of any type.

(5) (i) This paragraph applies only to an area bounded by East Chase Street on the north, North Lovegrove Street on the east, East Eager Street on the south, and North Charles Street on the west.

(ii) The Board may waive the distance restrictions in paragraph (1)(i) of this subsection for an application for the transfer of a license into an area specified in subparagraph (i) of this paragraph.

(b) (1) This subsection:

(i) applies only in the 46th alcoholic beverages district; and

(ii) does not apply to a licensed restaurant in:

1. ward 4, precinct 1;

2. ward 22, precinct 1;

3. a residential planned unit development for Silo Point as approved by the Mayor and City Council in Ordinance 04-697 on June 23, 2004;

4. subject to paragraph (3) of this subsection, the area that is bounded as follows: from the intersection of West Ostend Street and Race Street, north on Race Street to Seldner Place, then east on Seldner Place to Clarkson Street, then north on Clarkson Street to West Cross Street, then east on West Cross Street to South Hanover Street, then north on South Hanover Street to Race Street (also known as Winter Street), then west/southwest on Race Street to West Cross Street, then west on West Cross Street to Leadenhall Street, then south on Leadenhall Street to West Ostend Street, then east on West Ostend Street back to the intersection of West Ostend Street and Race Street;

5. subject to paragraph (4) of this subsection, the area that is bounded as follows: from the intersection of Eastern Avenue and South Highland Avenue, north on South Highland Avenue to Bank Street, then west on Bank Street to South Clinton Street, then south on South Clinton Street to Eastern Avenue, then east on Eastern Avenue back to the intersection of Eastern Avenue and South Highland Avenue; or

6. subject to paragraph (5) of this subsection, the area that is bounded as follows: from the intersection of Eastern Avenue and South Newkirk Street, east on Eastern Avenue to Oldham Street, then south on Oldham Street to Fleet Street, then west on Fleet Street to South Newkirk Street, then north on South Newkirk Street back to the intersection of South Newkirk Street and Eastern Avenue.

(2) The Board may not issue or approve the transfer of a license if the licensed premises would be:

(i) within 300 feet of the nearest point of a place of worship or school; or

(ii) closer to the nearest point of a place of worship or school than the licensed premises was on June 1, 2004.

(3) For an establishment that is within 300 feet of the nearest point of a place of worship or school, the Board may issue a license in or approve the transfer of a license into the area specified in paragraph (1)(ii)4 of this subsection only if the Board:

(i) has executed a memorandum of understanding with a community association in the area specified in paragraph (1)(ii)4 of this subsection regarding the nature of the establishment; and

(ii) enforces the memorandum of understanding against any license holder that obtains a license under paragraph (1)(ii)4 of this subsection and seeks to renew or transfer the license.

(4) For an establishment that is within 300 feet of the nearest point of a place of worship or school, the Board may issue a license in or approve the transfer of a license into the area specified in paragraph (1)(ii)5 of this subsection only if the Board:

(i) has executed a memorandum of understanding with a community association in the area specified in paragraph (1)(ii)5 of this subsection regarding the nature of the establishment; and

(ii) enforces the memorandum of understanding against any license holder that obtains a license under paragraph (1)(ii)5 of this subsection and seeks to renew or transfer the license.

(5) For an establishment that is within 300 feet of the nearest point of a place of worship or school, the Board may issue a license in or approve the transfer of a license into the area specified in paragraph (1)(ii)6 of this subsection only if the license holder has received a letter of support from the place of worship or school that is within the bounded area and has entered into a memorandum of understanding with a community association that is within the bounded area.

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§ 12-1606

(a) Notwithstanding any other provision of law in this title, the Board may issue a Class B beer, wine, and liquor license for use by a restaurant in ward 4, precincts 1 and 2 that:

(1) has average daily receipts from the sale of food that are at least 51% of the total daily receipts of the restaurant;

(2) has been classified by the Baltimore City Health Department as:

(i) a high priority food service facility; or

(ii) a moderate priority food service facility; and

(3) has executed a memorandum of understanding with the Downtown Partnership of Baltimore.

(b) (1) Except as provided in paragraph (2) of this subsection, the holder of a license issued under this section may not sell alcoholic beverages for off-premises consumption.

(2) The Board may issue the holder of a license issued under this section a refillable container permit in accordance with § 12-1102 of this title.

(c) A license issued under this section may not be transferred from the location of its first issuance.

(d) If a license issued under this section is renewed, the license holder shall file with the Board as part of its renewal application:

(1) a statement detailing the average daily receipts from the restaurant;

(2) an affidavit from a certified public accountant that verifies that the license holder meets the requirements of subsection (b)(1) of this section; and

(3) any other information that the Board requires.

(e) The Board:

(1) may not issue a new license under this section after June 30, 2028; but

(2) may continue to renew licenses issued on or before June 30, 2028.

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§ 12-1608

A holder of a Class B (on-sale – hotels and restaurants) beer, wine, and liquor license may be issued:

(1) not more than three additional Class B (on-sale – hotels and restaurants) beer, wine, and liquor licenses for an apartment house with at least 150 apartments; or

(2) not more than five additional Class B (on-sale – hotels and restaurants) beer, wine, and liquor licenses for a hotel with at least 100 rooms.

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§ 12-1609

(a) The Board may:

(1) subject to subsection (c) of this section, issue an additional Class B (on-sale — hotels and restaurants) beer, wine, and liquor license for premises used as a restaurant that meets the requirements of subsection (b) of this section to the holder of a Class B (on-sale — hotels and restaurants) beer, wine, and liquor license; and

(2) define “restaurant” by regulation.

(b) (1) Except as provided in subsection (e) of this section, a restaurant under this section is required to have:

(i) a minimum capital investment of \$500,000 for restaurant facilities; and

(ii) a minimum seating capacity of 125 individuals.

(2) The capital investment described in paragraph (1)(i) of this subsection may not include the cost of land or buildings.

(c) The Board may not issue more than five licenses under this section to or for the use of the same person.

(d) Additional licenses shall be limited to providing alcoholic beverages for on-premises consumption.

(e) The Board may waive the minimum capital investment requirement and the minimum seating capacity requirement under subsection (b)(1) of this section for an additional restaurant that a license holder seeks under this section if the Board:

(1) holds a public meeting at which the Board reviews the business practice of the license holder; and

(2) determines that the license holder is in good standing and has a reputable business practice.

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§ 12-1701

(a) The following sections of Title 4, Subtitle 3 (“Transfer of Local Licenses; Substitution of Names on License”) of Division I of this article apply in the City without exception or variation:

(1) § 4–303 (“Chain store, supermarket, or discount house”);

(2) § 4–304 (“Compliance with Bulk Transfers Act required”); and

(3) § 4–306 (“Substitution of names of officers on license”).

(b) The following sections of Title 4, Subtitle 3 (“Transfer of Local Licenses; Substitution of Names on License”) of Division I of this article apply in the City:

(1) § 4–302 (“Transfer of place of business; transfer of license and inventory”), subject to §§ 12–1702, 12–1703, 12–1705, 12–1706, 12–1707, and 12–1708 of this subtitle; and

(2) § 4–305 (“Filing fee and endorsement”), subject to § 12–1704 of this subtitle.

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§ 12-1702

(a) The Board shall provide notice for a public hearing as provided in § 12–1506 of this title on an application for a license transfer if:

(1) the transfer includes a transfer of location;

(2) the premises have been closed for more than 90 days unless:

(i) the transfer is due to an action of a creditor; or

(ii) the closing is caused by fire, casualty, or act of God; or

(3) for an establishment in operation, the hearing is requested by at least 10 residents in the immediate area of the establishment.

(b) (1) Section 12–1508 of this title does not apply to an application for a license transfer for the same premises unless the license to be transferred is of a broader scope or more permissive class than the license presently issued for the same premises.

(2) Section 12–1509 of this title applies to an application for a license transfer.

(c) The Board shall use the factors specified in § 4–210(a) and (b) of this article in deciding whether to approve an application for a license transfer.

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§ 12-1703

The Board may not allow the transfer of a license unless the Board is presented with a receipt or certificate from the Director of Finance showing that all personal property taxes due the City or the State are paid.

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§ 12-1704

(a) Except as provided in subsection (b) of this section, the fee for a transfer of a license is \$200, in addition to the costs of publication and notice and any hearing fees required.

(b) A Class C license holder may transfer one license during a license year without paying a fee.

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§ 12-1705

(a) Except as provided in subsection (b) of this section, a transfer of a license shall be completed on or before 180 days after the Board approves the transfer.

(b) (1) Within 180 days after the Board approves the transfer of a license, the license holder or another appropriate interested party may make a written request to the Board to extend the time authorized to complete the transfer due to hardship.

(2) The Board may grant the extension if the Board finds after a hearing that an existing hardship caused the delay in transferring the license.

(3) An extension may not prolong the period authorized to complete the transfer beyond 270 days after the Board approves the transfer.

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§ 12-1706

(a) The Board may not transfer a license into the area bounded by Twenty–Fifth (25th) Street on the north, Centre Street on the south, Howard Street on the west, and Guilford Avenue on the east.

(b) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, the Board may not transfer a license into:

(i) ward 1, precincts 4 and 5;

(ii) ward 23, precinct 1; or

(iii) ward 24, precinct 5.

(2) The Board may allow the transfer of one Class D license into the residential planned unit development for Silo Point located in ward 24, precinct 5 that was enacted by the Mayor and City Council of Baltimore City in Ordinance 04–697 on June 23, 2004, if the Class D license holder operates the establishment in accordance with the provisions of Ordinance 04–697.

(3) The Board may allow the transfer of:

(i) a Class B–D–7 beer, wine, and liquor license from an area in ward 1, precinct 4 bounded on the north by Elliott Street, on the west by South Robinson Street, on the south by Toone Street, and on the east by Southeast Avenue into an area in ward 1, precinct 5 bounded on the north by Fait Avenue, on the west by South Kenwood Avenue, on the south by Hudson Street, and on the east by South Streeper Street; and

(ii) a Class D beer, wine, and liquor license from an area in ward 1, precinct 5 bounded on the north by Fait Avenue, on the west by South Kenwood Avenue, on the south by Hudson Street, and on the east by South Streeper Street into an area in ward 1, precinct 4 bounded on the north by Elliott Street, on the west by South Robinson Street, on the south by Toone Street, and on the east by Southeast Avenue.

(4) (i) The Board may allow the transfer of not more than two Class B beer, wine, and liquor licenses, so that the cumulative number of licenses issued or transferred is two, into the area of 829 through 919 E. Fort Avenue only if:

1. the Board has executed a memorandum of understanding between the community associations in Riverside and Locust Point regarding the nature of the proposed establishment; and
2. the Board enforces the memorandum of understanding against any license holder that obtains a license under § 12–1604 of this title and seeks to transfer the license.

(ii) The Board may not allow a license to be transferred out of the area described in subparagraph (i) of this paragraph and into any other area of ward 24, precinct 5.

(c) The Board may not authorize:

- (1) the transfer of any license into the 46th alcoholic beverages district;
- (2) the transfer of a new Class B beer, wine, and liquor license to another location within the 46th alcoholic beverages district; or
- (3) a change of classification of a new Class B beer, wine, and liquor license within the 46th alcoholic beverages district.

(d) (1) Except as provided in paragraph (2) of this subsection, a license may not be transferred into or within:

- (i) ward 1, precincts 2 and 3;
- (ii) ward 2 in its entirety;
- (iii) ward 3, precinct 3; and
- (iv) ward 26, precincts 3 and 10.

(2) This subsection does not apply to an application for a new license or a transfer from within the areas described in paragraph (1) of this subsection if the new license or transfer is for:

- (i) a hotel;
- (ii) an establishment located in a planned unit development if the application for the planned unit development was filed or approved before December 31, 1995;
- (iii) an establishment located in an area governed by the Inner Harbor East Urban Renewal Plan; or
- (iv) an establishment that has:
 1. a seating capacity of fewer than 150 individuals;
 2. average daily receipts from the sale of food that are at least 51% of the total daily receipts of the establishment; or
 3. a seating capacity of fewer than 200 individuals only if the establishment is within ward 3, precinct 3.

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§ 12-1707

(a) The alcoholic beverages districts described in this section at all times are coterminous with the legislative districts in the Legislative Districting Plan of 2022.

(b) Except as provided in subsection (c) of this section, a license may not be transferred into:

- (1) the 40th alcoholic beverages district;
- (2) the 41st alcoholic beverages district;
- (3) the 43rd alcoholic beverages district;
- (4) the 44th alcoholic beverages district; and
- (5) the 45th alcoholic beverages district.

(c) (1) Except as provided in paragraphs (2) through (4) of this subsection, a license of any class may not be transferred into the areas described in subsection (b) of this section.

(2) A licensed drugstore may transfer the license into the 45th alcoholic beverages district.

(3) One Class B–D–7 license issued for a property surrounded by West Preston Street on the north, Morton Street on the east, West Biddle Street on the south, and Maryland Avenue on the west may be transferred to a property surrounded by West Eager Street and East Eager Street on the north, Lovegrove Street on the east, West Read Street and East Read Street on the south, and Morton Street on the west.

(4) One Class A beer, wine, and liquor license issued for a property surrounded by West Eager Street on the north, Morton Street on the east, Brexton Street on the south, and Cathedral Street on the west may be transferred to a property surrounded by East Chase Street on the north, North Lovegrove Street on the east, East Eager Street on the south, and North Charles Street on the west.

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§ 12-1708

(a) A Class A (off–sale) or Class D (on– and off–sale) license may not be transferred into the area that is bounded:

(1) on the north by Thirty–Ninth (39th) Street, then following Ellerslie Avenue, then following Chestnut Hill Avenue;

(2) on the east by Loch Raven Boulevard, then following Walpert Avenue, then following Homewood Avenue;

(3) on the south by North Avenue; and

(4) on the west by Howard Street, then following Art Museum Drive, then following North Charles Street.

(b) A Class A license may not be transferred to an establishment:

(1) on York Road in the area bounded by Northern Parkway on the north and Greenmount Avenue on the south; or

(2) located in the 400 block of East Belvedere Avenue.

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§ 12-1709

Notwithstanding § 12–1504 of this title, a person that has an interest in more than one Class A license may transfer each license to a similar type of business establishment.

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§ 12-1710

A person may transfer a license to a holder of another license that already exists for use on the same location if:

(1) no provision of this article prohibits the license from being transferred to the location;

(2) the Board:

(i) determines that the existing license is inoperative; and

(ii) 1. revokes the existing license within 180 days after the effective date of the transfer; or

2. approves the transfer of the existing license to a new holder and location.

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§ 12-1801

(a) The following sections of Title 4, Subtitle 4 (“Renewal of Local Licenses”) of Division I of this article apply in the City without exception or variation:

(1) § 4–402 (“Eligibility for renewal; process”);

(2) § 4–403 (“Renewal application”);

(3) § 4–407 (“Denial of renewal application”);

(4) § 4–408 (“Issuance of renewed licenses”);

(5) § 4–409 (“Multiple licenses”); and

(6) § 4–410 (“Chain store, supermarket, or discount house”).

(b) Section 4–404 (“Filing period for renewal application”) of Division I of this article does not apply in the City and is superseded by § 12–1802 of this subtitle.

(c) The following sections of Title 4, Subtitle 4 (“Renewal of local licenses”) of Division I of this article apply in the City:

(1) § 4–405 (“Contents of renewal application”), subject to §§ 12–1803 and 12–1804 of this subtitle; and

(2) § 4–406 (“Protests”), subject to § 12–1805 of this subtitle.

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§ 12-1802

To renew a license, the license holder annually shall file an application with the Board between March 1 and March 31, inclusive.

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§ 12-1803

(a) This section applies only to a license that is issued in, transferred into, or transferred to a different location within the following areas of the 46th alcoholic beverages district if the application for the issuance or transfer was received by the Board after December 31, 1995:

(1) ward 1, precincts 2, 3, 4, and 5;

(2) ward 2, in its entirety;

(3) ward 3, precinct 3; and

(4) ward 26, precinct 10.

(b) A license holder shall file with a license renewal application a copy of the valid seating capacity rating issued by the Baltimore City Fire Department for the licensed premises.

(c) (1) If the seating capacity rating for the licensed premises exceeds 150 persons, the Board may require the license holder to submit with the license renewal application an accounting of the gross sales for the previous license year.

(2) The accounting described in this subsection shall:

(i) be in accordance with generally accepted accounting principles; and

(ii) at a minimum, specify separate figures for:

1. total sales, not including sales of novelty items, income from vending machines, or other sales not directly related to food or beverages;

2. alcoholic beverages sales; and

3. food sales.

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§ 12-1804

(a) This section applies only to a license holder of a Class B beer, wine, and liquor license for use in a restaurant in the 46th Alcoholic Beverages District.

(b) A license holder shall file with a license renewal application:

(1) a statement that verifies average daily receipts; and

(2) an affidavit of a licensed certified public accountant that verifies compliance with § 12–903(c)(2)(ii)1 or (3)(iii) of this title.

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§ 12-1805

To hear and determine a protest filed against a license renewal, the Board:

(1) shall consider only issues with respect to a specific complaint as to the operation of the licensed premises; and

(2) may not consider zoning issues.

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§ 12-1806

Section 12–1508 of this title does not apply to an application for a license for the same premises by way of renewal.

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§ 12-1807

Section 12–2103 of this title applies to a holder of a license that has been renewed.

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§ 12-1808

(a) An applicant for license renewal shall pay a renewal application fee of \$78 to the Director of Finance in addition to the license fee.

(b) A license renewal application that the Board receives after March 31 may be:

(1) rejected; or

(2) subject to a late fine of \$50 for each day the application is late, up to a maximum amount of \$1,500.

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§ 12-1809

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

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§ 12-1810

Notwithstanding § 12–1503 of this title, the Board may renew a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license originally issued to a holder of an out-of-state alcoholic beverages license.

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§ 12-1811

Notwithstanding § 12–1504 of this title, a person that has an interest in more than one Class A license may renew the licenses.

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§ 12-1901

(a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the City without exception or variation:

(1) § 4–502 (“Storage of alcoholic beverages”);

(2) § 4–503 (“Solicitations and sales outside of licensed premises”);

(3) § 4–506 (“Evidence of purchaser’s age”);

(4) § 4–507 (“Retail delivery of alcoholic beverages”); and

(5) § 4–508 (“Display of license”).

(b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the City:

(1) § 4–504 (“Employment of underage individuals”), subject to § 12–1903 of this subtitle; and

(2) § 4–505 (“Alcohol awareness program”), subject to § 12–1904 of this subtitle.

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§ 12-1902

(a) An establishment with multiple public areas in which alcoholic beverages are sold shall display a duplicate license in each area.

(b) The fee for a duplicate license is \$20.

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§ 12-1903

A license holder:

(1) may employ an individual at least 18 years old to sell, serve, deliver, or otherwise deal with alcoholic beverages; and

(2) may not employ or allow an individual under the age of 18 years to:

(i) sell, serve, or deliver alcoholic beverages; or

(ii) provide entertainment on the licensed premises.

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§ 12-1904

(a) The alcohol awareness program also applies to an unlicensed establishment that is covered under Subtitle 25 of this title.

(b) An owner of an unlicensed establishment or individual who is designated by the owner and employed in a supervisory capacity is required to be:

(1) certified by an approved alcohol awareness program; and

(2) present when alcoholic beverages are served or consumed.

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§ 12-2001

(a) (1) Except as otherwise provided by law or regulation, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages:

(i) in a premises licensed under this title; or

(ii) in a place, whether it has any other license, if any form of live or recorded entertainment is offered at the place.

(2) An owner, an operator, or a manager of a premises or place described in paragraph (1) of this subsection may not knowingly allow consumption of alcoholic beverages prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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§ 12-2003

(a) (1) Except as provided in § 12-2005 of this subtitle, a holder of a Class A beer and light wine license may sell beer and light wine:

(i) on Monday through Saturday:

1. from 9 a.m. to 10 p.m. in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

2. from 6 a.m. to midnight in all other locations in the City; and

(ii) on the Sundays that fall between Thanksgiving Day and New Year's Day, from 1 p.m. to 9 p.m., if, on or before September 30 of that year, the license holder has paid a supplementary license fee of \$120 for each Sunday the privilege is to be exercised.

(2) In addition to the privileges specified under paragraph (1)(ii) of this subsection, the license holder may sell beer and light wine for off-premises consumption on two additional Sundays during the calendar year if the holder pays a license fee of \$120 at least 2 weeks before each time the privilege is exercised.

(b) (1) Except as provided in § 12–2005 of this subtitle, a holder of a Class B beer and light wine license may sell beer and light wine:

(i) from 9 a.m. to 2 a.m. the following day in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

(ii) from 6 a.m. to 2 a.m. the following day in all other locations in the City.

(2) Except as provided in § 12–2005 of this subtitle and § 12–903(d) of this title, the license holder may sell beer and light wine at a bar or counter on Sunday.

(c) (1) Except as otherwise provided in this subtitle, a holder of a Class C beer and light wine license may sell beer and light wine:

(i) from 9 a.m. to 2 a.m. the following day in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

(ii) from 6 a.m. to 2 a.m. the following day in all other locations in the City.

(2) Except as provided in § 12–2005 of this subtitle, the license holder may sell beer and light wine at a bar or counter on Sunday.

(d) Except as provided in § 12–2005 of this subtitle, a holder of a Class D beer and light wine license may sell beer and light wine:

(1) from 9 a.m. to 1 a.m. the following day in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

(2) from 6 a.m. to 1 a.m. the following day in all other locations in the City.

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§ 12-2004

(a) (1) Except as otherwise provided in this subtitle, a holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday:

1. from 9 a.m. to 10 p.m. in the area specified in the Park Heights Master Plan adopted by the City in 2006;

2. from 9 a.m. to 10 p.m. in an area bounded as follows: from the intersection of Belair Road and Anntana Avenue, southwest on Belair Road to the intersection of Belair Road and Frankford Avenue, southeast on Frankford Avenue to the intersection of Frankford Avenue and Sipple Avenue, west on Sipple Avenue to the intersection of Sipple Avenue and Crenshaw Avenue, southeast on Crenshaw Avenue to the intersection of Crenshaw Avenue and Goodnow Road, southeast on Goodnow Road to the intersection of Goodnow Road and Sinclair Lane, northeast on Sinclair Lane to the intersection of Sinclair Lane and Radecke Avenue, west on Radecke Avenue to the intersection of Radecke Avenue and Anntana Avenue, then north on Anntana Avenue to the intersection of Anntana Avenue and Belair Road; and

3. from 6 a.m. to midnight in all other locations in the City; and

(ii) on the Sundays that fall between Thanksgiving Day and New Year's Day, from 1 p.m. to 9 p.m., if, on or before September 30 of that year, the license holder has paid a supplementary license fee of \$120 for each Sunday the privilege is to be exercised.

(2) In addition to the privileges specified under paragraph (1)(ii) of this subsection, the license holder may sell beer, wine, and liquor for off-premises consumption on two additional Sundays during the calendar year if the holder pays a license fee of \$120 at least 2 weeks before each time the privilege is exercised.

(b) (1) Except as provided in § 12–2005 of this subtitle, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) from 9 a.m. to 2 a.m. the following day in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

(ii) from 6 a.m. to 2 a.m. the following day in all other locations in the City.

(2) In the 47th alcoholic beverages district in the City, the hours for sales of beer, wine, and liquor for off-premises consumption under a Class B beer, wine, and liquor license for use in a restaurant are as provided in § 12-903(d) of this title.

(3) Except as provided in § 12-2005 of this subtitle and § 12-903(d) of this title, the license holder may sell beer, wine, and liquor at a bar or counter on Sunday.

(c) A holder of a Class B-D-7 beer, wine, and liquor license may sell beer, wine, and liquor:

(1) from 9 a.m. to 9 p.m. in the area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue;

(2) from 9 a.m. to 9 p.m. along the south side of Frederick Avenue between South Augusta Avenue and South Loudon Avenue;

(3) from 9 a.m. to 10 p.m. in the area specified in the Park Heights Master Plan adopted by the City in 2006;

(4) from 9 a.m. to 10 p.m. in an area bounded as follows: from the intersection of East North Avenue and Harford Avenue, southwest on Harford Avenue to the intersection of Harford Avenue and North Central Avenue, south on North Central Avenue to the intersection with East Monument Street, east on East Monument Street to the intersection of East Monument Street and North Wolfe Street, south on North Wolfe Street to the intersection of North Wolfe Street and McElderry Street, east on McElderry Street to the intersection of McElderry Street and North Collington Avenue, south on North Collington Avenue to the intersection of North Collington Avenue and East Fayette Street, east on East Fayette Street to the intersection of East Fayette Street and North Lakewood Avenue, north on North Lakewood Avenue to the intersection of North Lakewood Avenue and East Monument Street, west on East Monument Street to the intersection of East Monument Street and North Luzerne Avenue, north on North Luzerne Avenue to the intersection of North Luzerne Avenue and East Federal Street, west on East Federal Street to the intersection of East Federal Street and North Rose Street, north on North Rose Street to the intersection of North Rose Street and East North Avenue, then west on East North Avenue to the intersection of East North Avenue and Harford Avenue;

(5) from 9 a.m. to 10 p.m. in an area bounded as follows: from the intersection of Belair Road and Anntana Avenue, southwest on Belair Road to the intersection of Belair Road and Frankford Avenue, southeast on Frankford Avenue to the intersection of Frankford Avenue and Sipple Avenue, west on Sipple Avenue to the intersection of Sipple Avenue and Crenshaw Avenue, southeast on Crenshaw Avenue to the intersection of Crenshaw Avenue and Goodnow Road, southeast on Goodnow Road to the intersection of Goodnow Road and Sinclair Lane, northeast on Sinclair Lane to the intersection of Sinclair Lane and Radecke Avenue, west on Radecke Avenue to the intersection of Radecke Avenue and Anntana Avenue, then north on Anntana Avenue to the intersection of Anntana Avenue and Belair Road; and

(6) from 6 a.m. to 2 a.m. the following day in all other locations in the City.

(d) (1) Except as otherwise provided in this subtitle, a holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor:

(i) from 9 a.m. to 2 a.m. the following day in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

(ii) from 6 a.m. to 2 a.m. the following day in all other locations in the City.

(2) Except as provided in § 12-2005 of this subtitle and § 12-903 of this title, the license holder may sell beer, wine, and liquor at a bar or counter on Sunday.

(e) A holder of a Class D beer, wine, and liquor amusement permit may sell all alcoholic beverages at all hours except between 2 a.m. and 6 a.m. each day.

(f) (1) Except as provided in § 12-2005 of this subtitle, a holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday:

(i) from 9 a.m. to 1 a.m. the following day in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

(ii) from 6 a.m. to 1 a.m. the following day in all other locations in the City.

(2) Except as provided in paragraph (3) of this subsection and § 12-2007(b) of this subtitle, the license holder may not exercise the privileges of the license without an amusement permit from 1 a.m. on Sunday to 6 a.m. the following day.

(3) (i) The Board may issue a supplemental license not more than four times during a calendar year to the license holder authorizing the license holder to sell beer, wine, and liquor from 6 a.m. on Sunday to 1 a.m. the following day.

(ii) The fee for the supplemental license is \$120 per issuance and is in addition to the annual fee for the underlying Class D beer, wine, and liquor license.

(iii) A holder of a supplemental license shall notify the Board at least 2 weeks in advance of exercising the privileges under the supplemental license.

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§ 12-2005

(a) (1) In response to a complaint, the Board may petition the circuit court for a temporary order that, on a license holder's premises, limits the hours and days for the sale and consumption of:

(i) beer;

(ii) beer and light wine; or

(iii) beer, wine, and liquor.

(2) The court may issue the order if the court finds by clear and convincing evidence that:

(i) the activities arising from the sale and consumption of alcoholic beverages on the licensed premises have resulted in an extreme and continuing disturbance to a residential community;

(ii) the license holder has failed to exercise good faith in attempting to remedy the disturbance at the request or order of the Board; and

(iii) the Board has been unable to provide relief to the residential community by exercising its authority to suspend the license or reprimand the license holder.

(3) The duration of the order may not exceed the duration of the license term.

(4) The order shall be stayed pending appeal from the order.

(5) This section does not limit any other powers of the Board.

(b) (1) This subsection applies only in the City on the inner perimeter of a rectangle bounded by 31st Street on the south, Greenmount Avenue on the east, 32nd Street on the north, and Barclay Street on the west.

(2) By regulation, the Board may restrict the hours and days for the sale and consumption of:

(i) beer;

(ii) beer and light wine; or

(iii) beer, wine, and liquor.

(c) (1) This subsection does not apply to:

(i) a Class B beer and light wine license;

(ii) a Class B beer, wine, and liquor license;

(iii) a Class B–D–7 beer, wine, and liquor license;

(iv) a Class C beer and light wine license; and

(v) a Class C beer, wine, and liquor license.

(2) For a license holder in an area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue, the hours of sale:

(i) may not begin before 9 a.m. or end after 10 p.m.; and

(ii) may not be extended if they begin later than 9 a.m. or end before 10 p.m.

(3) For a license holder in an area bounded as follows: from the intersection of East North Avenue and Harford Avenue, southwest on Harford Avenue to the intersection of Harford Avenue and North Central Avenue, south on North Central Avenue to the intersection with East Monument Street, east on East Monument Street to the intersection of East

Monument Street and North Wolfe Street, south on North Wolfe Street to the intersection of North Wolfe Street and McElderry Street, east on McElderry Street to the intersection of McElderry Street and North Collington Avenue, south on North Collington Avenue to the intersection of North Collington Avenue and East Fayette Street, east on East Fayette Street to the intersection of East Fayette Street and North Lakewood Avenue, north on North Lakewood Avenue to the intersection of North Lakewood Avenue and East Monument Street, west on East Monument Street to the intersection of East Monument Street and North Luzerne Avenue, north on North Luzerne Avenue to the intersection of North Luzerne Avenue and East Federal Street, west on East Federal Street to the intersection of East Federal Street and North Rose Street, north on North Rose Street to the intersection of North Rose Street and East North Avenue, then west on East North Avenue to the intersection of East North Avenue and Harford Avenue, the hours of sale:

(i) may not begin before 9 a.m. or end after 10 p.m.; and

(ii) may not be extended if they begin later than 9 a.m. or end before 10 p.m.

(4) For a license holder in an area bounded as follows: from the intersection of Belair Road and Anntana Avenue, southwest on Belair Road to the intersection of Belair Road and Frankford Avenue, southeast on Frankford Avenue to the intersection of Frankford Avenue and Sipple Avenue, west on Sipple Avenue to the intersection of Sipple Avenue and Crenshaw Avenue, southeast on Crenshaw Avenue to the intersection of Crenshaw Avenue and Goodnow Road, southeast on Goodnow Road to the intersection of Goodnow Road and Sinclair Lane, northeast on Sinclair Lane to the intersection of Sinclair Lane and Radecke Avenue, west on Radecke Avenue to the intersection of Radecke Avenue and Anntana Avenue, then north on Anntana Avenue to the intersection of Anntana Avenue and Belair Road, the hours of sale:

(i) may not begin before 9 a.m. or end after 10 p.m.; and

(ii) may not be extended if they begin later than 9 a.m. or end before 10 p.m.

(d) (1) This subsection does not apply to:

(i) a Class B beer and light wine (restaurant) license;

(ii) a Class B beer, wine, and liquor (restaurant) license issued under § 12–1603(c)(1)(ii) of this title;

(iii) a Class B–BWL (H–M) license;

(iv) a Class C beer and wine license;

(v) a Class C beer, wine, and liquor license;

(vi) an arena license;

(vii) a marketplace license; or

(viii) a Class M–F (municipal family fun center) license.

(2) For a license holder in the 40th alcoholic beverages district, the hours of sale for alcoholic beverages may not begin before 10 a.m. or end after 10 p.m.:

(i) within an area bounded:

1. from the intersection of Reisterstown Road and Quantico Avenue, northwest on Reisterstown Road to the intersection with Wylie Avenue, northeast on Wylie Avenue to the intersection with Pimlico Road, northwest on Pimlico Road to the intersection with Dupont Avenue, east on Dupont Avenue to the intersection with Pall Mall Road, southeast on Pall Mall Road to the intersection with Edgecombe Circle North, east on Edgecombe Circle North to the intersection with Finney Avenue, south on Finney Avenue to the intersection with Oakford Avenue, west on Oakford Avenue to the intersection with Pall Mall Road, southeast on Pall Mall Road to the intersection with Loyola Northway, southwest on Loyola Northway to the intersection with Pimlico Road, southeast on Pimlico Road to the intersection with Quantico Avenue, and southwest on Quantico Avenue to the intersection with Reisterstown Road; and

2. from the intersection of Millington Avenue with Wilkens Avenue, northwest on Millington Avenue to the intersection with Frederick Avenue, northeast on Frederick Avenue to the intersection with West Pratt Street, east on West Pratt Street to the intersection with South Mount Street, south on South Mount Street to the intersection with Eagle Street, southwest on Eagle Street to the intersection with South Smallwood Street, northwest on South Smallwood Street to the intersection with Wilkens Avenue, and southwest on Wilkens Avenue to the intersection with Millington Avenue;

(ii) within the area of West North Avenue between the 1000 block of West North Avenue and the 3200 block of West North Avenue, inclusive;

(iii) for a license holder within 250 yards in any direction of the area described in item (ii) of this paragraph; and

(iv) within an area bounded as follows: from the intersection of North Fulton Avenue with North Avenue, north on North Fulton Avenue to the intersection with Pennsylvania Avenue, northeast on North Fulton Avenue to the intersection with Druid Hill Avenue, southeast on Druid Hill Avenue to the intersection with Mosher Street, southwest on Mosher Street to the intersection with North Carey Street, north on North Carey Street to the intersection with North Avenue, and west on North Avenue to the intersection with North Fulton Avenue.

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§ 12-2006

A holder of a license that allows sales of alcoholic beverages for on-premises consumption may not be required to close the licensed premises at any time on January 1.

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§ 12-2007

(a) Except as provided in subsection (b) of this section, a licensed premises shall end all operations, including the serving of alcoholic beverages and food and providing entertainment, at the closing hour for that class of licensed premises specified in this title.

(b) (1) The Board may grant an exemption for remaining open after hours to:

(i) a holder of a Class B restaurant license, only for serving food to patrons seated for dining;

(ii) a pharmacy that fills prescriptions; or

(iii) a holder of a Class D beer, wine, and liquor license that operates a restaurant, if:

1. it is used only for serving food to patrons seated in a dining room that is not adjacent to a bar; and

2. the restaurant is located in the 46th legislative district in the Legislative Districting Plan of 2022.

(2) A pharmacy that receives an exemption under paragraph (1) of this subsection may also sell products other than alcohol after normal closing hours.

(3) A hotel that holds a Class B license and that serves food to seated customers or for private functions or guest rooms may continue to provide food service.

(4) The Board may waive the requirement in paragraph (1)(iii)1 of this subsection that a dining room not be adjacent to a bar.

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§ 12-2008

(a) This section applies to an owner, an operator, or a manager of any premises open to the public or of a place of public accommodation where:

(1) a form of entertainment is provided from 2 a.m. to 6 a.m. on any day; and

(2) alcoholic beverages are consumed at any hour of the day.

(b) A person specified under subsection (a) of this section shall:

(1) register with the fire department and the Department of Housing and Community Development; and

(2) comply with all federal, State, and City building, fire, health, and zoning laws.

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§ 12-2009

(a) In this section, "adult entertainment" has the meaning stated in Article 15, § 1–1 of the Baltimore City Code.

(b) This section applies only to:

(1) a holder of a Class A license;

(2) a holder of a Class B–D–7 license; and

(3) a holder of an adult entertainment license issued by the Board under § 12–2102 of this title and Article 15, Subtitle 1 of the Baltimore City Code.

(c) Except as provided in subsection (d) of this section, the holder of a license described in subsection (b) of this section may not operate an establishment later than 10 p.m. if the establishment is in an area bounded as follows: from the intersection of Holliday Street and East Fayette Street, east on East Fayette Street to the intersection with North Gay Street, south on North Gay Street to the intersection with East Baltimore Street, south on South Gay Street to the intersection with Water Street, west on Water Street to the intersection with Commerce Street, north on Commerce Street to the intersection with East Baltimore Street, then north on Holliday Street back to the intersection of Holliday Street and East Fayette Street.

(d) (1) The holder of a license described in subsection (b) of this section that operates an establishment bounded in the area described in subsection (c) of this section may operate the establishment within the hours of operation authorized by the license if the holder submits to the Board a security plan that is approved by the Board after consultation with the Baltimore Police Department.

(2) The security plan required under paragraph (1) of this subsection shall include:

(i) the hiring of security personnel to be present at the licensed premises during all hours of operation;

(ii) the placement of security personnel inside and immediately outside the licensed premises;

(iii) procedures for securing the establishment and each entryway into the establishment, including the consistent use of metal detectors, and the area immediately around the establishment;

(iv) a plan for communication between security and the Baltimore Police Department;

(v) a plan for not exceeding a capacity limit for the licensed premises determined by the Baltimore City Fire Marshal; and

(vi) the name of and direct contact information for the owner and manager of the licensed premises.

(3) The holder of a license under this subsection shall, for security personnel hired in accordance with paragraph (2)(i) of this subsection:

(i) provide the identifying information, including name, birthdate, home address, and telephone number, of security personnel who are regular or part-time employees, including temporary employees during the preceding quarter, of the licensed premises to the Baltimore Police Department on a quarterly basis; and

(ii) ensure that a security guard who works for a third-party security contractor carries documentation showing their security guard certification with the Maryland State Police while they are working.

(4) (i) The holder of a license under this subsection shall submit an updated security plan to the Board each year with an application for license renewal under § 12–1802 of this title.

(ii) The Board, in consultation with the Baltimore Police Department, shall consider the license holder's compliance with the previous year's security plan before determining whether to approve the license holder's updated security plan.

(e) (1) The holder of a license described in subsection (b) of this section that operates an establishment bounded in the area described in subsection (c) of this section shall maintain and operate a digital surveillance system on the exterior of the licensed premises.

(2) The digital surveillance system under paragraph (1) of this subsection shall:

(i) be equipped with high-definition cameras that provide continuous, 24-hour video monitoring without audio recording capacity placed outside the licensed premises in such a way that the exterior of each entryway into and exit away from the licensed premises is monitored;

(ii) retain video recorded from the surveillance system for not less than 14 days; and

(iii) be registered with and accessible by the Baltimore City Intelligence Center.

(3) The license holder shall, on request, provide a recording created by the digital surveillance system in this subsection to the Baltimore Police Department.

(f) The Board, after consultation with the Baltimore Police Department, may authorize an exemption from the provisions of subsection (d) of this section for an establishment operating under a Class A license.

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§ 12-2101

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the City without exception or variation:

- (1) § 4-602 ("Power of local licensing board"); and
- (2) § 4-604 ("Grounds for revocation or suspension").

(b) Section 4-605 ("Nudity and sexual displays") of Division I of this article does not apply in the City and is superseded by § 12-2102 of this subtitle.

(c) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the City:

- (1) § 4-603 ("Revocation and suspension procedures"), subject to § 12-2105 of this subtitle; and
- (2) § 4-606 ("Effects of revocation"), subject to § 12-2104 of this subtitle.

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§ 12-2102

(a) In this section, "adult entertainment" means:

- (1) the employment or use of an individual in the sale or service of alcoholic beverages in or on the licensed premises while the individual is unclothed or in attire, costume, or clothing so as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;
- (2) the employment or use of the services of a hostess or other individual to mingle with the patrons while the hostess or other individual is unclothed or in attire, costume, or clothing described in item (1) of this subsection;
- (3) the encouragement of or allowing an individual on the licensed premises to caress or fondle the breasts, buttocks, anus, or genitals of any other individual;
- (4) allowing an employee or other individual to wear or use a device or covering exposed to view that simulates any portion of the breast, genitals, anus, or pubic hair;
- (5) with respect to entertainment provided:
 - (i) allowing an individual to perform an act of or act that simulates:
 1. sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;
 2. the caressing or fondling of the breast, buttocks, anus, or genitals; or
 3. the display of the pubic hair, anus, vulva, or genitals;
 - (ii) subject to item (i) of this item, allowing an entertainer whose breasts or buttocks are exposed to perform closer than 6 feet from the nearest patron; or
 - (iii) allowing an individual to use an artificial device or inanimate object to depict, perform, or simulate an activity prohibited under item (i) of this item; or
- (6) show a motion picture, still picture, electronic reproduction, or other visual reproduction depicting:
 - (i) an act or simulated act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;
 - (ii) an individual being caressed or fondled on the breast, buttocks, anus, or genitals;
 - (iii) a scene in which an individual displays the vulva, anus, or genitals; or
 - (iv) a scene in which an artificial device or inanimate object is used to depict, or a drawing is used to portray, a prohibited act described in this subsection.

(b) Except as provided in subsection (c)(2) of this section, this section does not apply to a license holder that:

(1) offered adult entertainment as of May 31, 1993, or the transferee of the license for the same premises if the transferee continues to offer adult entertainment; or

(2) operates a theater, a concert hall, an art center, a museum, or a similar establishment that is primarily devoted to the arts or theatrical performances, when the performances presented express matters of serious literary, artistic, scientific, or political value.

(c) The Board may not authorize and a license holder may not allow:

(1) adult entertainment on the licensed premises or on adjacent property over which the license holder has ownership or control; or

(2) an individual under the age of 21 years to enter an establishment of a license holder specified under subsection (b)(1) of this section, unless the individual is:

(i) an employee, an agent, or a contractor of the establishment; or

(ii) an active duty member of the armed forces of the United States.

(d) The Mayor and City Council may authorize the Board to enforce the laws and regulations of the City that govern adult entertainment business licenses.

(e) On finding that a violation of this section has occurred, the Board shall revoke or suspend the license or impose a fine or both.

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§ 12-2103

(a) The Board shall immediately suspend without a hearing the renewal license of a license holder that fails to present to the Board by October 30 annually a certificate issued by the Director of Finance showing that all personal property taxes due to the City or State are paid.

(b) The Board shall immediately reinstate a license suspended under this section without a hearing on presentation of the required certificate.

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§ 12-2104

A person whose license has been revoked by the Board may not give, serve, or keep alcoholic beverages or allow alcoholic beverages to be consumed until:

(1) the court grants a stay of the order of revocation in accordance with § 12-2402 of this title; or

(2) the order of revocation is reversed on judicial review.

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§ 12-2105

(a) When the Board notifies a license holder of a violation alleged against the license and gives notice for the license holder to appear for a hearing, the Board may offer as a compromise, on a form provided by the Board, a monetary penalty if the license holder agrees to:

(1) voluntarily waive the right to a hearing under § 4-603 of this article;

(2) admit to the facts of the violation as alleged;

(3) take the corrective action prescribed in the offer made by the Board; and

(4) accept the monetary penalty offered.

(b) If a license holder does not accept the offer of compromise made by the Board in accordance with subsection (a) of this section, the license holder may accept service of notice of the complaint from the Board and inform the Board of its intent to exercise the right to a hearing under § 4-603 of this article.

(c) If an offer of compromise is accepted by a license holder under subsection (a) of this section, the Board shall:

- (1) keep a record of the initial violation alleged against the license holder or the licensed establishment;
 - (2) issue a written finding that the offer of compromise does not impair the promotion of the peace or safety of the community;
 - (3) as soon as practicable, state the license holder's acceptance of the offer of compromise on the record at a hearing of the Board; and
 - (4) post the result of the Board's decision in a place accessible by the public.
- (d) The Board shall adopt regulations to implement this section.

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§ 12-2201

- (a) Section 4–702(a) (“On death of license holder”) of Division I of this article applies in the City without exception or variation.
- (b) The following sections of Title 4, Subtitle 7 (“Expiration of Local Licenses”) of Division I of this article do not apply in the City:
- (1) § 4–702(b) (“After vacation of or eviction from premises”);
 - (2) § 4–703 (“Pending or approved transfers or continuation of business”);
 - (3) § 4–704 (“License for premises acquired for public use”); and
 - (4) § 4–705 (“Postponement to avoid hardship”).

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§ 12-2202

- (a) A license expires 180 days after the license holder has closed the business or stopped active alcoholic beverages business operations at the premises for which the license is held unless:
- (1) an application for approval of a transfer to another location or another person under Subtitle 17 of this title has been approved or is pending;
 - (2) an application for a certificate of permission or a renewal license for continuation of business under Subtitle 23 of this title has been approved or is pending; or
 - (3) a written request for a hardship extension under subsection (b) of this section is filed within the 180–day period.
- (b) (1) The license holder or another appropriate interested party may make a written request to the Board to extend the life of the license due to hardship, including the pendency of a criminal charge filed against a transferor that directly relates to the operation of the licensed premises or a disciplinary matter before the Board concerning the transferor.
- (2) The Board may grant the extension if the Board finds after a hearing that existing hardship caused the closing or stopping of business operations.
- (3) Except as provided in paragraph (4) of this subsection, an extension may not prolong the life of the license beyond 360 days after the date of closing or stopping of alcoholic beverages business operations at the premises for which the license is held.
- (4) The Board may grant an extension under this subsection that prolongs the life of a license beyond 360 days if a transfer of the license is prohibited under § 12–1705.1 of this title.
- (c) (1) This subsection does not apply to a license the transfer of which is prohibited under § 12–1705.1 of this title.
- (2) The period for which a license may be considered unexpired:
- (i) begins at the earlier of the closing of the business or stopping of alcoholic beverages business operations; and
 - (ii) may be suspended only by filing an application or request under subsection (a) of this section.
- (3) The expiration period resumes on the last to occur of the following events:
- (i) final action of the Board granting or denying a request for a hardship extension under subsection (b) of this section;
 - (ii) final action of the Board denying an application described in subsection (a)(1) or (2) of this section;

(iii) final judgment of the reviewing court if judicial review of the Board's action on an application or request authorized by subsection (a) or (b) of this section has been granted; or

(iv) dismissal of a petition for judicial review of the Board's action.

(4) If an application or request described in subsection (a) or (b) of this section is withdrawn:

(i) the period for automatic expiration of the license may not be suspended; and

(ii) the application or request shall be considered as if it had not been filed.

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§ 12-2203

Except where extenuating circumstances exist, before a licensed premises that has been closed for at least 3 consecutive months may be reopened:

(1) the Board shall hold a public hearing; and

(2) the license holder shall obtain approval from the Board to reopen.

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§ 12-2204

Unless transferred to another location, a Class B (7-day) beer and wine license issued for a premises located in an area surrounded by Charles Street on the west, East Cross Street on the north, Light Street on the east, and East Cross Street on the south, in ward 23, precinct 1 of the 46th alcoholic beverages district, expires not later than July 1, 2024.

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§ 12-2301

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the City without exception or variation:

(1) § 4-802 ("Expiration of license on death of license holder");

(2) § 4-804 ("Transfer or reinstatement of license");

(3) § 4-805 ("Rights of protest, revocation, suspension, and restriction"); and

(4) § 4-806 ("Refund").

(b) Section 4-803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the City, subject to § 12-2302 of this subtitle.

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§ 12-2302

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

(i) the surviving spouse;

(ii) the surviving partners for the benefit of the partnership; or

(iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

(i) for the balance of the license year; and

(ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

(1) the surviving spouse;

(2) the surviving partners of a partnership; or

(3) the senior surviving officer of a corporation for the benefit of the corporation.

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§ 12-2401

(a) The following sections of Title 4, Subtitle 9 ("Judicial Review") of Division I of this article apply in the City without exception or variation:

- (1) § 4-902 ("Judicial review of decision of local licensing board");
 - (2) § 4-903 ("Petitioners");
 - (3) § 4-905 ("Scope of judicial review");
 - (4) § 4-906 ("Representation of local licensing board");
 - (5) § 4-907 ("Affirmations, modifications, and reversals"); and
 - (6) § 4-908 ("Appeals to Appellate Court of Maryland and Supreme Court of Maryland").
- (b) Section 4-904 ("Stay of local board's petition") applies in the City, subject to § 12-2402 of this subtitle.

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§ 12-2402

An order by the Board to revoke a license may be stayed, pending judicial review, only by the court with which a petition under Title 4, Subtitle 9 of this article has been filed.

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§ 12-2403

In addition to the other powers of the circuit court for the City provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

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§ 12-2501

(a) This subsection applies to an establishment that is not licensed by the Board but that is:

- (1) open to the public;
- (2) a place of public entertainment; or
- (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) Except as provided in subsection (c) of this section, an establishment that is not licensed by the Board, at a location under control or possession of the establishment, may not:

- (1) serve or keep alcoholic beverages; or
- (2) allow alcoholic beverages to be consumed.

(c) A restaurant that is not licensed by the Board may allow a customer to consume alcoholic beverages from 6 a.m. to 2 a.m. the following day if:

- (1) the alcoholic beverages are brought to the restaurant by the customer;
- (2) the alcoholic beverages are consumed with a meal;
- (3) there is no charge for admission to the restaurant; and
- (4) the Baltimore City Fire Department determines that the maximum seating capacity of the restaurant is 50.

(d) (1) The Baltimore City Police Department may immediately close all operations of an establishment if the Department determines that the establishment is in violation of this section and that the public health, safety, or welfare requires emergency action.

(2) The establishment shall be closed until the Baltimore City Police Department determines that the public health, safety, or welfare has been restored.

(3) The owner or operator of the establishment shall be given an opportunity to request a prompt hearing in circuit court on when the establishment may reopen.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 12-2502

(a) (1) Except as provided under subsection (b) of this section or otherwise provided by law, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages:

(i) in an establishment open to the public;

(ii) in a place of public accommodation; or

(iii) in a place at which setups or other component parts of mixed alcoholic drinks are sold.

(2) The prohibition against consumption in paragraph (1) of this subsection is in effect if any form of entertainment, live or recorded, is offered at the place or at the establishment, regardless of whether the establishment or place is licensed under this article or other State law.

(b) By regulation, the Board may restrict the hours and days for the consumption of alcoholic beverages on the inner perimeter of a rectangle bounded by 31st Street on the south, Greenmount Avenue on the east, 32nd Street on the north, and Barclay Street on the west.

(c) The owner or manager of the establishment or place may not knowingly allow the consumption of alcoholic beverages that is prohibited by this section.

(d) An individual who consumes alcoholic beverages at an establishment described in this section or an owner or a manager of the establishment who knowingly allows the consumption prohibited by this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

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§ 12-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the City without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–205 ("Peace officers");

(4) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(5) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(6) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(7) § 6–209 ("Adoption of standards for authorization of consumption"); and

(8) § 6–211 ("Fines and forfeitures").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the City and is superseded by § 12–2602 of this subtitle.

(c) Section 6–204 ("Power to summon witnesses") of Division I of this article applies in the City, in addition to § 12–2603 of this subtitle.

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§ 12-2602

The City may:

(1) adopt an ordinance or a resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

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§ 12-2603

The City Police Department or an inspector that the Board employs may serve a summons.

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§ 12-2604

- (a) The Board may subpoena records pertaining to a licensed establishment.
- (b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.
- (2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.
- (c) (1) The Board may charge fees for the production and service of a summons and hearing notice.
- (2) The fees are:
 - (i) \$25, for the production of hearing notices or summonses requested by parties appearing before the Board;
 - (ii) \$5, for each address served if the address is provided to the Board and the service is by mail; and
 - (iii) \$25, for each address served if the service is performed by an employee of the Board.
- (3) In addition to any other fine, penalty, or cost, the Board may impose a \$100 administrative hearing fee on a license holder:
 - (i) whom the Board charges with a violation of law concerning the sale of alcoholic beverages; or
 - (ii) who requests a transfer or expansion of the license or a new license.

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§ 12-2605

- (a) In this section, "Unit" means the Neighborhood Services Unit within the Office of the Sheriff of Baltimore City, as established under § 2–316.1 of the Courts Article.
- (b) The Board shall work in partnership with the Unit to enforce this title.
- (c) The Board shall enter into a memorandum of understanding with the Unit that specifies:
 - (1) the respective roles and responsibilities of the parties in connection with the partnership described in subsection (b) of this section; and
 - (2) in accordance with § 12–209 of this title, the funding source for the Unit.

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§ 12-2701

- (a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the City without exception or variation:
 - (1) § 6–305 ("Proof of age for sale of alcoholic beverages");
 - (2) § 6–306 ("Defense to prosecution for sale to underage individual");
 - (3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");
 - (4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");
 - (5) § 6–310 ("Providing free food");
 - (6) § 6–311 ("Restrictions on purchases and sales by retail dealer");
 - (7) § 6–312 ("Beverage misrepresentation");

- (8) § 6–313 (“Tampering with alcoholic beverage container”);
 - (9) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);
 - (10) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);
 - (11) § 6–316 (“Maximum alcohol content”);
 - (12) § 6–317 (“Multiple serving purchase required”);
 - (13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);
 - (14) § 6–320 (“Disorderly intoxication”);
 - (15) § 6–321 (“Consumption of alcoholic beverages in public”);
 - (16) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);
 - (17) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);
 - (18) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);
 - (19) § 6–328 (“Tax evasion”);
 - (20) § 6–329 (“Destruction of evidence”); and
 - (21) § 6–330 (“Perjury”).
- (b) Section 6–322 (“Possession of open container”) of Division I of this article does not apply in the City.
- (c) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the City:
- (1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 12–2702 of this subtitle; and
 - (2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 12–2703 of this subtitle.

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§ 12-2702

- (a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:
- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
 - (2) may not be required to post bail pending trial in any court in the State.
- (b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:
- (1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and
 - (2) the individual is not a resident of the State.
- (c) The Board may not proceed against a license holder for a violation of § 6–304 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

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§ 12-2703

- (a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:
- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
 - (2) may not be required to post bail pending trial in any court in the State.
- (b) The Board may not proceed against a license holder for a violation of § 6–307 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

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§ 12-2704

(a) (1) A license holder may not use an advertisement that is untrue, deceptive, or misleading in a material respect, including an advertisement on the Internet containing an affirmative representation that the license holder may offer for sale alcoholic beverages that the license holder is not authorized to sell.

(2) The Board shall enforce this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

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§ 12-2705

A person engaged in the manufacture or sale of alcoholic beverages, an agent or employee of the person, and a license holder may not, directly or indirectly, offer or make a payment or gift to:

(1) a member of the Board;

(2) an employee of the Board; or

(3) anyone on behalf of the member or employee.

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§ 12-2706

(a) In the 45th Legislative District, a landlord may not rent out to a Class A license holder a premises to be used for the sale of alcoholic beverages if the landlord knows or should have known that the sale of alcoholic beverages on the premises would violate a minimum distance required to be maintained under this article between a licensed premises and a place of worship or school.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

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§ 12-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the City.

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§ 12-2802

(a) For a violation that is cause for suspension of a license, the Board may:

(1) except as provided in subsections (b) and (c) of this section, for a first offense, impose a fine not exceeding \$500 or suspend the license or both; or

(2) except as provided in subsection (c) of this section, for each subsequent offense, impose a fine not exceeding \$20,000 or suspend the license or both.

(b) For a first offense of selling alcoholic beverages to an individual under the age of 21 years, the Board may impose a fine not exceeding \$1,000 or suspend the license or both.

(c) (1) For the offense of publicizing, selling tickets for, organizing, operating, producing, facilitating, or staging a pub crawl with the knowledge or a reason to know that a pub crawl promoter’s permit required under § 12–1101.1 of this title has not been obtained, the Board shall impose a fine of not less than \$1,000 and not more than \$20,000 or suspend the license or both.

(2) A person who violates § 12–1101.1 of this title may not be granted a promoter’s permit for at least 1 year.

(d) For the offense by a holder of an alcoholic beverages license of operating the licensed premises outside the hours of operation specified in this title without first obtaining an exemption under § 12–2007 of this title, the Board shall:

(1) for a first offense, impose a fine of not less than \$1,000 or suspend the license or both; and

(2) for a second or subsequent offense, impose a fine of not less than \$2,000 and not more than \$20,000 or suspend the license or both.

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Title 13 — Title 13

§ 13-101

(a) In this title:

- (1) the definitions in § 1–101 of this article apply without exception or variation; and
- (2) the following words have the meanings indicated.
- (b) “Board” means the Board of License Commissioners for Baltimore County.
- (c) “County” means Baltimore County.

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§ 13-102

This title applies only in Baltimore County.

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§ 13-103

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 13-201

There is a Board of License Commissioners for Baltimore County.

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§ 13-202

- (a) The County Executive shall appoint three members to the Board.
- (b) Each member of the Board shall be a resident and voter of the county.
- (c) (1) The term of a member is 2 years.
- (2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.
- (d) The County Executive may remove a member for misconduct in office, incompetence, or willful neglect of duty.

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§ 13-203

- (a) Every 2 years, the County Executive shall appoint two substitute members to the Board.
- (b) (1) The chair of the Board shall designate a substitute member to serve:
 - (i) when a regular member is absent or incapacitated for any reason; or
 - (ii) if a vacancy is created.
- (2) A substitute member shall serve until the regular member's incapacity or absence ends or the vacancy is filled.
- (c) While serving on the Board, a substitute member has all the powers and duties of a regular member.
- (d) (1) Subject to paragraph (2) of this subsection, a substitute member shall receive a per diem salary set by the Board for each day served.
- (2) The salary of a substitute member may not exceed the daily salary of a regular member.

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§ 13-204

(a) (1) Subject to paragraph (2) of this subsection, the salaries of the regular members of the Board shall be as set forth in the county budget.

(2) (i) The chair of the Board shall receive an annual salary of not less than \$11,500.

(ii) Each other regular member of the Board shall receive an annual salary of not less than \$10,500.

(b) Subject to § 13–205 of this subtitle, the Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

(c) The County Executive may appoint a chief administrator.

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§ 13-205

(a) The Board may appoint a Chief Inspector and at least 14 inspectors.

(b) (1) Subject to paragraph (2) of this subsection, the Chief Inspector and each other inspector may examine any identification used as proof of age by an individual to purchase alcoholic beverages.

(2) The examination shall be made on the premises of the licensed establishment where the purchase is attempted.

(c) (1) Subject to paragraph (2) of this subsection, the salaries of the Chief Inspector and each other inspector shall be as set forth in the county budget.

(2) (i) The salary of the Chief Inspector may not be less than \$9,500 a year.

(ii) The salary of each other inspector may not be less than \$9,000 a year.

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§ 13-206

From the fees collected under this subtitle, the county shall:

(1) pay all salaries and expenses of the Board, as determined by the county; and

(2) devote the balance of the fees to the general purposes of the county, which may include the metropolitan district and highways.

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§ 13-207

(a) The Board may adopt regulations to carry out this article, including regulations regarding:

(1) the presence on a licensed premises of an individual who is not a consumer; and

(2) the issuance of a license when the actual use of the license is to be deferred until the completion of construction or alterations on the premises.

(b) The Board shall:

(1) publish notice of an intended action to change or adopt regulations at least 30 days before the effective date of the proposed regulations in a newspaper of general publication in the county; and

(2) give all interested persons a reasonable opportunity to submit data or views orally or in writing before the effective date of the regulations.

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§ 13-301

There is no liquor control board or department of liquor control in the county.

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§ 13-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-201 ("Issuance by Comptroller");
- (2) § 2-202 ("Class 1 distillery license");
- (3) § 2-203 ("Class 9 limited distillery license");
- (4) § 2-204 ("Class 2 rectifying license");
- (5) § 2-205 ("Class 3 winery license");
- (6) § 2-206 ("Class 4 limited winery license");
- (7) § 2-207 ("Class 5 brewery license");
- (8) § 2-208 ("Class 6 pub-brewery license");
- (9) § 2-209 ("Class 7 micro-brewery license");
- (10) § 2-210 ("Class 8 farm brewery license");
- (11) § 2-211 ("Residency requirement");
- (12) § 2-212 ("Additional licenses");
- (13) § 2-213 ("Additional fees");
- (14) § 2-214 ("Sale or delivery restricted");
- (15) § 2-216 ("Interaction between manufacturing entities and retailers");
- (16) § 2-217 ("Distribution of alcoholic beverages — Prohibited practices"); and
- (17) § 2-218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2-215 ("Beer sale on credit to retail dealer prohibited") of Division I of this article does not apply in the county.

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§ 13-402

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 13-501

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-301 ("Licenses issued by Comptroller");
- (2) § 2-302 ("Class 1 beer, wine, and liquor wholesaler's license");
- (3) § 2-303 ("Class 2 wine and liquor wholesaler's license");
- (4) § 2-304 ("Class 3 beer and wine wholesaler's license");
- (5) § 2-305 ("Class 4 beer wholesaler's license");
- (6) § 2-306 ("Class 5 wine wholesaler's license");
- (7) § 2-307 ("Class 6 limited wine wholesaler's license");
- (8) § 2-308 ("Class 7 limited beer wholesaler's license");
- (9) § 2-309 ("Sale and delivery of beer or wine from wholesaler's vehicle");
- (10) § 2-310 ("Sale and delivery to retail license holder");

- (11) § 2–311 (“Additional wholesaler’s licenses”);
 - (12) § 2–312 (“Direct importation of alcoholic beverages”);
 - (13) § 2–313 (“Sale or delivery restricted to holder of license or permit”);
 - (14) § 2–315 (“Interaction between wholesaling entities and retailers”);
 - (15) § 2–316 (“Distribution of alcoholic beverages — Prohibited practices”); and
 - (16) § 2–317 (“Restrictive agreements between wholesalers and retailers — Prohibited”).
- (b) Section 2–314 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article does not apply in the county.
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§ 13-502

Except as provided in § 13–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 13-503

- (a) The holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.
- (b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 13-601

A Class A beer license may not be issued in the county.

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§ 13-602

A Class B beer license may not be issued in the county.

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§ 13-603

A Class C beer license may not be issued in the county.

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§ 13-604

A Class D beer license may not be issued in the county.

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§ 13-701

- (a) There is a Class A wine license in the county.
- (b) (1) The license may be issued to a holder of a Class 3 winery license or Class 4 limited winery license.
- (2) A holder of a Class 4 limited winery license that applies for a Class A wine license is exempt from any quota established by the Board concerning the number of licenses in the election district where the winery is located.
- (c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery that contains not more than 21% of alcohol by volume.
- (2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (d) The annual license fee is \$100.

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§ 13-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

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§ 13-802

- (a) There is a Class A beer and wine license.
- (b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.
- (2) The license holder shall sell the beer and wine in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.
- (c) The annual license fee is \$250.

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§ 13-803

- (a) There is a Class B beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on- and off-premises consumption.
- (c) (1) This subsection does not apply to a present license holder having the license before December 31, 1966.
- (2) The area of the licensed premises normally used as a restaurant for the preparation and consumption of food and beverages may not occupy less than 80% of the square footage of the premises.
- (d) The annual license fee is \$300.

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§ 13-804

- (a) There is a Class C beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on-premises consumption.
- (c) The annual license fee is \$150.

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§ 13-805

- (a) There is a Class D beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on- and off-premises consumption.
- (c) (1) This subsection does not apply to a present license holder having the license before December 31, 1966.
- (2) The area of the licensed premises normally used for the preparation and consumption of beer and wine may not occupy less than 80% of the square footage of the premises.
- (d) The license may not be issued for use by a drugstore.
- (e) The annual license fee is \$250.

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§ 13-901

- (a) There is a Class A beer, wine, and liquor license.
- (b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed container that may not be opened or its contents consumed on the licensed premises.

(c) A license may not be issued for any drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is \$900.

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§ 13-902

(a) There is a Class B beer, wine, and liquor license.

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor for consumption at a hotel or restaurant at the place described in the license, for on– or off–premises consumption.

(2) The area of the licensed premises normally used as a restaurant to prepare and consume food and beverages may occupy not less than 80% of the square footage, unless the license holder has held the license since before December 31, 1966.

(c) The annual license fee is \$1,500.

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§ 13-903

(a) There is a Class C beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license, for on–premises consumption.

(c) The annual license fee is \$1,000.

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§ 13-904

(a) There is a Class D beer, wine, and liquor license.

(b) The Board may:

(1) issue the license only to a holder of a Class B (SB) restaurant – service bar beer, wine, and liquor (on–sale) license; or

(2) restrict off–sale privileges of the license holder.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on– and off–premises consumption.

(2) The area of the licensed premises normally used to prepare and consume food and alcoholic beverages on the premises may occupy not less than 80% of the square foot area, unless the license holder has held the license since before December 31, 1966.

(d) The annual license fee is \$1,500.

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§ 13-1001

(a) There is a Class B–ECF/DS (Education Conference Facility/Dining Service) beer, wine, and liquor license.

(b) The Board may issue the license to an individual who is:

(1) authorized by the University of Maryland, Baltimore County or Towson University to:

(i) act on behalf of the campus under the license; and

(ii) be subject to the penalties, conditions, and restrictions under this title; and

(2) a resident of the State.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption from multiple designated outlets on the campus of the university on behalf of which the license holder is authorized to act only at university-related events catered by the university's campus dining services contractor.

(2) Beer, wine, and liquor purchased at a designated outlet are to be consumed in the confines of that outlet and may not be transported to another outlet.

(d) All profits from the retail sale of beer, wine, and liquor shall be deposited in the auxiliary services account of the University of Maryland, Baltimore County or Towson University, as appropriate.

(e) The Board:

(1) may regulate the manner in which beer, wine, and liquor are dispensed under the license;

(2) before issuing the license, shall designate the exact campus locations for the outlets for the sale of beer, wine, and liquor;

(3) shall maintain a map and description of the designated outlets for verification on the renewal of the license; and

(4) shall require the University of Maryland, Baltimore County or Towson University, as appropriate, to report to the Board at least 5 days before a university-related event at which beer, wine, or liquor is intended to be sold or served.

(f) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 13-2004 of this title.

(g) The annual license fee is \$2,000.

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§ 13-1002

(a) There is a theater beer, wine, and liquor license.

(b) The Board may issue the license for use in a theater that:

(1) is housed in a building;

(2) has a capacity to hold a minimum of 1,500 permanently installed seats; and

(3) regularly presents live entertainment.

(c) A license holder may sell beer, wine, and liquor at retail for on-premises consumption:

(1) for 2 hours before the entertainment begins;

(2) during the entertainment; and

(3) for 1 hour after the entertainment ends.

(d) The license may not be transferred to another location.

(e) The population requirements of the regulations of the Board do not apply to the license.

(f) The annual license fee is \$2,000.

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§ 13-1101

(a) The following provisions of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4-1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

- (1) § 4–1104 (“Refillable container permit — Draft beer”), subject to § 13–1102 of this subtitle; and
- (2) § 4–1106 (“Nonrefillable container permit — Draft beer”), subject to § 13–1103 of this subtitle.

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§ 13-1102

- (a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for the permit:
 - (1) begin at the same time as those for the underlying license; and
 - (2) end at midnight.
- (d) The Board shall adopt regulations to carry out this section.
- (e) The Board may charge annual permit fees of not more than:
 - (1) \$50 for an applicant whose license has an off–sale privilege; and
 - (2) \$500 for an applicant whose license does not have an off–sale privilege.

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§ 13-1103

- (a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for the permit:
 - (1) begin at the same time as those for the underlying license; and
 - (2) end at midnight.
- (d) The Board shall adopt regulations to carry out this section.
- (e) (1) Except as provided in paragraph (2) of this subsection, the Board may charge annual permit fees of not more than:
 - (i) \$50 for an applicant whose license has an off–sale privilege; and
 - (ii) \$500 for an applicant whose license does not have an off–sale privilege.
- (2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

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§ 13-1201

- (a) There is an off–sale caterer privilege.
- (b) (1) The Board may grant the privilege to a holder of a Class B or Class D on–sale beer, wine, and liquor license.
- (2) The privilege is not a separate class of license but is incorporated in the holder’s Class B or Class D license.
- (c) The holder of the privilege shall:
 - (1) contract with a sponsor of a public or private catered event held off the premises of the holder to provide food and sell beer, wine, and liquor for consumption at the event; and
 - (2) exercise the privilege only during the hours and on the days authorized for the holder’s Class B or Class D license.
- (d) The privilege may be renewed.
- (e) The annual fee for the privilege is \$500 in addition to the annual fee for the license to which the privilege is incorporated.

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§ 13-1301

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-1202 ("Per diem licenses");
- (2) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine licenses");
- (3) § 4-1206 ("License to dispose of stock");
- (4) § 4-1207 ("Temporary move of licensed premises");
- (5) § 4-1208 ("Hours and days of sale"); and
- (6) § 4-1209 ("Wine permit for fund-raising event").

(b) Section 4-1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 13-1311 of this subtitle.

(c) Section 4-1204 ("Class C per diem beer, wine, and liquor license") of Division I of this article applies in the county, subject to § 13-1312 of this subtitle.

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§ 13-1304

(a) There is a beer festival license.

(b) The Board may issue the license to a holder of a retail license, Class 5 brewery license, Class 7 micro-brewery license, or Class 8 farm brewery license.

(c) The license authorizes the holder to display and sell beer.

(d) A license holder shall display and sell beer:

- (1) at retail for on- and off-premises consumption; and
- (2) during the hours and days designated for the beer festival.

(e) The Board shall:

- (1) choose 1 weekend each year for the beer festival that does not fall on the dates chosen for the Anne Arundel County Beer and Wine Festival, the Cumberland and Shenandoah Valley Wine Festival in Washington County, or the Maryland Wine Festival in Carroll County;
 - (2) choose a location that is not already licensed; and
 - (3) ensure that the primary focus of the beer festival is the promotion of Maryland beer.
- (f) The license holder may hold another license of a different class or nature.
- (g) The license fee is \$50.
- (h) The Board shall adopt regulations to carry out this section.

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§ 13-1305

(a) There is a wine festival license.

(b) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 winery license.

(c) The license authorizes the holder to display and sell wine.

(d) A license holder shall display and sell wine:

- (1) at retail for on- and off-premises consumption; and
- (2) during the hours and days designated for the wine festival.

(e) The Board shall:

(1) choose 1 weekend each year for the wine festival that does not fall on the dates chosen for the Anne Arundel County Beer and Wine Festival, the Cumberland and Shenandoah Valley Wine Festival in Washington County, or the Maryland Wine Festival in Carroll County;

(2) choose a location that is not already licensed; and

(3) ensure that the primary focus of the wine festival is the promotion of Maryland wine.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is \$60.

(h) The Board shall adopt regulations to carry out this section.

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§ 13-1306

(a) There is a wine sampling (WS) permit.

(b) The Board may issue the permit to a nonprofit organization.

(c) (1) The permit authorizes on-premises consumption of wine for sampling:

(i) on premises for which a Class B license has been issued with the consent of the holder of the license for the premises;
or

(ii) at a location that is not already licensed.

(2) The permit holder may bring wine onto the Class B licensed premises for sampling.

(d) The nonprofit organization shall apply for a permit at least 15 days before the permit is issued.

(e) The Board may issue not more than 12 permits in a license year to a single nonprofit organization.

(f) A permit holder may serve a quantity of not more than 2 ounces of wine from each offering to an individual.

(g) The permit fee is \$30 per day.

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§ 13-1307

(a) There is a Class BWT beer and wine tasting license.

(b) The Board may issue the license to a holder of a Class A beer and wine license.

(c) The license authorizes the holder to allow on-premises consumption of beer or wine for tasting.

(d) The license may be issued as:

(1) a daily tasting license, that may be issued not more than 12 times to a single license holder in a license year; and

(2) a 26-day, 52-day, or 104-day license, each of which may be used consecutively or nonconsecutively.

(e) (1) An applicant shall apply on a form that the Board provides.

(2) The form shall specify the date on which the tasting is to occur.

(3) The application and payment for the daily tasting license, the 26-day tasting license, the 52-day tasting license, and the 104-day tasting license shall be made at least 7 days before the first day of the proposed tasting event.

(4) The holder of a 26-day tasting license, a 52-day tasting license, and a 104-day tasting license shall notify the Board, on a form that the Board approves, of additional tasting events authorized by the licenses.

(f) A license holder may exercise the privileges under the license only during the hours and days provided for under the license holder's Class A license.

(g) An individual may consume wine or beer covered by a license in a quantity of not more than:

(1) 1 ounce of wine from each offering in a day; and

(2) 3 ounces of beer from each offering in a day.

(h) At the end of the day for which a license is valid, a license holder shall dispose of beer or wine that remains in a container opened for tasting.

(i) In addition to the Class A annual license fee, the license fee is:

- (1) \$20 for a daily tasting license;
- (2) \$200 annually for a 26-day tasting license;
- (3) \$300 annually for a 52-day tasting license; and
- (4) \$400 annually for a 104-day tasting license.

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§ 13-1308

(a) There is a Class BWLT beer, wine, and liquor tasting license.

(b) The Board may issue the license to a holder of a Class A beer, wine, and liquor license.

(c) The license authorizes the holder to allow the on-premises consumption of beer, wine, and liquor for tasting.

(d) The license may be issued as:

- (1) a daily tasting license that may be issued not more than 12 times to a single license holder in a license year; and
- (2) a 26-day, 52-day, or 104-day license, each of which may be used consecutively or nonconsecutively.

(e) (1) An applicant shall apply for the license on a form that the Board provides.

(2) The form shall specify the date or dates on which the tasting is to occur.

(3) The application and payment for the daily tasting license, the 26-day tasting license, the 52-day tasting license, and the 104-day tasting license shall be made at least 7 days before the first day of the proposed tasting event.

(4) The holder of a 26-day tasting license, a 52-day tasting license, and a 104-day tasting license shall notify the Board, on a form that the Board approves, of additional tasting events authorized by the licenses.

(f) A license holder may exercise the privileges under the license only during the hours and days provided for under the license holder's Class A license.

(g) An individual may consume wine, beer, or liquor covered by a license in a quantity of not more than:

- (1) 1 ounce of wine from each offering in a day;
- (2) 3 ounces of beer from each offering in a day; and
- (3) one-half ounce of liquor from each offering in a day.

(h) At the end of each day for which a license is valid, a license holder shall dispose of any alcoholic beverage that remains in a container opened for tasting.

(i) In addition to the Class A annual license fee, the fee for a license is:

- (1) \$20 for a daily tasting license;
- (2) \$200 annually for a 26-day tasting license;
- (3) \$300 annually for a 52-day tasting license; and
- (4) \$400 annually for a 104-day tasting license.

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§ 13-1311

(a) The fee for a Class C per diem beer license or a Class C per diem beer and wine license is:

- (1) \$20 per day for a religious, fraternal, civic, war veterans', charitable, or hospital supporting organization; and
- (2) \$30 per day for any other license holder.

(b) The fee for a Class C per diem beer, wine, and liquor license is:

- (1) \$35 per day for a religious, fraternal, civic, war veterans', charitable, or hospital supporting organization; and

(2) \$50 per day for any other license holder.

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§ 13-1312

(a) The holder of a 7-day Class C per diem beer, wine, and liquor license may purchase beer and wine from a wholesaler.

(b) The holder of a 7-day Class C per diem beer, wine, and liquor license may agree with the holder of a wholesaler's license to deliver beer and wine on the days that the per diem license is in effect and accept returns on the same day of delivery.

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§ 13-1313

(a) The Board may issue a multiple 1-day license to a charitable organization that is tax exempt under § 501(c)(3) or (4) of the United States Internal Revenue Code.

(b) (1) An applicant for the license shall include on the application the dates of the events for which the license is required.

(2) The license may not include more than 12 dates.

(c) The Board shall adopt regulations to carry out this section.

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§ 13-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-102 ("Applications to be filed with local licensing board");

(2) § 4-104 ("Application on behalf of corporation or club");

(3) § 4-105 ("Application on behalf of limited liability company");

(4) § 4-106 ("Payment of notice expenses");

(5) § 4-108 ("Application form required by Comptroller");

(6) § 4-111 ("Payment of license fees");

(7) § 4-112 ("Disposition of license fees");

(8) § 4-113 ("Refund of license fees"); and

(9) § 4-114 ("Fees for licenses issued for less than 1 year").

(b) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article do not apply in the county:

(1) § 4-103 ("Application on behalf of partnership"), which is superseded by § 13-1402 of this subtitle;

(2) § 4-107 ("Criminal history records check"); and

(3) § 4-110 ("Required information on application — Petition of support").

(c) Section 4-109 ("Required information on application — In general") of Division I of this article applies in the county, subject to § 13-1403 of this subtitle.

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§ 13-1402

(a) (1) Subject to subsection (b) of this section, a license for a partnership shall be applied for by and issued to at least two general partners as individuals.

(2) When an application is filed, at least one of the general partners who applies shall:

(i) reside in the State; and

(ii) be a registered voter in the State.

(b) If a partnership has only one general partner, the Board shall issue the license to that partner as an individual, provided that the partner meets the requirements of subsection (a)(2) of this section.

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§ 13-1403

(a) An applicant for a license in the county shall include on the application:

(1) (i) a statement whether the applicant is a natural-born citizen or a naturalized citizen; or
(ii) if the applicant is not a natural-born citizen or a naturalized citizen, information or documentation required by the Board to show proof of immigration status; and

(2) a statement that the applicant is a resident of the State at the time the application is filed.

(b) The Board may obtain information from the Social Security Administration and the Department of Homeland Security — Immigration and Customs to verify the citizenship or immigration status of the applicant.

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§ 13-1404

(a) The Board may accept an application for a license from:

(1) a contract purchaser of a property that becomes the owner of record of the premises to be licensed before the license is issued;

(2) an owner of a premises that is proposed to be licensed; or

(3) a developer of a property with the consent and authority of the owner of the property.

(b) An application filed under this section need not contain a specific street address or description of the premises to be licensed other than a general description of the site on which the premises will be built, including a property map number, parcel number, property tax identification number, or plat number.

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§ 13-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-205 ("Chain store, supermarket, or discount house");

(2) § 4-206 ("Limitations on retail sales floor space");

(3) § 4-207 ("Licenses issued to minors");

(4) § 4-209 ("Hearing");

(5) § 4-210 ("Approval or denial of license application");

(6) § 4-211 ("License forms; effective date; expiration");

(7) § 4-212 ("License not property"); and

(8) § 4-213 ("Replacement licenses").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4-202 ("Authority of local licensing boards"), subject to § 13-1502 of this subtitle;

(2) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 13-1503 of this subtitle and Subtitle 13, Part III of this title;

(3) § 4-204 ("Prohibition against issuing multiple licenses for same premises"), subject to Subtitle 13, Part III and Subtitle 16, Part II of this title;

(4) § 4-208 ("Notice of license application required"), subject to § 13-1504 of this subtitle; and

(5) § 4–214 (“Waiting periods after denial of license applications”), subject to §§ 13–1505 and 13–1506 of this subtitle.

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§ 13-1502

The Board may not issue a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license to a person that holds an out-of-state alcoholic beverages license.

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§ 13-1503

(a) Except as provided in subsection (b) of this section and § 13–1606 of this title, a person may not have an interest in more than one license issued by the Board, regardless of whether that interest is held or controlled by direct or indirect ownership, stock ownership, interlocking directors or interlocking stock ownership, or any other direct or indirect manner.

(b) This section does not apply to a license issued for a place operated as a hotel, motel, or motor court that has at least 100 rooms.

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§ 13-1504

(a) (1) Before the Board may approve an application for a license, the Board shall publish notice of the application two times in 2 successive weeks in one newspaper of general circulation in Baltimore County.

(2) The Board may fulfill the notice requirement under paragraph (1) of this subsection by posting online notice of an application hearing at least 14 days before the application hearing date.

(3) In addition to the newspaper notice required under § 4–208 of this article and paragraph (1) of this subsection, or the online notice authorized under paragraph (2) of this subsection, the Board shall post a suitable notice in a conspicuous place at the location described in the application for at least 10 days before holding a hearing on the application.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

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§ 13-1505

The waiting periods specified in § 4–214(a) of this article apply even if the grounds for the denials were that the license was not necessary to accommodate the public.

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§ 13-1506

(a) If a license application is denied, another license application for the same location may not be made for 1 year after the denial.

(b) If a license application for a location is denied twice, a license may not be issued for the same location for 2 years after the second denial.

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§ 13-1601

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment that is within 300 feet of a place of worship or school.

(2) The distance from the establishment to the place of worship or school is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) the renewal or transfer of a license of an establishment if, after issuance of the license, a place of worship or school was built within 300 feet of the establishment;

(2) the issuance of a temporary license;

- (3) a transfer that moves the licensed premises within the same building;
- (4) a transfer of ownership of the licensed premises;
- (5) the renewal of a Class B beer, wine, and liquor (on-sale) license or a 7-day Class BDR (deluxe restaurant) (on-sale) beer, wine, and liquor license, if the licensed premises has a seating capacity of more than 50 individuals and is within a town center;
- (6) the transfer, conversion, and issuance of a license under § 13-1710 of this title; or
- (7) the issuance of a license under § 13-1001.1 of this title for an establishment within 300 feet of a place of worship, if the place of worship consents in writing to the issuance of the license.

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§ 13-1604

(a) In this section, "eligible transferor district" means an election district in which the total number of Class B and Class D licenses, excluding exception licenses, is 10% or greater than the total number of Class B and Class D licenses that are allowed in an election district based on the rule of the Board that limits the total number of licenses available in an election district by population.

(b) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may approve the transfer of a Class B or Class D license in existence in an eligible transferor district on June 1, 2025, to another election district if:

(i) the approval occurs anytime from June 1, 2025, to May 31, 2028, both inclusive; and

(ii) prior to the transfer, the number of licenses in existence in the election district to which the license is to be transferred is not greater than 25% more than the number of licenses that would otherwise exist in that election district, based on the rule of the Board that limits the total number of licenses available in an election district by population.

(2) (i) The Board may not authorize the transfer of more than five Class B or Class D licenses in existence on June 1, 2025, in total under this section.

(ii) Not more than two licenses may be transferred under this subsection into any single election district.

(3) (i) When the Board receives an application to transfer a license under this section, the Board shall notify the county Department of Economic and Workforce Development.

(ii) 1. This subparagraph applies when the license holder owns the property from which the license is to be transferred.

2. The application to transfer a license shall include information on the status of the real property associated with the license to be transferred and any plans for disposition and future use of the property after the transfer of the license.

3. Except as provided in subparagraph (iv) of this paragraph, the Board shall deny a transfer under this section if it determines, based on an assessment provided by the county Department of Economic and Workforce Development, that:

A. the applicant has not demonstrated that there is an appropriate future use of the property from which the license is to be transferred after the transfer; or

B. the transfer will result in significant negative economic impact to the community that surrounds the property from which the license is to be transferred.

(iii) 1. This subparagraph applies when the license holder has no ownership in the property from which the license is to be transferred.

2. The county Department of Economic and Workforce Development may submit a letter to the Board regarding the economic impact the transfer of the license will have on the community that surrounds the property from which the license is to be transferred.

3. The Board may deny a transfer under this section based on the letter received in accordance with subsubparagraph 2 of this subparagraph, unless the Board finds that the applicant has undertaken a good faith effort to facilitate a future use of the property by advising the property owner of the intention to transfer the license to another location.

4. The applicant may submit information to the Board in support of the transfer of the license.

(iv) The Board may waive the requirement under subparagraph (ii)3 of this paragraph if, with the concurrence of the county Department of Economic and Workforce Development, the Board finds that the license holder has undertaken

good faith efforts to facilitate a future use of the property and mitigate any negative economic impacts to the surrounding community.

(c) (1) A Class B Service Bar (SB) beer and wine license may be issued only in compliance with this subsection.

(2) A Class B Service Bar (SB) license allows:

- (i) sales of beer and wine for on-premises consumption; and
- (ii) alcoholic beverages to be served to patrons only as part of a meal.

(3) A Class B Service Bar (SB) license may be used only in the operation of a restaurant, as defined by the Board and this article, that:

- (i) has table service; and
- (ii) maintains average daily receipts from the sale of food of at least 60% of the total daily receipts of the establishment.

(4) A Class B Service Bar (SB) license does not allow service to a customer who is standing or accepting delivery of purchased food or beverage items other than while seated at a table.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, the proposed restaurant for which a Class B Service Bar (SB) license is sought shall comply with the zoning ordinances of the county, including allowing seating for not fewer than 30 customers and not more than 100 customers.

(ii) The license may not be used in conjunction with the viewing of televised sporting events or the use of live bands, disc jockeys, karaoke, or any other form of live entertainment.

(6) A Class B or D license transferred under subsection (b) of this section or a Class B Service Bar (SB) license issued under this subsection may not thereafter be transferred from the licensed premises or converted to another class of license.

(d) The annual fee for a Class B Service Bar (SB) beer and wine license is \$5,000.

(e) (1) When a license is transferred from an eligible transferor district to another election district under this section, the license does not continue to exist in the eligible transferor district from which it was transferred.

(2) Subject to the 25% allowance authorized in subsection (b)(1)(ii) of this section, the Board shall consider a license transferred under this section to be a regular license and not an exception license for determining the total number of licenses available in an election district based on the rule of the Board.

(f) (1) The Board:

(i) shall convert a Class D license that is transferred from an eligible transferor district to any other election district to a Class B license; and

(ii) may not thereafter transfer the Class B license from the licensed premises or convert the license to another class of license.

(2) The Board may not transfer from a licensed premises or convert a license to another class of license:

(i) a new license issued by the Board based on an increase in population under the rule of the Board limiting the total number of licenses available by population; or

(ii) a license that has been revoked and reissued by the Board.

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§ 13-1606

(a) The Board may allow a person to obtain a direct or indirect interest in:

(1) in addition to one or more licenses issued in another jurisdiction or state, not more than 12 Class B (on-sale — hotels and restaurants) beer, wine, and liquor licenses; or

(2) if one of the restaurants for which a license is issued is located in the Liberty Road Commercial Revitalization District as defined by the County Council on October 18, 1999, not more than 13 Class B (on-sale — hotels and restaurants) beer, wine, and liquor licenses.

(b) A restaurant described in subsection (a) of this section shall:

- (1) meet the requirements of the regulations of the Board regarding the availability and issuance of licenses;
 - (2) meet the definition requirements of "restaurant" established under the regulations of the Board;
 - (3) have not more than 49% of sales in alcoholic beverages in connection with the business; and
 - (4) for a second or subsequent license, have a minimum capital investment of \$250,000 for restaurant facilities.
- (c) An indirect interest is presumed to exist between two persons, if the persons:
- (1) have a common parent company;
 - (2) are parties to a franchise agreement, licensing agreement, or concession agreement;
 - (3) are part of a chain of businesses that is commonly owned and operated;
 - (4) share a director, stockholder, partner, or member;
 - (5) share a director, stockholder, partner, or member of a parent or subsidiary;
 - (6) share, directly or indirectly, profit from the sale of alcoholic beverages; or
 - (7) share a trade name, trademark, logo or theme, or mode of operation identifiable by the public.
- (d) A second or subsequent license described in subsection (a) of this section does not confer an off-sale privilege.

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§ 13-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

- (1) § 4-303 ("Chain store, supermarket, or discount house");
- (2) § 4-304 ("Compliance with Bulk Transfers Act required");
- (3) § 4-305 ("Filing fee and endorsement"); and
- (4) § 4-306 ("Substitution of names of officers on license").

(b) Section 4-302 ("Transfer of place of business; transfer of license and inventory") of Division I of this article applies in the county, subject to §§ 13-1702, 13-1703, 13-1704, 13-1705, 13-1706, and 13-1707 of this subtitle.

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§ 13-1702

(a) If the Board approves an application from a contract purchaser, an owner of the location, or a developer under § 13-1404 of this title, the applicant may apply to transfer the license to an operator of the type of business for which the license was approved if:

- (1) the license is for a location in the site for which the license was approved; and
- (2) the application for transfer occurs within 5 years after the original application for the site is approved or construction at the location is completed, whichever is later.

(b) Unless otherwise prohibited by law, the Board may approve a change of location of a license issued under § 13-1404 of this title if:

- (1) the license holder has engaged in an active alcoholic beverages business under the license for at least 1 year before applying for the change;
- (2) (i) the license holder has not engaged in an active alcoholic beverages business under the license; and
(ii) the Board approved a change of location of the license from another location within the same election district at least 5 years before the application for the change of location under this item; or
- (3) the license was originally issued within the same election district and has been at the same location for at least 10 years.

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§ 13-1703

(a) This section does not apply to a license issued as an exception to the population and numerical limitations specified in "Rule 19 – Population and Numerical Limitations" of the Rules and Regulations of the Board.

(b) Subject to subsection (c) of this section, the Board, after a hearing, may approve a transfer of a Class B beer, wine, and liquor (on-sale) hotel and restaurant license to a Class D beer, wine, and liquor (on-sale) license if, before the annual renewal of the license:

(1) the license holder is cited by the Board for violating the license restriction concerning the percent of food sold versus the percent of alcoholic beverages sold; or

(2) because of hardship or economic conditions, the license holder:

(i) knows that the food-alcoholic beverages restriction under item (1) of this paragraph is being violated on the licensed premises; and

(ii) notifies the Board in writing of this violation and the reasons for requesting the transfer.

(c) A license may not be transferred unless, after a hearing, the Board finds that the transfer is in the best interest, health, safety, and welfare of the neighborhood in which the license transfer is to be granted.

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§ 13-1704

The Board may not allow the transfer of a license unless the Board is presented with a receipt or certificate from the Director of Finance showing that all personal property taxes due the county or the State are paid.

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§ 13-1705

(a) (1) Notwithstanding the license population quota limitations established by the Board and in addition to the licenses authorized for issuance in the county, the Board may authorize the transfer into the Towson Commercial Revitalization District, as defined by the Baltimore County Council, of not more than 10 beer, wine, and liquor (on-sale) licenses that:

(i) were issued on or before December 31, 2008;

(ii) were in existence in Election District 15 of the county on June 1, 2009; and

(iii) are valid on the date of transfer.

(2) To be transferred under this section, a license:

(i) shall be a Class B or a Class D license; and

(ii) may not be a license that is prohibited from being transferred by statute or regulation.

(3) For determining the total number of licenses available in an election district, the Board shall consider a license transferred under this section to be a regular license and not an exception to the population and numerical limitations specified in "Rule 19 – Population and Numerical Limitations" of the Rules and Regulations of the Board.

(4) On the date of transfer, a license transferred under this section shall be converted into a Class B beer, wine, and liquor (Towson Commercial Revitalization District) license and may not be counted toward any population limit existing in the election district from where it was transferred.

(b) Except as provided in subsection (c) of this section, the license issuance requirements, license fee, minimum square foot area requirement for food and beverage preparation and consumption, and days and hours of sale for a Class B beer, wine, and liquor (Towson Commercial Revitalization District) (on-sale) license are the same as those for a Class B beer, wine, and liquor (on-sale) hotel and restaurant license.

(c) (1) A Class B beer, wine, and liquor (Towson Commercial Revitalization District) license may be issued only for a location within the Towson Commercial Revitalization District, as defined by the Baltimore County Council.

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and in the regulations of the Board.

(3) The restaurant operation shall maintain average daily receipts from the sale of food of at least 60% of the total daily receipts of the restaurant.

(4) The seating capacity for the bar area may not exceed 25% of the total seating capacity of the restaurant.

(5) Except as provided in subsection (d)(2)(ii) of this section, the area dedicated to the restaurant operation shall have a minimum seating capacity of 100 individuals.

(6) The hours during which the privileges conferred by the license may be exercised may not exceed the hours during which food is offered for sale.

(7) The license does not confer an off-sale privilege.

(d) Of the restaurants for which a Class B or Class D license may be transferred and a Class B beer, wine, and liquor (Towson Commercial Revitalization District) license may be issued under subsection (a)(1) of this section, the Board may require that:

(1) for not more than seven restaurants, applicants for license transfer and issuance demonstrate a minimum capital investment, excluding the costs of the land and building shell, of \$500,000; and

(2) for not more than three restaurants:

(i) applicants for license transfer and issuance demonstrate a capital investment, excluding the costs of the land and building shell, of not less than \$50,000 or more than \$400,000; and

(ii) the area dedicated to the restaurant operation have:

1. a maximum seating capacity of 100 individuals, with the seating capacity in the bar area not exceeding 25% of the total seating capacity of the restaurant; and

2. a minimum seating capacity of 40 individuals.

(e) The Board shall deny an application for transfer of a Class B or Class D license and issuance of a Class B beer, wine, and liquor (Towson Commercial Revitalization District) license if within 2 years immediately preceding the application:

(1) (i) the applicant was a holder of an on-sale license within the boundaries of the Towson Commercial Revitalization District; or

(ii) there was an on-sale license in existence for the proposed premises of the applicant; and

(2) the previous on-sale license was transferred to premises outside the Towson Commercial Revitalization District.

(f) A Class B beer, wine, and liquor (Towson Commercial Revitalization District) license issued under this section may not be transferred from the Towson Commercial Revitalization District or be converted into any other class of license.

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§ 13-1706

(a) (1) Notwithstanding the license population quota limitations established by the Board and in addition to the licenses authorized for issuance in the county, the Board may authorize the transfer into the "Hunt Valley Commercial/Mixed Use Focal Point" as designated in the Hunt Valley/Timonium Master Plan, adopted by the Baltimore County Council on October 19, 1998, of two beer, wine, and liquor (on-sale) retail licenses that:

(i) were in existence in Election District 15 on July 1, 2004; and

(ii) are valid on the date of transfer.

(2) A license transferred under this section:

(i) may not be a Class A or C license or a license that is prohibited from being transferred by law or local regulation other than crossing district lines;

(ii) shall be converted into a Class B (HV) license; and

(iii) as of the date of transfer, may not be counted toward any population limit existing in Election District 15.

(3) For determining the total number of licenses available in an election district, the Board shall consider a license transferred under this section to be a regular license and not an exception to the population and numerical limitations specified in "Rule 19 – Population and Numerical Limitations" of the Rules and Regulations of the Board.

(b) Except as provided in subsection (c) of this section, the license issuance requirements, license fee, minimum square foot area requirement for food and beverage preparation and consumption, and days and hours of sale for a Class B (HV) restaurant (on-sale) beer, wine, and liquor license are the same as those provided for in this article and in the regulations of the Board for a Class B beer, wine, and liquor (on-sale) hotel and restaurant license.

(c) (1) A Class B (HV) restaurant (on-sale) beer, wine, and liquor retail license may be issued only for a location within the "Hunt Valley Commercial/Mixed Use Focal Point" as designated in the Hunt Valley/Timonium Master Plan, adopted by the Baltimore County Council on October 19, 1998.

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and the regulations of the Board.

(3) The restaurant operation shall maintain average daily receipts from the sale of food of at least 60% of the total daily receipts of the establishment.

(4) The total seating capacity for the area dedicated primarily for the consumption of alcoholic beverages may not exceed 25% of the total seating capacity of the establishment.

(5) Subject to subsection (d)(5) of this section, the hours during which the privileges conferred by the license may be exercised may not exceed the hours for which food is offered for sale.

(d) (1) The Class B (HV) restaurant beer, wine, and liquor license authorizes on-premises consumption.

(2) Once issued, the license may not be:

(i) transferred to a new location other than the original location for which the license was issued; or

(ii) converted into any other class of license.

(3) Paragraph (2) of this subsection does not prohibit the transfer of ownership of the license.

(4) The premises shall comply with all applicable zoning regulations.

(5) Alcoholic beverages may be sold in the establishment only until 1:30 a.m.

(e) The Board may not issue more than a total of three beer, wine, and liquor licenses in the "Hunt Valley Commercial/Mixed Use Focal Point" under the exceptions in "Rule 19 – Population and Numerical Limitations" of the Rules and Regulations of the Board.

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§ 13-1707

(a) (1) Notwithstanding the license population quota limitations established by the Board and in addition to the licenses authorized for issuance in the county, the Board may authorize the transfer of the number of Class B and Class D beer, wine, and liquor (on-sale) retail licenses in existence in Election District 15 on January 15, 2005, and valid on the date of transfer, in accordance with the following schedule:

(i) two to the Quarry at Greenspring, to be known as (QG) licenses, on or after April 1, 2005, located at lots 1 through 9, inclusive, identified on the plat of Greenspring Quarry, areas F, G, and K, dated December 21, 2004, and delivered to the county for recording on December 29, 2004;

(ii) three to the area of State-owned land adjacent to and abutting the Owings Mills Metro Station, governed by a master development agreement creating the Metro Center at Owings Mills, to be known as (MCOM) licenses, on or after October 1, 2005; and

(iii) three to the Promenade at Catonsville, to be known as (PC) licenses, on or after April 1, 2006, located at and identified by the State Department of Assessments and Taxation map 101, parcels 132, 516, 1088, 1344, 1804, and 1985.

(2) A license transferred from Election District 15 under this section:

(i) may not be a Class A or Class C license or a license that is prohibited from being transferred by law or local regulation other than the prohibition against crossing district lines;

(ii) for determining the total number of licenses available in an election district, shall be considered to be a regular license in its new location and not an exception to the population and numerical limitations specified in "Rule 19 – Population and

Numerical Limitations" of the Rules and Regulations of the Board;

(iii) shall be converted into a Class B (QG), (MCOM), or (PC) license; and

(iv) as of the date of transfer, may not be counted toward any population limit existing in Election District 15.

(b) Except as provided in subsection (c) of this section, the license issuance and renewal requirements, minimum square foot area requirement for food and beverage preparation and consumption, and days and hours of sale for a Class B (QG), (MCOM), or (PC) restaurant (on-sale) beer, wine, and liquor retail license are the same as those provided for in this article and in the regulations of the Board for a Class B beer, wine, and liquor (on-sale) hotel and restaurant license.

(c) (1) A Class B (QG), (MCOM), or (PC) restaurant (on-sale) beer, wine, and liquor retail license may be issued only for a location within the geographic areas identified in subsection (a)(1) of this section.

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and the regulations of the Board.

(3) The restaurant operation shall maintain average daily receipts from the sale of food of at least 60% of the total daily receipts of the establishment.

(4) The total seating capacity for the area dedicated primarily for the consumption of alcoholic beverages may not exceed 25% of the total seating capacity of the establishment.

(5) Subject to subsection (d)(5) of this section, the hours during which the privileges conferred by the license may be exercised may not exceed the hours for which food is offered for sale.

(d) (1) A Class B (QG), (MCOM), or (PC) restaurant (on-sale) beer, wine, and liquor retail license authorizes on-premises consumption.

(2) Once issued, the license may not be:

(i) transferred to a new location outside the geographic area, as defined in subsection (a)(1) of this section, for which the license was issued; or

(ii) converted into any other class of license.

(3) Paragraph (2) of this subsection does not prohibit the transfer of:

(i) the ownership of a license; or

(ii) the location of a licensed establishment within the geographic area as defined in subsection (a)(1) of this section.

(4) The premises shall comply with all applicable zoning regulations.

(5) Alcoholic beverages may be sold in the establishment only until 1:30 a.m.

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§ 13-1708

(a) (1) Notwithstanding any license population quota limitation, the Board may issue not more than 10 Class B (SB) restaurant-service bar beer, wine, and liquor licenses for on-premises consumption in the "Pikesville Revitalization Area" or "Pikesville Town Center" for conversion purposes only, as provided under paragraph (2) of this subsection.

(2) (i) Except for Class C licenses, not more than 10 beer, wine, and liquor (on-sale) retail licenses of any class that were in existence in the county on January 1, 1988, may be transferred into the "Pikesville Revitalization Area" or the "Pikesville Town Center" and converted into Class B (SB) licenses.

(ii) Once transferred, a license may not be considered a license in the district from which it was transferred.

(b) (1) A license:

(i) may be issued only for a location in the "Pikesville Revitalization Area", or the "Pikesville Town Center", as those terms are defined by the County Office of Planning and Zoning on or before July 1, 1988; and

(ii) may not be issued for a location that has been licensed under any class of on-sale license within 2 years before the application for the Class B (SB) license is filed.

(2) The license shall be:

- (i) used with the operation of a “restaurant” as defined by the rules of the Board; and
 - (ii) restricted to restaurants that have table service, specifically excluding any type of service while the customer stands or accepts delivery of purchased food items other than while seated at a table.
- (3) The proposed location for the license shall otherwise comply with the zoning ordinances of the county.
- (4) The license may not be:
- (i) transferred outside of the “Pikesville Revitalization Area” or “Pikesville Town Center”; or
 - (ii) converted to any other class of license.
- (5) The issuance qualifications, fee, and hours and days of sale for the license are the same as those for a Class B beer, wine, and liquor (on-sale) hotel and restaurant license.

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§ 13-1709

(a) (1) Notwithstanding any license quota limitation established by the Board and in addition to the licenses authorized for issuance in the county, the Board may authorize the transfer of one Class B or Class D beer, wine, and liquor license in existence in Election District 15 on January 15, 2016, and valid on the date of transfer, to a location that is:

- (i) at 2200 York Road and surrounding grounds in Election District 8; and
- (ii) owned by the Maryland State Fair and Agricultural Society, Inc.

(2) A license transferred under this section:

- (i) may not be a license that is prohibited from being transferred by law or Board regulation, other than a prohibition against crossing district lines;
- (ii) for determining the total number of licenses available in Election District 8, shall be considered to be a regular license and not an exception to the population and numerical limitations specified in “Rule 19 – Population and Numerical Limitations” of the Rules and Regulations of the Board;
- (iii) shall be converted into a Class B (MSF)(on-sale) beer, wine, and liquor license; and
- (iv) as of the date of transfer, may not be counted toward any population limit existing in Election District 15.

(b) The issuance and renewal requirements, minimum square foot area requirement for food and beverage preparation and consumption, and hours and days of sale for the Class B (MSF) license are the same as those provided for a Class B beer, wine, and liquor (on-sale) hotel and restaurant license.

(c) (1) The Class B (MSF) license may not be:

- (i) transferred to a location outside the area for which the license was issued; or
- (ii) converted into another class of license.

(2) The location for the Class B (MSF) license shall comply with all applicable zoning regulations.

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§ 13-1710

(a) (1) In addition to the licenses authorized for issuance in the county, the Board may authorize the transfer to an establishment specified in subsection (c) of this section of a Class B beer, wine, and liquor license or a Class D beer, wine, and liquor license that:

- (i) was issued on or before December 31, 2016;
- (ii) was in existence in the same election district of the county as the proposed licensed premises on December 31, 2016; and
- (iii) is valid on the date of transfer.

(2) To be transferred under this section, a license may not be a license that is prohibited from being transferred by statute or regulation.

(3) On the date of transfer, a license shall be converted into a Class B beer, wine, and liquor (on-sale) service bar commercial revitalization district license (B-SB-CRD license).

(b) The qualifications for a license holder, the fee, and the hours and days of sale for a service bar license are the same as those for a Class B beer, wine, and liquor (on-sale) hotel and restaurant license.

(c) (1) A B-SB-CRD license may be issued only for a premises that is:

(i) in a free-standing building with its own parking lot;

(ii) zoned BL-CCC and in compliance with any applicable zoning ordinance; and

(iii) at least 100 feet from a place of worship.

(2) A B-SB-CRD license shall be used in conjunction with the operation of a restaurant, as defined in this article and in the regulations of the Board.

(3) The hours during which the privileges conferred by the license may be exercised may not exceed the hours during which food is offered for sale.

(4) The B-SB-CRD license shall be used to allow the sale and service of alcoholic beverages to patrons only as part of a meal at a dining table.

(5) The licensed premises may not have a separate bar area for service of alcoholic beverages.

(6) The B-SB-CRD license holder may not sell beer, wine, and liquor for off-premises consumption.

(d) A B-SB-CRD bar license issued under this section may not be converted into any other class of license.

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§ 13-1801

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-402 ("Eligibility for renewal; process");

(2) § 4-403 ("Renewal application");

(3) § 4-405 ("Contents of renewal application");

(4) § 4-406 ("Protests");

(5) § 4-407 ("Denial of renewal application");

(6) § 4-408 ("Issuance of renewed licenses");

(7) § 4-409 ("Multiple licenses"); and

(8) § 4-410 ("Chain store, supermarket, or discount house").

(b) Section 4-404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 13-1802 of this subtitle.

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§ 13-1802

(a) To renew a license, a license holder annually shall file an application with the Board between February 1 and March 31, inclusive.

(b) The Board may:

(1) accept a late renewal application during April; and

(2) charge the license holder an amount not exceeding \$50 for each day the application is late, up to a maximum amount of \$500.

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§ 13-1803

The Board may not renew a license until the applicant presents to the Board a receipt or certificate issued by the Office of Budget and Finance showing that there are no unpaid taxes on the inventory and personal property of the applicant due to the county or State.

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§ 13-1804

Notwithstanding § 13–1502 of this title, the Board may renew a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license originally issued to a holder of an out-of-state alcoholic beverages license.

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§ 13-1805

Notwithstanding § 13–1503 of this title, a person that has an interest in more than one Class A license may renew the licenses.

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§ 13-1901

(a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–502 (“Storage of alcoholic beverages”);
- (2) § 4–503 (“Solicitations and sales outside of licensed premises”);
- (3) § 4–505 (“Alcohol awareness program”);
- (4) § 4–506 (“Evidence of purchaser’s age”);
- (5) § 4–507 (“Retail delivery of alcoholic beverages”); and
- (6) § 4–508 (“Display of license”).

(b) Section 4–504 (“Employment of underage individuals”) of Division I of this article applies in the county, in addition to § 13–1902 of this subtitle.

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§ 13-1902

A member of a license holder’s immediate family who is under the age of 18 years may not be employed by the license holder to sell, deliver, or otherwise deal with alcoholic beverages.

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§ 13-1903

At least one entrance to the premises of a holder of a Class D beer, wine, and liquor license shall be unlocked when alcoholic beverages are sold or consumed.

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§ 13-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 13-2003

- (a) (1) A holder of a Class A beer and wine license may sell beer and wine on Monday through Saturday from 6 a.m. to midnight.
- (2) From 7 a.m. to 9 p.m., the license holder may sell beer and wine on the Sunday immediately before:
- (i) Christmas Day;
 - (ii) New Year's Day;
 - (iii) Rosh Hashanah; and
 - (iv) Yom Kippur.
- (3) The license holder may sell beer and wine on the two Sundays immediately before Passover if:
- (i) the license holder does not sell beer and wine on the two Saturdays immediately before Passover;
 - (ii) the sales are conducted on those Sundays from 6 a.m. to midnight; and
 - (iii) the sales are limited to beer and wine that are "kosher for Passover".
- (b) (1) A holder of a Class B beer and wine license may sell beer and wine on each day of the week from 6 a.m. to 2 a.m. the following day.
- (2) The license holder may sell beer and wine at a bar or counter on Sunday.
- (3) From 7 a.m. to 9 p.m., the holder of a Class B on-sale and off-sale beer and wine license may sell beer and wine for off-premises consumption on the Sunday immediately before:
- (i) Christmas Day;
 - (ii) New Year's Day;
 - (iii) Rosh Hashanah; and
 - (iv) Yom Kippur.
- (c) (1) A holder of a Class C beer and wine license may sell beer and wine on each day of the week from 6 a.m. to 2 a.m. the following day.
- (2) The license holder may sell beer and wine at a bar or counter on Sunday.
- (d) (1) A holder of a Class D beer and wine license may sell beer and wine on Monday through Saturday from 6 a.m. to 2 a.m. the following day.
- (2) From 7 a.m. to 9 p.m., a holder of a Class D on-sale and off-sale beer and wine license may sell beer and wine for off-premises consumption on the Sunday immediately before:
- (i) Christmas Day;
 - (ii) New Year's Day;
 - (iii) Rosh Hashanah; and
 - (iv) Yom Kippur.

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§ 13-2004

- (a) (1) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday from 6 a.m. to midnight.
- (2) From 7 a.m. to 9 p.m., the license holder may sell beer, wine, and liquor on the Sunday immediately before:
- (i) Christmas Day;
 - (ii) New Year's Day;
 - (iii) Rosh Hashanah; and
 - (iv) Yom Kippur.
- (3) A license holder may sell beer, wine, and liquor on the two Sundays immediately before Passover if:

- (i) the license holder does not sell beer, wine, and liquor on the two Saturdays immediately before Passover;
 - (ii) the off-premises sales are conducted on those Sundays from 6 a.m. to midnight; and
 - (iii) the sales are limited to beer, wine, and liquor that are "kosher for Passover".
- (b) (1) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor Monday through Sunday from 6 a.m. to 2 a.m. the following day.
- (2) The license holder may sell beer, wine, and liquor at a bar or counter on Sunday.
- (3) From 7 a.m. to 9 p.m., the holder of a Class B beer, wine, and liquor (on- and off-sale) license may sell beer, wine, and liquor for off-premises consumption on the Sunday immediately before:
- (i) Christmas Day;
 - (ii) New Year's Day;
 - (iii) Rosh Hashanah; and
 - (iv) Yom Kippur.
- (c) (1) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on each day of the week from 6 a.m. to 2 a.m. the following day.
- (2) The license holder may sell beer, wine, and liquor at a bar or counter on Sunday.
- (d) (1) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday from 6 a.m. to 2 a.m. the following day.
- (2) From 7 a.m. to 9 p.m., a holder of a Class D on-sale and off-sale beer, wine, and liquor license may sell beer, wine, and liquor for off-premises consumption on the Sunday immediately before:
- (i) Christmas Day;
 - (ii) New Year's Day;
 - (iii) Rosh Hashanah; and
 - (iv) Yom Kippur.

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§ 13-2005

A license holder may not be required to close the licensed premises at any time on January 1.

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§ 13-2006

Section 13-2503 of this title, which prohibits a person from consuming alcoholic beverages on certain premises and places, does not apply to activities that are conducted on January 1 by license holders who are allowed to sell alcoholic beverages for on-premises consumption.

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§ 13-2007

(a) Alcoholic beverages may not be brought onto a premises and consumed or transferred if:

- (1) the premises is a place of public entertainment; and
 - (2) the entertainment is of the type listed under § 4-605(b) through (d) of this article.
- (b) (1) A person who operates a place of public entertainment who knowingly allows a violation of this section on the premises is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 for each violation.
- (2) Each day of operation in violation of this section is a separate violation.

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§ 13-2101

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-602 ("Power of local licensing board");
- (2) § 4-604 ("Grounds for revocation or suspension"); and
- (3) § 4-606 ("Effects of revocation").

(b) Section 4-605 ("Nudity and sexual displays") of Division I of this article does not apply in the county and is superseded by § 13-2103 of this subtitle.

(c) Section 4-603 ("Revocation and suspension procedures") of Division I of this article applies in the county, subject to § 13-2102 of this subtitle.

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§ 13-2102

(a) In addition to procedures under § 4-603 of this article, the Board shall notify the license holder of the complaint by:

- (1) personal service on the license holder or any adult employee of the license holder; or
- (2) any other method of service of notice that conforms with Maryland Rules 2-121 and 2-122.

(b) If notice is given to an adult employee of the license holder under subsection (a) of this section, the Board shall mail a copy of the notice or a letter describing the contents of the notice to the home or business address of the license holder within 72 hours after the notice is given to the adult employee.

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§ 13-2103

(a) In this section, "adult entertainment":

(1) means performances at licensed premises that are commonly called "go-go dancing", "male revues", "female revues", or "exotic dancing"; and

(2) includes performances by individuals who perform in any manner while in a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps and devices.

(b) This section does not apply to:

(1) a license holder that offered adult entertainment on licensed premises for at least 5 calendar days between March 8, 1996, and April 8, 1996;

(2) a transferee of a license from a license holder described in item (1) of this subsection as long as the transferee continues to offer adult entertainment on the same licensed premises; or

(3) a license holder that operates a theater, a concert hall, an art center, a museum, or a similar establishment that is primarily devoted to the arts or theatrical performances, when the performances express matters of serious literary, artistic, scientific, or political value.

(c) A license holder may not allow adult entertainment on licensed premises or on property adjacent to the licensed premises over which the license holder has ownership or control.

(d) If the Board finds that a violation of this section has occurred, the Board shall revoke or suspend the license for the premises where the violation occurred or impose a fine on the license holder or both.

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§ 13-2201

(a) Section 4-702(a) ("On death of license holder") of Division I of this article applies in the county without exception or variation.

(b) The following sections of Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article do not apply in the county:

- (1) § 4–702(b) (“After vacation of or eviction from premises”);
- (2) § 4–703 (“Pending or approved transfers or continuation of business”);
- (3) § 4–704 (“License for premises acquired for public use”); and
- (4) § 4–705 (“Postponement to avoid hardship”).

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§ 13-2202

(a) A license expires 1 year after the license holder has closed the business or stopped active alcoholic beverages business operations at the premises for which the license is held unless:

- (1) an application for approval of a transfer to another location or another person under Subtitle 17 of this title has been approved or is pending;
 - (2) an application for a certificate of permission or a renewal license for continuation of business under Subtitle 23 of this title has been approved or is pending; or
 - (3) a written request for a hardship extension under subsection (b) of this section is filed within the 1–year period.
- (b) Except as provided in subsection (d) of this section:
- (1) the license holder or another appropriate interested party may make a written request to the Board to extend the life of the license due to hardship;
 - (2) submission of a request under item (1) of this subsection shall automatically extend the life of the license for 2 years after the date of the closing or stopping of business operations; and
 - (3) a hardship extension may not prolong the life of an inactive license beyond the total of:
 - (i) 2 years after the date of closing or stopping of alcoholic beverages business operations at the premises for which the license is held; and
 - (ii) any time period during which the license is suspended under subsection (a)(1) or (2) of this section.
- (c) (1) The period for which a license may be considered unexpired:
- (i) begins at the earlier of the closing of the business or stopping of alcoholic beverages business operations; and
 - (ii) may be suspended only by filing an application or request under subsection (a) of this section.
- (2) The expiration period resumes on the last to occur of the following events:
- (i) final action of the Board denying an application described in subsection (a)(1) or (2) of this section;
 - (ii) final judgment of the reviewing court if judicial review of the Board's action on an application or request authorized by subsection (a)(1) or (2) of this section has affirmed the Board's action; or
 - (iii) dismissal of a petition for judicial review of the Board's action.
- (3) If an application or request described in subsection (a) or (b) of this section is withdrawn:
- (i) the period for automatic expiration of the license may not be suspended on the basis of the withdrawn application or request; and
 - (ii) the application or request shall be considered as if it had not been filed.
- (d) If a licensed premises is forced to close because of a casualty loss, the Board, without circuit court approval, may extend the license for not more than 3 years after the closing.

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§ 13-2301

(a) The following sections of Title 4, Subtitle 8 (“Death of License Holder”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–802 (“Expiration of license on death of license holder”);
- (2) § 4–804 (“Transfer or reinstatement of license”);

(3) § 4–805 (“Rights of protest, revocation, suspension, and restriction”); and

(4) § 4–806 (“Refund”).

(b) Section 4–803 (“Certificate of permission or renewal license for continuation of business”) of Division I of this article applies in the county, subject to § 13–2302 of this subtitle.

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§ 13-2302

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

(i) the surviving spouse;

(ii) the surviving partners for the benefit of the partnership; or

(iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

(i) for the balance of the license year; and

(ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

(1) the surviving spouse;

(2) the surviving partners of a partnership; or

(3) the senior surviving officer of the corporation for the benefit of the corporation.

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§ 13-2401

Title 4, Subtitle 9 (“Judicial Review”) of Division I of this article applies in the county without exception or variation.

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§ 13-2501

(a) This section:

(1) applies to an establishment that:

(i) is not licensed under this title; and

(ii) serves or gives alcoholic beverages to a customer or allows a customer to consume alcoholic beverages that are from supplies that the customer previously purchased or reserved; and

(2) does not apply to an establishment licensed under this title.

(b) After legal closing hours for licensed premises under §§ 13–2004 and 13–2005 of this title, an unlicensed establishment may not serve, keep, or allow to be consumed alcoholic beverages, setups, or other component parts of mixed alcoholic drinks at a location under its control or possession.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 13-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 13-2503

(a) Alcoholic beverages may not be brought into an establishment and consumed or transferred if the establishment is a place of adult entertainment of the type prohibited under § 4-605 of this article.

(b) (1) A person who operates a place of adult entertainment who knowingly allows a violation of this section on the premises is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 for each violation.

(2) Each day of operation in violation of this section is a separate violation.

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§ 13-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6-202 ("Inspections");

(2) § 6-203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6-204 ("Power to summon witnesses");

(4) § 6-206 ("Charging document for unlawful sale of alcoholic beverage");

(5) § 6-207 ("Display of alcoholic beverages as prima facie evidence of sale");

(6) § 6-208 ("Regulating possession or consumption of alcohol in public places");

(7) § 6-209 ("Adoption of standards for authorization of consumption"); and

(8) § 6-211 ("Fines and forfeitures").

(b) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article do not apply in the county:

(1) § 6-205 ("Peace officers"); and

(2) § 6-210 ("State preemption of local disorderly intoxication laws"), which is superseded by § 13-2602 of this subtitle.

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§ 13-2602

The county may:

(1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6-320 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

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§ 13-2603

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

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§ 13-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6–305 ("Proof of age for sale of alcoholic beverages");
- (2) § 6–306 ("Defense to prosecution for sale to underage individual");
- (3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");
- (4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");
- (5) § 6–310 ("Providing free food");
- (6) § 6–311 ("Restrictions on purchases and sales by retail dealer");
- (7) § 6–312 ("Beverage misrepresentation");
- (8) § 6–313 ("Tampering with alcoholic beverage container");
- (9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");
- (10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");
- (11) § 6–316 ("Maximum alcohol content");
- (12) § 6–317 ("Multiple serving purchase required");
- (13) § 6–320 ("Disorderly intoxication");
- (14) § 6–321 ("Consumption of alcoholic beverages in public");
- (15) § 6–323 ("Possession or use of Alcohol Without Liquid machine");
- (16) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");
- (17) § 6–327 ("Unlicensed out–of–state sale of alcoholic beverages");
- (18) § 6–328 ("Tax evasion");
- (19) § 6–329 ("Destruction of evidence"); and
- (20) § 6–330 ("Perjury").

(b) Section 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder") of Division I of this article does not apply in the county.

(c) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

- (1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 13–2702 of this subtitle;
- (2) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 13–2703 of this subtitle; and
- (3) § 6–322 ("Possession of open container"), subject to § 13–2704 of this subtitle.

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§ 13-2702

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
- (2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

- (1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and
- (2) the individual was not a resident of the State.

(c) The Board may not proceed against a license holder for a violation of § 6–304 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

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§ 13-2703

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The Board may not proceed against a license holder for a violation of § 6–307 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

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§ 13-2704

In addition to the prohibitions listed in § 6–322 of this article, an individual may not possess in an open container an alcoholic beverage while on a motorcycle located in the places listed in § 6–322, unless authorized.

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§ 13-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 13-2802

For a violation that is cause for suspension or revocation of a license, after holding a public hearing and finding that a person has violated an alcoholic beverages law or regulation, the Board may:

(1) impose a fine not exceeding \$2,000;

(2) suspend or revoke the license; or

(3) impose a fine and suspend or revoke the license.

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Title 14 — Title 14

§ 14-101

(a) In this title:

(1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Calvert County.

(c) “County” means Calvert County.

(d) “Light wine” means wine that contains not more than 15.5% of alcohol by volume.

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§ 14-102

This title applies only in Calvert County.

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§ 14-103

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 14-201

There is a Board of License Commissioners for Calvert County.

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§ 14-202

- (a) (1) The Governor shall appoint three regular members and one substitute member to the Board.
- (2) The appointments shall be made:
 - (i) if the Senate is in session, with the advice and consent of the Senate; or
 - (ii) if the Senate is not in session, by the Governor alone.
- (b) (1) Each member of the Board shall be:
 - (i) a resident and voter of the county; and
 - (ii) an individual of high character and integrity and of recognized business capacity.
- (2) One regular member of the Board shall always be a member of the political party that at the last preceding gubernatorial election polled the second highest number of votes throughout the State for that office.
- (c) (1) The substitute member serves on the Board in the absence of a regular member.
- (2) When serving on the Board, the substitute member has all of the powers and responsibilities of a regular member.
- (d) The term of a member is 2 years.
- (e) (1) The Governor shall appoint an eligible individual to fill a vacancy that occurs during the term of office of the individual originally appointed in accordance with subsection (a) of this section.
- (2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (f) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.
- (2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.
- (3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

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§ 14-203

In making the appointments, the Governor shall designate a chair from among the regular members of the Board.

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§ 14-204

- (a) (1) The chair of the Board shall receive \$5,000 annually for expenses incurred while performing the duties of the office.
- (2) Each regular member of the Board shall receive \$4,350 annually for expenses incurred while performing the duties of the office.
- (3) The substitute member of the Board shall receive \$200 for each meeting of the Board attended as an acting regular member for expenses incurred while performing the duties of the office.
- (b) Subject to § 14–205 of this subtitle, the Board:
 - (1) may employ:
 - (i) a secretary;

- (ii) inspectors; and
- (iii) clerical and other assistants as are necessary; and
- (2) shall set the compensation of the employees.
- (c) The Board may appoint a clerk and an attorney at salaries that the County Commissioners set.
- (d) The Board of County Commissioners shall pay the salaries and expenses of the Board of License Commissioners.

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§ 14-205

With the approval of the County Commissioners, the Board may appoint full-time or part-time inspectors who:

- (1) shall have their salaries set by the County Commissioners on an annual or per diem basis; and
- (2) shall be paid reasonable expenses related to performance of their duties.

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§ 14-206

The Board may adopt regulations to carry out this article.

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§ 14-301

There is no liquor control board or department of liquor control in the county.

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§ 14-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-201 ("Issuance by Comptroller");
- (2) § 2-202 ("Class 1 distillery license");
- (3) § 2-203 ("Class 9 limited distillery license");
- (4) § 2-204 ("Class 2 rectifying license");
- (5) § 2-205 ("Class 3 winery license");
- (6) § 2-206 ("Class 4 limited winery license");
- (7) § 2-207 ("Class 5 brewery license");
- (8) § 2-208 ("Class 6 pub-brewery license");
- (9) § 2-209 ("Class 7 micro-brewery license");
- (10) § 2-210 ("Class 8 farm brewery license");
- (11) § 2-211 ("Residency requirement");
- (12) § 2-212 ("Additional licenses");
- (13) § 2-213 ("Additional fees");
- (14) § 2-214 ("Sale or delivery restricted");
- (15) § 2-216 ("Interaction between manufacturing entities and retailers");
- (16) § 2-217 ("Distribution of alcoholic beverages — Prohibited practices"); and
- (17) § 2-218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2-215 ("Beer sale on credit to retail dealer prohibited") of Division I of this article does not apply in the county.

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§ 14-402

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 14-501

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-301 ("Licenses issued by Comptroller");
 - (2) § 2-302 ("Class 1 beer, wine, and liquor wholesaler's license");
 - (3) § 2-303 ("Class 2 wine and liquor wholesaler's license");
 - (4) § 2-304 ("Class 3 beer and wine wholesaler's license");
 - (5) § 2-305 ("Class 4 beer wholesaler's license");
 - (6) § 2-306 ("Class 5 wine wholesaler's license");
 - (7) § 2-307 ("Class 6 limited wine wholesaler's license");
 - (8) § 2-308 ("Class 7 limited beer wholesaler's license");
 - (9) § 2-309 ("Sale and delivery of beer or wine from wholesaler's vehicle");
 - (10) § 2-310 ("Sale and delivery to retail license holder");
 - (11) § 2-311 ("Additional wholesaler's licenses");
 - (12) § 2-312 ("Direct importation of alcoholic beverages");
 - (13) § 2-313 ("Sale or delivery restricted to holder of license or permit");
 - (14) § 2-315 ("Interaction between wholesaling entities and retailers");
 - (15) § 2-316 ("Distribution of alcoholic beverages — Prohibited practices"); and
 - (16) § 2-317 ("Restrictive agreements between wholesalers and retailers — Prohibited").
- (b) Section 2-314 ("Beer sale on credit to retail dealer prohibited") of Division I of this article does not apply in the county.

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§ 14-502

Except as provided in § 14-503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 14-503

- (a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.
- (b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 14-601

- (a) There is a Class A beer license.
- (b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.
- (2) The license holder shall sell the beer in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on the premises where the beer is sold.

(c) The annual license fee is \$150.

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§ 14-602

(a) There is a Class B beer license.

(b) The license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on- and off-premises consumption.

(c) The license holder is eligible to be issued a special event festival permit under § 14-906 of this title.

(d) The annual license fee is \$250.

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§ 14-603

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on-premises consumption.

(c) The annual license fee is \$50.

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§ 14-604

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on- and off-premises consumption.

(2) A license may not be issued for a drugstore.

(c) The license holder is eligible to be issued a special event festival permit under § 14-906 of this title.

(d) The annual license fee is \$1,000.

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§ 14-701

(a) There is a Class A light wine license in the county.

(b) The license may be issued to a holder of a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license light wine produced at the winery.

(2) Light wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is \$50.

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§ 14-801

(a) There is a Class A beer and light wine license.

(b) (1) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and light wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or light wine is sold.

(c) The annual license fee is \$300.

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§ 14-802

- (a) There is a Class B beer and light wine license.
- (b) The license authorizes the license holder to sell beer and light wine at a hotel or restaurant, at retail, at the place described in the license, for on– and off–premises consumption.
- (c) The license holder is eligible to be issued a special event festival permit under § 14–906 of this title.
- (d) The annual license fee is \$250.

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§ 14-803

A Class C beer and light wine license may not be issued in the county.

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§ 14-804

A Class D beer and light wine license may not be issued in the county.

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§ 14-901

- (a) There is a Class A beer, wine, and liquor license.
- (b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.
- (2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (c) A license may not be issued for a drugstore unless the applicant:
 - (1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;
 - (2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or
 - (3) has been engaged in the retail drug business for at least 3 years.
- (d) The annual license fee is \$1,000.

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§ 14-902

- (a) There is a Class B beer, wine, and liquor license.
- (b) The Board may issue the license to the owner of a hotel that:
 - (1) is in a building at least three stories tall that was originally constructed for hotel purposes;
 - (2) has a capital investment of at least \$500,000; and
 - (3) contains:
 - (i) at least one passenger elevator;
 - (ii) at least 100 rooms for the accommodation of the public; and
 - (iii) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at retail at a hotel or restaurant at the place described in the license, for on– or off–premises consumption.
- (d) The annual license fee is:
 - (1) \$1,250, if the licensed premises remains open until midnight; or
 - (2) \$2,250, if the licensed premises remains open until 2 a.m.

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§ 14-903

- (a) There is a Class BR beer, wine, and liquor license.
- (b) The license authorizes the license holder to sell beer, wine, and liquor in a restaurant at the place described in the license for on-premises consumption with meals.
- (c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 14-2004(b) of this title.
- (d) The annual license fee is \$500.

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§ 14-904

- (a) There is a Class C beer, wine, and liquor license.
- (b) The Board may issue the license for use by:
 - (1) a country club;
 - (2) a post home of a post of the American Legion or Veterans of Foreign Wars; or
 - (3) a yacht club that is approved by the Board.
- (c) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license, for on-premises consumption.
- (2) A license for use in a post home allows for the sale of liquor only by the drink.
- (d) The annual license fee:
 - (1) for a country club is \$1,000;
 - (2) for a post home is \$500; and
 - (3) for a yacht club is \$500.

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§ 14-905

- (a) There is a Class D beer, wine, and liquor license.
- (b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on- and off-premises consumption.
- (c) The license may not be issued for use by a drugstore.
- (d) The annual license fee is:
 - (1) \$1,250, if the licensed premises remains open until midnight; or
 - (2) \$2,250, if the licensed premises remains open until 2 a.m.

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§ 14-906

- (a) There is a special event festival beer, wine, and liquor permit.
- (b) The Board may issue the permit to a license holder of a Class B or Class D license.
- (c) Before the Board issues the permit, the applicant shall:
 - (1) demonstrate a reasonable expectation of attracting at least 250 customers to the special event; and
 - (2) commit to provide any additional security personnel required to be at the event for traffic, parking, and patrol purposes.
- (d) Subject to the discretion of the Board, the permit authorizes the holder to operate additional bars or service counters for the sale and service of alcoholic beverages that are allowed under the holder's license:

- (1) inside or outside the licensed premises; and
- (2) for at least 1 day and not more than 3 consecutive days.
- (e) The permit fee is \$100.

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§ 14-1001

- (a) There is a continuing care retirement community license.
- (b) The Board may issue the license for use by a club that:
 - (1) is composed of residents of a continuing care retirement community that has obtained a certificate of registration from the Department of Aging under Title 10, Subtitle 4 of the Human Services Article; and
 - (2) has at least 50 members paying average dues of at least \$5 per year per member.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license to a member or a guest when accompanied by a member.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 14-2004 of this title.
- (e) The annual license fee is \$500.

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§ 14-1002

- (a) There is an organizational license.
- (b) The Board may issue the license to a fraternal organization, volunteer fire department, or volunteer rescue squad for use on the premises that the organization, fire department, or rescue squad owns or regularly uses to hold functions.
- (c) The license authorizes the holder to sell beer, wine, and liquor by the drink for on-premises consumption.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 14-2004 of this title.
- (e) The annual license fee is \$500.

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§ 14-1101

- (a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:
 - (1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and
 - (2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").
- (b) Section 4-1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.
- (c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:
 - (1) § 4-1104 ("Refillable container permit — Draft beer"), subject to § 14-1102 of this subtitle; and
 - (2) § 4-1106 ("Nonrefillable container permit — Draft beer"), subject to § 14-1103 of this subtitle.

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§ 14-1102

- (a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for the permit:

- (1) begin at the same time as those for the underlying license; and
- (2) end at midnight.
- (d) The Board shall adopt regulations to carry out this section.
- (e) The annual permit fees are:
 - (1) \$50 for an applicant whose license has an off-sale privilege; and
 - (2) \$500 for an applicant whose license does not have an off-sale privilege.

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§ 14-1103

- (a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for the permit:
 - (1) begin at the same time as those for the underlying license; and
 - (2) end at midnight.
- (d) The Board shall adopt regulations to carry out this section.
- (e) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:
 - (i) \$50 for an applicant whose license has an off-sale privilege; and
 - (ii) \$500 for an applicant whose license does not have an off-sale privilege.
- (2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

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§ 14-1301

- (a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:
 - (1) § 4-1202 ("Per diem licenses");
 - (2) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine licenses");
 - (3) § 4-1204 ("Class C per diem beer, wine, and liquor license");
 - (4) § 4-1206 ("License to dispose of stock");
 - (5) § 4-1207 ("Temporary move of licensed premises");
 - (6) § 4-1208 ("Hours and days of sale"); and
 - (7) § 4-1209 ("Wine permit for fund-raising event").
- (b) Section 4-1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 14-1308 of this subtitle.

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§ 14-1304

- (a) There is a beer or wine festival (BWF) license.
- (b) The Board may issue the license to:
 - (1) a holder of:
 - (i) a retail license authorizing the sale of beer or wine;
 - (ii) a Class 3 winery license;
 - (iii) a Class 4 limited winery license;

- (iv) a Class 5 brewery license;
- (v) a Class 7 micro–brewery license; or
- (vi) a Class 8 farm brewery license; or
- (2) a nonprofit organization.
- (c) The primary purpose of the license is to authorize the holder to display and sell beer that is brewed in the State or wine that is manufactured and processed in the State.
- (d) A license holder shall display and sell beer or wine:
 - (1) at retail for on– and off–premises consumption; and
 - (2) during the hours and days designated for the beer or wine festival.
- (e) The Board:
 - (1) may approve up to 4 weekends for beer or wine festivals per applicant each year; and
 - (2) shall approve the location for a festival.
- (f) The license holder may hold another license of a different class or nature.
- (g) The license fee is \$15.
- (h) The Board shall adopt regulations to carry out this section.

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§ 14-1305

- (a) There is a beer, wine, and liquor tasting (BWLT) license.
- (b) The Board may issue the license to a holder of a Class A beer and wine license or Class A beer, wine, and liquor license.
- (c) (1) Subject to paragraph (2) of this subsection, the license authorizes the holder of:
 - (i) a Class A beer and wine license to hold tastings of:
 - 1. wine; or
 - 2. beer and wine; and
 - (ii) a Class A beer, wine, and liquor license to hold tastings of:
 - 1. wine;
 - 2. beer and wine; or
 - 3. beer, wine, and liquor.
- (2) To hold a tasting, the holder of the license shall provide alcoholic beverages to consumers at no charge.
- (3) In addition to the privileges stated in paragraph (1) of this subsection, the license:
 - (i) authorizes the holder to hold a tasting every day of the year; but
 - (ii) restricts a single tasting to not more than 3 hours.
- (d) (1) An applicant shall submit to the Board an application on the form that the Board provides.
- (2) The Board may issue the license without a hearing.
- (3) The license may be renewed only when the Class A beer and wine or Class A beer, wine, and liquor license is renewed.
- (e) An individual may consume beer, wine, and liquor covered by the license in a quantity of not more than:
 - (1) 1 ounce from each offering of beer or wine; and
 - (2) one–half ounce from each offering of liquor.
- (f) The annual license fee is:

- (1) \$200, if the license is used for wine;
- (2) \$250, if the license is used for beer or wine; and
- (3) \$300, if the license is used for beer, wine, and liquor.

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§ 14-1308

- (a) The fee for a Class C per diem beer license or a Class C per diem beer and wine license is \$5 per day.
- (b) The fee for a Class C per diem beer, wine, and liquor license is:
 - (1) \$15 per day for a religious, fraternal, civic, war veterans', charitable, or hospital supporting organization; and
 - (2) \$25 per day for any other license holder.

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§ 14-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-102 ("Applications to be filed with local licensing board");
- (2) § 4-103 ("Application on behalf of partnership");
- (3) § 4-105 ("Application on behalf of limited liability company");
- (4) § 4-106 ("Payment of notice expenses");
- (5) § 4-108 ("Application form required by Comptroller");
- (6) § 4-109 ("Required information on application — In general");
- (7) § 4-110 ("Required information on application — Petition of support");
- (8) § 4-111 ("Payment of license fees"); and
- (9) § 4-114 ("Fees for licenses issued for less than 1 year").

(b) Section 4-113 ("Refund of license fees") of Division I of this article does not apply in the county and is superseded by § 14-1406 of this subtitle.

(c) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:

- (1) § 4-104 ("Application on behalf of corporation or club"), in addition to § 14-1404 of this subtitle;
- (2) § 4-107 ("Criminal history records check"), subject to § 14-1403 of this subtitle; and
- (3) § 4-112 ("Disposition of license fees"), subject to § 14-1405 of this subtitle.

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§ 14-1402

In addition to any other fee required for a license, an administrative fee of \$250 shall be charged for an application for a new license.

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§ 14-1403

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

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§ 14-1404

(a) The name of the person who owns the greatest number of shares in the corporation for which an application for a license is made shall appear on the application as an applicant.

(b) An applicant for a corporation who is a resident of the county shall own at least 10% of the corporation.

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§ 14-1405

(a) If a licensed premises is located in a municipality:

- (1) 50% of the net license fees shall be paid to the municipality; and
- (2) 50% of the net license fees shall be paid to the county for the purposes of the county.

(b) If a licensed premises is located outside a municipality, all of the net license fees shall be paid to the county.

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§ 14-1406

A retail license holder is not entitled to a refund for a license issued in the county.

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§ 14-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-205 ("Chain store, supermarket, or discount house");
- (2) § 4-206 ("Limitations on retail sales floor space");
- (3) § 4-207 ("Licenses issued to minors");
- (4) § 4-209 ("Hearing");
- (5) § 4-210 ("Approval or denial of license application");
- (6) § 4-212 ("License not property");
- (7) § 4-213 ("Replacement licenses"); and
- (8) § 4-214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

- (1) § 4-202 ("Authority of local licensing boards"), subject to § 14-1502 of this subtitle;
- (2) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 14-1503 of this subtitle and Subtitle 13, Part III of this title;
- (3) § 4-204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 14-1503 of this subtitle;
- (4) § 4-208 ("Notice of license application required"), subject to § 14-1504 of this subtitle; and
- (5) § 4-211 ("License forms; effective date; expiration"), subject to § 14-1505 of this subtitle.

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§ 14-1502

The Board may not issue a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license to a person that holds an out-of-state alcoholic beverages license.

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§ 14-1503

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and light wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 14-1504

(a) In addition to the newspaper notice required under § 4–208 of this article, the Board shall post a suitable notice in a conspicuous place at the location described in the application for at least 10 days before the application hearing.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

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§ 14-1505

A license shall expire on the next June 30 after its issuance.

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§ 14-1506

(a) The Board may authorize a license holder to install an additional bar or serving counter within a reasonable distance of the main building of the premises served by the license held by the license holder.

(b) The Board shall determine what is a reasonable distance for an additional bar or serving counter.

(c) An additional license is not required for an additional bar or serving counter.

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§ 14-1507

A license holder may exchange the license for any other license for the same premises by complying with the application procedures of this title and paying the license fees.

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§ 14-1603

(a) There is a Class BLX license for luxury–type restaurants in the 27th legislative district of the county.

(b) (1) The Board may issue the license for use by a restaurant that has:

(i) a capital investment of at least \$500,000 for the dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and

(ii) seating for at least 150 individuals.

(2) The license authorizes the license holder to sell beer, wine, and liquor for on– and off–premises consumption if sold in sealed containers.

(c) A person may not have a direct or indirect interest in more than four Class B and Class BLX licenses in any combination.

(d) An indirect interest is presumed to exist between any combination of persons if any of the following conditions exist between them:

(1) a common parent company;

(2) a franchise agreement;

(3) a licensing agreement;

(4) a concession agreement;

(5) dual membership in a chain of businesses commonly owned and operated;

(6) a sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;

(7) common direct or indirect sharing of profit from the sale of alcoholic beverages; or

(8) a sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public.

(e) Subject to the requirements of subsection (b) of this section, the Board shall define "luxury-type restaurant" by regulation.

(f) The license fee is \$2,400.

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§ 14-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4-302 ("Transfer of place of business; transfer of license and inventory");

(2) § 4-303 ("Chain store, supermarket, or discount house");

(3) § 4-304 ("Compliance with Bulk Transfers Act required"); and

(4) § 4-306 ("Substitution of names of officers on license").

(b) Section 4-305 ("Filing fee and endorsement") of Division I of this article applies in the county, subject to § 14-1703 of this subtitle.

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§ 14-1702

An applicant for a transfer of a license is subject to a State and national criminal history records check under § 4-107 of this article.

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§ 14-1703

In addition to any other fee required for a license, an administrative fee of \$250 shall be charged for an application for a transfer of a license.

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§ 14-1704

The Board may waive the residency requirement for applicants for a license if the applicant for the transfer:

(1) is the purchaser and proprietor of the establishment for which the transfer is sought; and

(2) can submit to the satisfaction of the Board:

(i) proper persons who know the applicant and can vouch for the good character of the applicant; or

(ii) other evidence that the applicant is a fit and proper person to hold the license.

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§ 14-1801

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-402 ("Eligibility for renewal; process");

(2) § 4-403 ("Renewal application");

(3) § 4-407 ("Denial of renewal application");

(4) § 4-408 ("Issuance of renewed licenses");

(5) § 4-409 ("Multiple licenses"); and

(6) § 4-410 ("Chain store, supermarket, or discount house").

(b) Section 4-404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 14-1802 of this subtitle.

(c) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county:

(1) § 4–405 (“Contents of renewal application”), subject to § 14–1803 of this subtitle; and

(2) § 4–406 (“Protests”), subject to § 14–1804 of this subtitle.

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§ 14-1802

(a) To renew a license, the license holder annually shall file an application with the Board between April 1 and May 1, inclusive.

(b) A license renewal application that the Board receives on or after July 1 is subject to a late fine of \$50 for each day the application is late, up to a maximum amount of \$500.

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§ 14-1803

(a) An application for license renewal shall be accompanied by:

(1) a statement of the hours of operation of the licensed premises;

(2) a statement of the name of the manager of the licensed premises; and

(3) a copy of the current statement for the licensed business that shows that all applicable taxes are paid.

(b) In addition to the statements required under subsection (a) of this section, an application for renewal of a Class B license shall be accompanied by a statement of the average monthly sales of food and alcoholic beverages for the licensed premises.

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§ 14-1804

A protest of a license renewal shall:

(1) specify the basis on which the protest is made; and

(2) be filed under oath.

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§ 14-1805

Notwithstanding § 14–1502 of this title, the Board may renew a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license originally issued to a holder of an out-of-state alcoholic beverages license.

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§ 14-1806

A license shall expire on the next June 30 after its renewal.

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§ 14-1807

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

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§ 14-1901

Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article applies in the county without exception or variation.

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§ 14-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 14-2002

(a) A holder of a Class A beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

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§ 14-2003

(a) A holder of a Class A beer and light wine license may sell beer and light wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer and light wine license may sell beer and light wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer and light wine license may sell beer and light wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer and light wine license may sell beer and light wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

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§ 14-2004

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

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§ 14-2005

A license holder may not be required to close the licensed premises at any time on January 1.

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§ 14-2101

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 14-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 14-2301

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

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§ 14-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 14-2402

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

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§ 14-2501

(a) In this section, "bottle club" is explicitly defined as and limited to an establishment that is:

(1) a restaurant that accommodates the public and is equipped with a dining room with facilities for preparing and serving regular meals; or

(2) a nightclub that offers to the public music, dancing, or other nighttime entertainment.

(b) An establishment that is a bottle club not licensed by the Board, at a location under the control or possession of the establishment, may not:

(1) serve or keep alcoholic beverages; or

(2) allow alcoholic beverages to be consumed.

(c) A volunteer fire department, rescue squad, or emergency medical services organization may conduct not more than four events each year to which an individual may bring alcoholic beverages to be consumed on a location under the control or possession of the volunteer fire department, rescue squad, or emergency medical services organization.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 14-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 14-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6-203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(2) § 6-204 ("Power to summon witnesses");

(3) § 6-205 ("Peace officers");

- (4) § 6–206 (“Charging document for unlawful sale of alcoholic beverage”);
- (5) § 6–207 (“Display of alcoholic beverages as prima facie evidence of sale”);
- (6) § 6–208 (“Regulating possession or consumption of alcohol in public places”);
- (7) § 6–209 (“Adoption of standards for authorization of consumption”);
- (8) § 6–210 (“State preemption of local disorderly intoxication laws”); and
- (9) § 6–211 (“Fines and forfeitures”).

(b) Section 6–202 (“Inspections”) of Division I of this article applies in the county, subject to § 14–2602 of this subtitle.

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§ 14-2602

The Board or its designee may inspect each licensed premises at least once every 6 months.

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§ 14-2701

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

- (1) § 6–305 (“Proof of age for sale of alcoholic beverages”);
- (2) § 6–306 (“Defense to prosecution for sale to underage individual”);
- (3) § 6–308 (“Allowing on–premises consumption of alcoholic beverages not purchased from license holder”);
- (4) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);
- (5) § 6–310 (“Providing free food”);
- (6) § 6–311 (“Restrictions on purchases and sales by retail dealer”);
- (7) § 6–312 (“Beverage misrepresentation”);
- (8) § 6–313 (“Tampering with alcoholic beverage container”);
- (9) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);
- (10) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);
- (11) § 6–316 (“Maximum alcohol content”);
- (12) § 6–317 (“Multiple serving purchase required”);
- (13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);
- (14) § 6–320 (“Disorderly intoxication”);
- (15) § 6–321 (“Consumption of alcoholic beverages in public”);
- (16) § 6–322 (“Possession of open container”);
- (17) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);
- (18) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);
- (19) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);
- (20) § 6–328 (“Tax evasion”);
- (21) § 6–329 (“Destruction of evidence”); and
- (22) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

- (1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 14–2702 of this subtitle; and

(2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 14–2703 of this subtitle.

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§ 14-2702

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) A license holder or an employee of a license holder who violates § 6–304 of this article is guilty of a misdemeanor and on conviction is subject to:

(1) if the convicted individual is a license holder, a fine not exceeding \$200; and

(2) if the convicted individual is an employee of a license holder, a fine not exceeding \$250.

(d) The Board may not proceed against a license holder for a violation of § 6–304 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

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§ 14-2703

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder who violates § 6–307 of this article is guilty of a misdemeanor and on conviction is subject to:

(1) if the convicted individual is a license holder, a fine not exceeding \$200; and

(2) if the convicted individual is an employee of a license holder, a fine not exceeding \$250.

(c) The Board may not proceed against a license holder for a violation of § 6–307 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

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§ 14-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 14-2802

(a) Subject to subsection (d) of this section, the Board may:

(1) except for a violation regarding an unlicensed establishment, impose a fine not exceeding:

(i) \$1,000 for a violation of State law; or

(ii) \$500 for a violation of the regulations of the Board; or

(2) suspend a license for a violation of any alcoholic beverages law that applies in the county.

(b) If a license holder or an employee of a license holder sells alcoholic beverages to an individual under the age of 21 years, the Board may:

(1) for a first offense, impose a fine not exceeding \$500 or suspend the license for not more than 3 days or both; and
(2) for an offense occurring within 3 years after a prior offense, impose a fine not exceeding \$1,000 or suspend the license for not more than 30 days or both.

(c) In determining the length of a suspension under subsection (b)(2) of this section, the Board shall consider:

(1) the class of license; and

(2) the economic impact the suspension will have on:

(i) the business of the license holder; and

(ii) employees of the license holder.

(d) A fine under this section shall be imposed subject to § 10–1001 of the State Government Article.

(e) Fines collected under this section shall be paid into the general fund of the county.

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Title 15 — Title 15

§ 15-101

(a) In this title:

(1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Caroline County.

(c) “County” means Caroline County.

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§ 15-102

This title applies only in Caroline County.

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§ 15-103

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 15-201

There is a Board of License Commissioners for Caroline County.

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§ 15-202

(a) (1) The Governor shall appoint three members to the Board.

(2) The appointments shall be made:

(i) if the House of Delegates is in session, with the advice and consent of the House of Delegates; or

(ii) if the House of Delegates is not in session, by the Governor alone.

(3) An appointment made under paragraph (2)(ii) of this subsection shall continue in force until the end of the next session of the General Assembly.

(b) Each member of the Board shall be:

(1) a resident and voter of the county; and

(2) an individual of high character and integrity and of recognized business capacity.

(c) (1) The term of a regular member is 3 years.

(2) The terms of the regular members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(d) (1) The Governor shall appoint an eligible individual to fill a vacancy that occurs during the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

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§ 15-203

(a) (1) The Governor shall appoint one substitute member to the Board.

(2) The appointment shall be made:

(i) if the House of Delegates is in session, with the advice and consent of the House of Delegates; or

(ii) if the House of Delegates is not in session, by the Governor alone.

(3) An appointment made under paragraph (2)(ii) of this subsection shall continue in force until the end of the next session of the General Assembly.

(b) The term of the substitute member is 3 years and begins on the first Monday in May.

(c) If a regular member of the Board becomes incapacitated from any cause or if a vacancy occurs on the Board for any reason, the substitute member, on request of the chair or the majority of the Board, shall serve on the Board until the incapacity ends or the vacancy is filled.

(d) While serving on the Board, the substitute member has all the powers and duties of a regular member.

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§ 15-204

In making the appointments, the Governor shall designate a chair from among the regular members of the Board.

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§ 15-205

(a) (1) (i) The regular members of the Board shall receive annual salaries as determined by the County Commissioners, but not less than:

1. \$3,000 for the chair of the Board; and

2. \$2,500 for each other regular member of the Board.

(ii) The substitute member of the Board shall receive \$100 per meeting attended but not more than \$2,000 in any 1-year period.

(2) The chair, other regular members, and the substitute member of the Board shall be reimbursed for expenses incurred in the performance of their duties in accordance with the Standard State Travel Regulations.

(b) (1) The Board may:

(i) employ:

1. a secretary; and

2. clerical and other assistants as are necessary; and
 - (ii) set the compensation of the employees.
- (2) (i) The Board may appoint an attorney for the Board.
 - (ii) The County Commissioners shall set the compensation for the attorney.
 - (iii) The attorney is subject to the county ethics ordinance.

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§ 15-206

- (a) The county codes administrator is the inspector for the Board.
- (b) The Board shall specify the duties of the inspector, including the administration and enforcement of the alcoholic beverages laws of the county.
- (c) The salary of the inspector shall be as provided in the county budget.

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§ 15-207

The Board may adopt regulations to carry out this article.

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§ 15-301

There is no liquor control board or department of liquor control in the county.

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§ 15-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-201 ("Issuance by Comptroller");
 - (2) § 2-202 ("Class 1 distillery license");
 - (3) § 2-203 ("Class 9 limited distillery license");
 - (4) § 2-204 ("Class 2 rectifying license");
 - (5) § 2-205 ("Class 3 winery license");
 - (6) § 2-206 ("Class 4 limited winery license");
 - (7) § 2-207 ("Class 5 brewery license");
 - (8) § 2-209 ("Class 7 micro-brewery license");
 - (9) § 2-210 ("Class 8 farm brewery license");
 - (10) § 2-211 ("Residency requirement");
 - (11) § 2-212 ("Additional licenses");
 - (12) § 2-213 ("Additional fees");
 - (13) § 2-214 ("Sale or delivery restricted");
 - (14) § 2-215 ("Beer sale on credit to retail dealer prohibited");
 - (15) § 2-216 ("Interaction between manufacturing entities and retailers");
 - (16) § 2-217 ("Distribution of alcoholic beverages — Prohibited practices"); and
 - (17) § 2-218 ("Restrictive agreements between producers and retailers — Prohibited").
- (b) Section 2-208 ("Class 6 pub-brewery license") of Division I of this article does not apply in the county.

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§ 15-402

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday or an election day.

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§ 15-501

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

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§ 15-502

Except as provided in § 15-503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 15-503

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 15-601

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer is sold.

(c) The annual license fee is \$250.

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§ 15-602

(a) There is a Class B beer license.

(b) The license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on- and off-premises consumption.

(c) The annual license fee is \$250.

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§ 15-603

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on-premises consumption.

(c) The annual license fee is \$250.

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§ 15-604

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on- and off-premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is \$300.

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§ 15-701

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee shall be set by the Board of License Commissioners with the approval of the Board of County Commissioners.

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§ 15-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

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§ 15-802

(a) There is:

(1) a Class A beer and wine 6-day license; and

(2) a Class A beer and wine 7-day license.

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fees are:

(1) \$600 for a 6-day license; and

(2) \$900 for a 7-day license.

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§ 15-803

(a) There is a Class B beer and wine license.

(b) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on- and off-premises consumption.

(c) The annual license fee is \$500.

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§ 15-804

A Class C beer and wine license may not be issued in the county.

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§ 15-805

(a) There is a Class D beer and wine license.

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on- and off-premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is \$500.

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§ 15-806

(a) There is a Class H beer and wine license.

(b) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on-premises consumption.

(c) The annual license fee is \$500.

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§ 15-901

(a) There is:

(1) a 6-day Class A beer, wine, and liquor license; and

(2) a 7-day Class A beer, wine, and liquor license.

(b) (1) Each license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) The 6-day or 7-day license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is:

(1) \$1,250 for a 6-day license; and

(2) \$1,600 for a 7-day license.

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§ 15-902

(a) There is:

(1) a 6-day Class B beer, wine, and liquor license; and

(2) a 7-day Class B beer, wine, and liquor license.

(b) The Board may issue the license to the owner of a hotel that:

(1) is in a building at least three stories tall that was originally constructed for hotel purposes;

(2) has a capital investment of at least \$500,000; and

(3) contains:

(i) at least one passenger elevator;

(ii) at least 100 rooms for the accommodation of the public; and

(iii) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating.

(c) Each license authorizes the license holder to sell beer, wine, and liquor by the drink at a hotel or restaurant as defined by the Board at the place described in the license for on-premises consumption.

(d) The annual license fee is:

(1) \$1,000 for a 6-day license; and

(2) \$1,250 for a 7-day license.

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§ 15-903

(a) There is a Class C beer, wine, and liquor license.

(b) (1) The Board may issue the license for use by:

(i) a nonprofit country club;

(ii) a nonprofit yacht club; or

(iii) a veterans' organization composed only of members.

(2) The club or organization shall:

(i) operate only for the use of its members and guests accompanied by members;

(ii) meet in a clubhouse that is used exclusively for its members and guests; and

(iii) 1. have at least 100 members paying the dues that were required in the year immediately before the year for which the license is issued; or

2. for organizations affiliated with a national organization and composed exclusively of members who serve in the armed forces of the United States, have at least 50 members paying the dues that were required by the national organization in the year immediately before the year for which the license is issued.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at a club at the place described in the license, for on-premises consumption.

(d) The annual license fee is \$1,000.

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§ 15-904

(a) There is:

(1) a 6-day Class D beer, wine, and liquor license; and

(2) a 7-day Class D beer, wine, and liquor license.

(b) Each license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on-premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is:

(1) \$1,250 for a 6-day license; and

(2) \$1,600 for a 7-day license.

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§ 15-1001

(a) There is a barbershop and beauty salon beer and wine license.

(b) The Board may issue the license to a holder of:

(1) a barbershop permit issued under § 4-501 of the Business Occupations and Professions Article; or

(2) a beauty salon permit issued under § 5-501 of the Business Occupations and Professions Article.

(c) The license authorizes the license holder to provide not more than 12 ounces of beer or 5 ounces of wine by the glass for on-premises consumption by a barbershop or beauty salon customer when the customer is being provided:

(1) a barbering service under Title 4 of the Business Occupations and Professions Article; or

(2) a cosmetology service under Title 5 of the Business Occupations and Professions Article.

(d) A license holder may provide beer and wine during normal business hours.

(e) A license holder may not transfer the license to another location.

(f) An establishment for which the license is issued is subject to the alcohol awareness training requirements under § 4-505 of this article and § 15-1902 of this title.

(g) The annual license fee is \$100.

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§ 15-1002

(a) There is a Class B–BB (bed and breakfast) beer, wine, and liquor license.

(b) The Board may issue the license to a license holder who is approved by the appropriate local governmental unit to operate a bed and breakfast that:

(1) provides services ordinarily provided by a bed and breakfast;

(2) has at least one room but not more than 5 rooms, each with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time; and

(3) has a kitchen facility that has been approved by the appropriate local governmental unit.

(c) The license authorizes the license holder to sell beer, wine, and liquor to a guest if:

(1) the name and address of the guest appears on the registry that the bed and breakfast maintains; and

(2) the guest is an occupant of a sleeping room in the bed and breakfast.

(d) (1) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption to a guest of a catered event at the bed and breakfast if:

(i) 1. the license holder is under contract to cater the event;

2. the license holder caters the event; and

3. food is served at the catered event; or

(ii) the license holder hosts an event for which tickets are sold in advance.

(2) The license authorizes the license holder to contract to provide alcoholic beverages at events held off the premises if:

(i) the event is held in the county;

(ii) the bed and breakfast also contracts to provide food at the catered event; and

(iii) the cost of alcoholic beverages does not exceed 50% of the total invoice for the catered event.

(3) The license authorizes the license holder to allow a guest of the bed and breakfast, whose name and address appears on the registry of the establishment, to bring personal alcoholic beverages onto the premises for on-premises consumption during the hours and days as set out under subsection (e) of this section.

(e) The license holder may sell beer, wine, and liquor for on-premises consumption during the hours and days as set out for a Class B beer, wine, and liquor license under § 15-2004 of this title.

(f) Except during catered events that meet the requirements under subsection (d) of this section or ticketed events hosted by the license holder, the license does not authorize the sale of beer, wine, and liquor to an individual who:

(1) is not a guest of the bed and breakfast; or

(2) is registered as a guest at the bed and breakfast only to obtain beer, wine, and liquor.

(g) (1) A bed and breakfast may not be operated only to sell or provide beer, wine, and liquor.

(2) If the bed and breakfast ends operations as a bed and breakfast:

- (i) the license is void; and
- (ii) the license holder shall return the license to the Board.
- (h) This section may not be construed to apply to a permanent resident on the premises or to guests of the permanent resident.
- (i) The license holder shall:
 - (1) maintain records of all catered events, on-premises and off-premises, where alcoholic beverages are served; and
 - (2) make the records required under paragraph (1) of this subsection available on request to the Board, the Comptroller, or the Executive Director.
- (j) The annual license fee is \$500.

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§ 15-1003

- (a) There is a Class GC (golf course) beer, wine, and liquor license.
- (b) The Board may issue the license for the use of a golf course that:
 - (1) is open to the public;
 - (2) is operated for profit;
 - (3) owns real estate in the county; and
 - (4) has a golf course with a minimum of 18 holes.
- (c) (1) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption on the land and in the buildings, including the clubhouse, that are used for golfing purposes.
- (2) A patron need not be seated to be served.
- (d) The license holder may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.
- (e) The annual license fee is \$1,600.

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§ 15-1004

- (a) There is a special event venue beer, wine, and liquor license.
- (b) The Board may issue the license:
 - (1) to the owner of a special event venue; and
 - (2) (i) to the same applicant for all events for which the license is issued; and
 - (ii) for use at only one premises.
- (c) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption.
- (d) The license may not be transferred to another location.
- (e) A license holder may sell beer, wine, and liquor during the hours set in county law for special event venues.
- (f) A license holder may purchase beer, wine, and liquor only from a licensed wholesaler.
- (g) A license holder is subject to the alcohol awareness training requirements under § 4-505 of this article and § 15-1902 of this title.
- (h) The fee for a special event venue license is:
 - (1) \$250 for not more than 10 events per year;
 - (2) \$500 for not more than 20 events per year;
 - (3) \$750 for not more than 30 events per year; and
 - (4) \$1,000 for not more than 40 events per year.

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§ 15-1101

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

- (1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and
- (2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4-1105 ("Refillable container permit — Wine") of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

- (1) § 4-1104 ("Refillable container permit — Draft beer"), subject to § 15-1102 of this subtitle; and
- (2) § 4-1106 ("Nonrefillable container permit — Draft beer"), subject to § 15-1103 of this subtitle.

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§ 15-1102

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class B or Class H license.

(b) The hours of sale for a refillable container permit begin at the same time for the underlying license and end at midnight.

(c) The annual permit fee is \$500.

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§ 15-1103

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class B or Class H license.

(b) The hours of sale for the permit:

- (1) begin at the same time for the underlying license; and
- (2) end at midnight.

(c) (1) Except as provided in paragraph (2) of this subsection, the annual permit fee is \$500.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

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§ 15-1201

(a) There is a local caterer's license.

(b) The Board may issue the license to a person to contract with a sponsor of a public or private event to provide food and alcoholic beverages if the person holds:

- (1) an alcoholic beverages license issued in the county; and
- (2) a caterer's license issued by the county health department.

(c) The license authorizes a holder to:

- (1) sell or provide alcoholic beverages on the premises of a catered event during the event; and
- (2) exercise the privileges of the license only during the hours and on the days authorized for a Class B restaurant or hotel (on-sale) beer, wine, and liquor license.

(d) The license holder shall provide food for consumption at the catered event.

(e) The Board shall set the fee for the license.

(f) This section does not require a holder of a Class B restaurant or hotel (on-sale) beer, wine, and liquor license to obtain a local caterer's license for catering on the premises for which the Class B license is issued.

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§ 15-1301

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine licenses");
- (2) § 4-1204 ("Class C per diem beer, wine, and liquor license");
- (3) § 4-1205 ("License fees");
- (4) § 4-1206 ("License to dispose of stock");
- (5) § 4-1207 ("Temporary move of licensed premises");
- (6) § 4-1208 ("Hours and days of sale"); and
- (7) § 4-1209 ("Wine permit for fund-raising event").

(b) Section 4-1202 ("Per diem licenses") of Division I of this article applies in the county, subject to § 15-1307 of this subtitle.

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§ 15-1304

(a) There is a 1-day beer, wine, and liquor tasting (BWLTL) license.

(b) The Board may issue the license to a holder of a license or an organization that qualifies for a Class C per diem beer, a Class C per diem beer and wine, or a Class C per diem beer, wine, and liquor license.

(c) (1) The license authorizes the holder to allow the consumption of beer, wine, or liquor for tasting if:

- (i) the consumer is not charged for the beer, wine, or liquor; and
- (ii) the beer, wine, or liquor is consumed on the licensed premises.

(2) The license may not be issued to a person more than 26 times in a calendar year.

(d) The Board need not publish a license application before granting the license.

(e) An individual may consume beer, wine, or liquor covered by the license in a quantity of not more than:

- (1) 3 ounces from each offering of beer, and 9 ounces from all offerings in a day;
- (2) 1 ounce from each offering of wine, and 4 ounces from all offerings in a day; and
- (3) 0.5 ounce from each offering of liquor, and 2.5 ounces from all offerings in a day.

(f) At the end of the day for which the license is valid, the license holder shall dispose of beer, wine, or liquor that remains in a container that was opened for tasting.

(g) The license fee is \$50.

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§ 15-1307

(a) The Board may issue a per diem license of any retail class.

(b) A per diem license authorizes the license holder to exercise any privilege conferred by the class of license at an entertainment event held by a club.

(c) (1) The license shall be in the form that the Board requires.

(2) The applicant shall sign the license.

(d) The license may not be issued to a club more than 12 times in a calendar year.

(e) The fee for the license is \$50.

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§ 15-1308

- (a) Instead of issuing individual event licenses, the Board may issue a multiple event license for a particular class of license.
- (b) The number of days for which a multiple event license may be used by a single applicant may not exceed 40 per calendar year.
- (c) (1) A multiple event license shall be issued:
- (i) for one premises only; and
 - (ii) except as provided in paragraph (2) of this subsection, to the same applicant for all events for which the license is issued.
- (2) The Board may:
- (i) approve in writing a substitute applicant; and
 - (ii) before approving a substitute applicant, hold a hearing.
- (d) A server who is certified as having completed an alcohol awareness program shall be on the premises for which a multiple event license is issued when alcoholic beverages are served.
- (e) (1) The holder of a multiple event license under this section may store alcoholic beverages on the licensed premises between individual licensed events if the alcoholic beverages:
- (i) are in a specially identified locked and secured location; and
 - (ii) are not sold or consumed except during licensed event hours for licensed event purposes.
- (2) (i) The license holder shall keep complete and accurate records of all alcoholic beverages purchased and sold on the licensed premises.
- (ii) The records shall be:
- 1. maintained on the licensed premises for 2 years; and
 - 2. available for inspection by authorized personnel of the Comptroller, the Executive Director, and the Board.
- (iii) The records shall include a completed pre- and post-inventory of all alcoholic beverages for each individual event.
- (3) Authorized personnel of the Comptroller, the Executive Director, and the Board may inspect the premises of the license holder as provided under § 6-202 of this article.
- (4) A license holder who violates this subsection is subject to:
- (i) for the first offense, a fine of \$100; and
 - (ii) for a subsequent offense, a fine not exceeding \$500 and denial of future requests for a license for an individual event or a special multiple event license.
- (f) (1) The fee for a multiple event license is:
- (i) \$250 for not more than 10 events per year;
 - (ii) \$500 for not more than 20 events per year;
 - (iii) \$750 for not more than 30 events per year; and
 - (iv) \$1,000 for not more than 40 events per year.
- (2) The Board may not issue a refund if the license holder holds fewer events during the calendar year than the number of events that the license holder is entitled to hold.

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§ 15-1401

- (a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:
- (1) § 4-102 ("Applications to be filed with local licensing board");

- (2) § 4–106 (“Payment of notice expenses”);
- (3) § 4–108 (“Application form required by Comptroller”);
- (4) § 4–111 (“Payment of license fees”);
- (5) § 4–112 (“Disposition of license fees”);
- (6) § 4–113 (“Refund of license fees”); and
- (7) § 4–114 (“Fees for licenses issued for less than 1 year”).

(b) Section 4–110 (“Required information on application – Petition of support”) of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county:

- (1) § 4–107 (“Criminal history records check”), in addition to §§ 15–1402 through 15–1405 of this subtitle;
- (2) § 4–109 (“Required information on application — In general”), in addition to § 15–1406 of this subtitle and subject to § 15–1407 of this subtitle;
- (3) § 4–103 (“Application on behalf of partnership”), subject to § 15–1407 of this subtitle;
- (4) § 4–104 (“Application on behalf of corporation or club”), subject to § 15–1407 of this subtitle; and
- (5) § 4–105 (“Application on behalf of limited liability company”), subject to § 15–1407 of this subtitle.

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§ 15-1402

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

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§ 15-1403

When considering an application for a new license, the Board shall keep all criminal history record information in a sealed envelope available only to the members of the Board and their designees.

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§ 15-1404

The Board may require an applicant for a license renewal to meet the requirements of § 4–107 of this article.

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§ 15-1405

The Board shall set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

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§ 15-1406

(a) (1) An application for a license shall include a statement that:

- (i) the applicant is at least 21 years old;
- (ii) the applicant will carry on the business authorized by the license for the applicant or for a business entity and not as an agent of another person;
- (iii) 1. the applicant will manage the business in person; or
2. if the license is issued to a business entity, an individual who is specified in the application will manage the business;
- (iv) the applicant will not sell alcoholic beverages designated under the license to a person under the age of 21 years; and
- (v) the applicant consents to the use of evidence discovered during a lawful inspection of the licensed premises as admissible in a prosecution or on a hearing for a revocation, suspension, or restriction of the license.

(2) The applicant shall verify the statements in the application by affidavit made before a notary or other person authorized to administer oaths.

(b) A person who makes a false statement in an application is guilty of the misdemeanor of perjury and on conviction is subject to imprisonment not exceeding 10 years and license revocation.

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§ 15-1407

(a) At the time an application for an alcoholic beverages license is filed, at least one of the applicants shall be a resident of the State.

(b) The license remains valid only for as long as at least one of the applicants remains a resident of the State.

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§ 15-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-202 ("Authority of local licensing boards");
- (2) § 4-205 ("Chain store, supermarket, or discount house");
- (3) § 4-206 ("Limitations on retail sales floor space");
- (4) § 4-207 ("Licenses issued to minors");
- (5) § 4-208 ("Notice of license application required");
- (6) § 4-209 ("Hearing");
- (7) § 4-211 ("License forms; effective date; expiration");
- (8) § 4-212 ("License not property"); and
- (9) § 4-213 ("Replacement licenses").

(b) Section 4-214 ("Waiting periods after denial of license applications") of Division I of this article does not apply in the county and is superseded by § 15-1504 of this subtitle.

(c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

- (1) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 15-1502 of this subtitle and Subtitle 13, Part III of this title;
- (2) § 4-204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 15-1502 of this subtitle; and
- (3) § 4-210 ("Approval or denial of license application"), in addition to § 15-1503 of this subtitle.

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§ 15-1502

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 15-1503

Before the Board issues a license, the Board shall consider and determine as suitable:

- (1) the moral character and financial responsibility of the applicant;

(2) the appropriateness of the location of the place described in the application, taking into consideration the number of existing licenses; and

(3) the general fitness of the applicant to uphold the public trust.

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§ 15-1504

(a) If a license application is denied on grounds relating to the suitability of the applicant, the Board may not receive another application from the applicant for any type of license at any premises for 6 months after the denial.

(b) If a license application is denied on grounds relating to the suitability of the location described in the application, the Board may not receive any type of license application for the location for 1 year after the denial.

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§ 15-1505

A license holder may exchange the license for any other license for the same premises by complying with the application procedures of this title and paying the license fees.

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§ 15-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4-302 ("Transfer of place of business; transfer of license and inventory");

(2) § 4-303 ("Chain store, supermarket, or discount house");

(3) § 4-304 ("Compliance with Bulk Transfers Act required"); and

(4) § 4-305 ("Filing fee and endorsement").

(b) Section 4-306 ("Substitution of names of officers on license") of Division I of this article applies in the county, subject to § 15-1702 of this subtitle.

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§ 15-1702

(a) Subject to subsection (b) of this section, if a holder of a license for the use of a business or club wishes to substitute on the license the name of an officer of the business or club, the license holder may file a petition for substitution with the Board instead of filing an application for transfer of the license.

(b) The Board may approve the petition only if the license holder demonstrates that the substitute officer is fit to engage in the business authorized by this article.

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§ 15-1703

An applicant for a transfer of a license is subject to a State and national criminal history records check under § 4-107 of this article.

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§ 15-1704

(a) When considering a transfer of a license, the Board shall keep all criminal history records in a sealed envelope available only to the members of the Board and their designees.

(b) The Board shall set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

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§ 15-1801

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 15-1802

The Board may require an applicant for a license renewal to meet the requirements of § 4–107 of this article.

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§ 15-1901

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

- (1) § 4–502 ("Storage of alcoholic beverages");
- (2) § 4–503 ("Solicitations and sales outside of licensed premises");
- (3) § 4–504 ("Employment of underage individuals");
- (4) § 4–506 ("Evidence of purchaser's age");
- (5) § 4–507 ("Retail delivery of alcoholic beverages"); and
- (6) § 4–508 ("Display of license").

(b) Section 4–505 ("Alcohol awareness program") of Division I of this article applies in the county, subject to § 15–1902 of this subtitle.

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§ 15-1902

(a) (1) The individual certified by an approved alcohol awareness program may be absent from the licensed premises for an emergency if the absence lasts for not more than 2 hours.

(2) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(b) A license holder who violates this section is subject to:

- (1) for a first offense, a \$100 fine; and
- (2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

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§ 15-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, operator, or manager of a premises licensed under this title may not knowingly allow consumption of alcoholic beverages that is prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 15-2002

(a) A holder of a Class A beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(b) (1) A holder of a Class B beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(2) The license holder may sell beer at a bar or counter on Sunday.

(c) (1) A holder of a Class C beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(2) The license holder may sell beer at a bar or counter on Sunday.

(d) A holder of a 7-day Class D beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

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§ 15-2003

(a) A holder of a 6-day or 7-day Class A beer and wine license may sell beer and wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(b) Reserved.

(c) A holder of a Class C beer and wine license may sell beer and wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer and wine license may sell beer and wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(e) A holder of a Class H beer and wine license may sell beer and wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

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§ 15-2004

(a) (1) A holder of a 6-day or 7-day Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(2) On Sunday, a holder of a 7-day Class A beer, wine, and liquor license may sell for off-premises consumption:

(i) beer and wine, from 8 a.m. to midnight; and

(ii) liquor, from 1 p.m. to midnight.

(b) (1) A holder of a 6-day or 7-day Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(2) The holder of a 7-day Class B beer, wine, and liquor license may sell beer, wine, and liquor from a bar or counter on Sunday.

(c) (1) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(2) The license holder may sell beer, wine, and liquor at a bar or counter on Sunday.

(d) A holder of a 6-day or 7-day Class D beer, wine, and liquor license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.

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§ 15-2005

(a) Except as provided in subsections (b) and (c) of this section, a holder of a license that allows the sale of alcoholic beverages for on-premises consumption may sell the alcoholic beverages allowed by the license from 2 p.m. on December 31 to midnight on January 1, no matter what days of the week December 31 and January 1 fall on.

(b) A holder of a license that allows the sale of alcoholic beverages for on-premises consumption may sell alcoholic beverages in accordance with the hours authorized by the license if the hours specified for December 31 and January 1 under subsection (a) of this section are more restrictive than the regular hours.

(c) A holder of a Class B or Class D license that allows beer sales for off-premises consumption may sell beer on December 31 and January 1 in accordance with the privileges granted by the license.

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§ 15-2101

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-602 ("Power of local licensing board");
- (2) § 4-603 ("Revocation and suspension procedures");
- (3) § 4-604 ("Grounds for revocation or suspension"); and
- (4) § 4-606 ("Effects of revocation").

(b) Section 4-605 ("Nudity and sexual displays") of Division I of this article applies in the county, subject to § 15-2102 of this subtitle.

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§ 15-2102

Notwithstanding the mandatory revocation requirement for local licensing boards under § 4-605(a) of this article, after a finding that an activity listed in § 4-605 of this article has occurred, the Board may decide whether to revoke a license.

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§ 15-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 15-2301

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

- (1) § 4-802 ("Expiration of license on death of license holder");
- (2) § 4-804 ("Transfer or reinstatement of license");
- (3) § 4-805 ("Rights of protest, revocation, suspension, and restriction"); and
- (4) § 4-806 ("Refund").

(b) Section 4-803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 15-2302 of this subtitle.

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§ 15-2302

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

- (i) the surviving spouse;
- (ii) the surviving partners for the benefit of the partnership; or
- (iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

- (i) for the balance of the license year; and
- (ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

- (1) the surviving spouse;
- (2) the surviving partners of a partnership; or
- (3) the senior surviving officer of the corporation for the benefit of the corporation.

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§ 15-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 15-2501

(a) A person may not serve setups, including drinking containers and ice, or serve, provide, keep, or allow to be consumed alcoholic beverages or other component parts of mixed alcoholic drinks in a place of adult entertainment that:

- (1) does not hold a license under this article; and
 - (2) allows in the establishment any form of sexual display or attire prohibited under § 4-605 of this article.
- (b) A person who operates an establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.
- (c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 15-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

- (1) an establishment open to the public;
 - (2) a place of public entertainment; or
 - (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.
- (b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.
- (c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 15-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

- (1) § 6-202 ("Inspections");
 - (2) § 6-203 ("Use of equipment to measure quantity and quality of alcoholic beverages");
 - (3) § 6-204 ("Power to summon witnesses");
 - (4) § 6-205 ("Peace officers");
 - (5) § 6-206 ("Charging document for unlawful sale of alcoholic beverage");
 - (6) § 6-207 ("Display of alcoholic beverages as prima facie evidence of sale");
 - (7) § 6-208 ("Regulating possession or consumption of alcohol in public places");
 - (8) § 6-209 ("Adoption of standards for authorization of consumption"); and
 - (9) § 6-211 ("Fines and forfeitures").
- (b) Section 6-210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 15-2602 of this subtitle.

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§ 15-2602

The county may:

(1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6–319 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

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§ 15-2701

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

- (1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”);
- (2) § 6–305 (“Proof of age for sale of alcoholic beverages”);
- (3) § 6–306 (“Defense to prosecution for sale to underage individual”);
- (4) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”);
- (5) § 6–308 (“Allowing on–premises consumption of alcoholic beverages not purchased from license holder”);
- (6) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);
- (7) § 6–310 (“Providing free food”);
- (8) § 6–311 (“Restrictions on purchases and sales by retail dealer”);
- (9) § 6–312 (“Beverage misrepresentation”);
- (10) § 6–313 (“Tampering with alcoholic beverage container”);
- (11) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);
- (12) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);
- (13) § 6–316 (“Maximum alcohol content”);
- (14) § 6–317 (“Multiple serving purchase required”);
- (15) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);
- (16) § 6–320 (“Disorderly intoxication”);
- (17) § 6–321 (“Consumption of alcoholic beverages in public”);
- (18) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);
- (19) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);
- (20) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);
- (21) § 6–328 (“Tax evasion”);
- (22) § 6–329 (“Destruction of evidence”); and
- (23) § 6–330 (“Perjury”).

(b) Section 6–322 (“Possession of open container”) of Division I of this article applies in the county, subject to § 15–2702 of this subtitle.

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§ 15-2702

An individual may possess an alcoholic beverage in an open container on private property described under § 6–322(a)(1) of this article only if the individual possesses and presents the written consent of the owner of the property.

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§ 15-2703

(a) A holder of a Class A beer, wine, and liquor license may not allow an individual under the age of 18 years to play pool, billiards, shuffleboard, pinball, a console machine, or any other game of chance or skill in the licensed establishment unless the individual is accompanied by a parent or legal guardian.

(b) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine or both.

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§ 15-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 15-2802

(a) The Board may impose a fine not exceeding \$2,500 or suspend a license or both for a violation that is a cause for suspension of a license.

(b) A penalty imposed under subsection (a) of this section:

(1) is in addition to and does not limit any other penalty for the same violation; and

(2) is independent of any related court action based on the same violation.

(c) Fines collected under this section shall be paid into the general fund of the county.

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Title 16 — Title 16

§ 16-101

(a) In this title:

(1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Carroll County.

(c) “County” means Carroll County.

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§ 16-102

This title applies only in Carroll County.

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§ 16-103

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 16-201

There is a Board of License Commissioners for Carroll County.

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§ 16-202

(a) The County Commissioners shall appoint three members to the Board.

(b) (1) The term of a regular member is 3 years.

(2) The terms of the regular members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(c) The County Commissioners may remove a member for misconduct in office, incompetence, or willful neglect of duty.

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§ 16-203

(a) The County Commissioners shall appoint one substitute member to the Board to serve if a regular member is absent or incapacitated.

(b) The County Commissioners shall provide a term of office for the substitute member.

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§ 16-204

The County Commissioners shall designate a chair from among the regular members of the Board.

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§ 16-205

(a) The Board shall meet at least once a month.

(b) The County Commissioners shall set:

(1) the annual salaries of the regular members of the Board; and

(2) the salary of the substitute member on a per diem basis.

(c) The Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

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§ 16-206

The Board may adopt regulations to carry out this article.

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§ 16-301

There is no liquor control board or department of liquor control in the county.

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§ 16-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2-201 ("Issuance by Comptroller");

(2) § 2-202 ("Class 1 distillery license");

(3) § 2-203 ("Class 9 limited distillery license");

(4) § 2-204 ("Class 2 rectifying license");

(5) § 2-205 ("Class 3 winery license");

(6) § 2-207 ("Class 5 brewery license");

(7) § 2-210 ("Class 8 farm brewery license");

- (8) § 2–211 (“Residency requirement”);
 - (9) § 2–212 (“Additional licenses”);
 - (10) § 2–213 (“Additional fees”);
 - (11) § 2–214 (“Sale or delivery restricted”);
 - (12) § 2–216 (“Interaction between manufacturing entities and retailers”);
 - (13) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and
 - (14) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).
- (b) Section 2–215 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article does not apply in the county.
- (c) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county:
- (1) § 2–206 (“Class 4 limited winery license”), subject to § 16–403 of this subtitle;
 - (2) § 2–208 (“Class 6 pub–brewery license”), subject to § 16–404 of this subtitle; and
 - (3) § 2–209 (“Class 7 micro–brewery license”), subject to § 16–405 of this subtitle.

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§ 16-402

A holder of a manufacturer’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 16-403

- (a) This section applies to a Class 4 limited winery license in the county.
- (b) A holder of a Class 4 limited winery license that applies for a Class A wine license under § 16–701 of this title is exempt from any license population quota limitation established under § 16–1601 of this title.

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§ 16-404

- (a) This section applies to a Class 6 pub–brewery license in the county.
- (b) Section 2–208(d) of this article does not apply in the county.

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§ 16-405

- (a) This section applies to a Class 7 micro–brewery license in the county.
- (b) (1) In this subsection, “protected building” means:
- (i) an elementary school;
 - (ii) a secondary school; or
 - (iii) a church or other place of worship.
- (2) Paragraph (3) of this subsection does not apply to a micro–brewery that was in existence on July 1, 1997.
- (3) (i) A micro–brewery may not be located within 300 feet of a protected building.
- (ii) The distance shall be measured from the nearest point of the building in which the micro–brewery is located to the nearest point of the property line on which the protected building is located.
- (4) Notwithstanding paragraph (3) of this subsection, if a micro–brewery was established at its licensed premises before a protected building was established within 300 feet of the micro–brewery, the Executive Director may renew the license of the micro–brewery.

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§ 16-501

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-301 ("Licenses issued by Comptroller");
- (2) § 2-302 ("Class 1 beer, wine, and liquor wholesaler's license");
- (3) § 2-303 ("Class 2 wine and liquor wholesaler's license");
- (4) § 2-304 ("Class 3 beer and wine wholesaler's license");
- (5) § 2-305 ("Class 4 beer wholesaler's license");
- (6) § 2-306 ("Class 5 wine wholesaler's license");
- (7) § 2-307 ("Class 6 limited wine wholesaler's license");
- (8) § 2-308 ("Class 7 limited beer wholesaler's license");
- (9) § 2-309 ("Sale and delivery of beer or wine from wholesaler's vehicle");
- (10) § 2-310 ("Sale and delivery to retail license holder");
- (11) § 2-311 ("Additional wholesaler's licenses");
- (12) § 2-312 ("Direct importation of alcoholic beverages");
- (13) § 2-313 ("Sale or delivery restricted to holder of license or permit");
- (14) § 2-315 ("Interaction between wholesaling entities and retailers");
- (15) § 2-316 ("Distribution of alcoholic beverages — Prohibited practices"); and
- (16) § 2-317 ("Restrictive agreements between wholesalers and retailers — Prohibited").

(b) Section 2-314 ("Beer sale on credit to retail dealer prohibited") of Division I of this article does not apply in the county.

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§ 16-502

Except as provided in § 16-503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 16-503

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 16-601

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer is sold.

(c) The annual license fee is:

(1) from July 1, 2014, to June 30, 2017, \$200; and

(2) beginning on July 1, 2017, \$250.

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§ 16-602

- (a) There is a Class B beer license.
- (b) The license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on- and off-premises consumption.
- (c) The annual license fee is \$130.

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§ 16-603

- (a) There is a Class C beer license.
- (b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on-premises consumption.
- (c) The annual license fee is \$50.

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§ 16-604

- (a) There is a Class D beer license.
- (b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail:
 - (i) at the place described in the license for on-premises consumption; and
 - (ii) at the discretion of the board, for off-premises consumption.
- (2) A license may not be issued for a drugstore.
- (c) The annual license fee is \$250.

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§ 16-701

- (a) There is a Class A wine license in the county.
- (b) The license may be issued to a holder of a Class 4 limited winery license.
- (c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.
- (2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (d) The annual license fee is \$50.

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§ 16-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

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§ 16-802

- (a) There is a Class A beer and wine license.
- (b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.
- (2) The license holder shall sell the beer and wine in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.
- (c) The annual license fee is:
 - (1) from July 1, 2014, to June 30, 2017, \$340; and

(2) beginning on July 1, 2017, \$500.

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§ 16-803

(a) There is:

(1) a Class B beer and wine 6–day license; and

(2) a Class B beer and wine 7–day license.

(b) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The annual license fees are:

(1) \$160 for a 6–day license; and

(2) \$1,000 for a 7–day license.

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§ 16-804

(a) There is a Class C beer and wine license.

(b) The license authorizes the license holder to sell beer and wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is \$70.

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§ 16-805

(a) There is a Class D beer and wine license.

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license:

(1) for on–premises consumption; and

(2) for off–premises consumption at the discretion of the Board.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is \$250.

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§ 16-901

(a) There is a Class A beer, wine, and liquor license.

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) The license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is:

(1) from July 1, 2014, to June 30, 2017, \$850; and

(2) beginning on July 1, 2017, \$1,000.

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§ 16-902

- (a) There is a Class B beer, wine, and liquor license.
- (b) The Board may issue the license for use by:
 - (1) a hotel that:
 - (i) accommodates the public by providing service ordinarily found in hotels;
 - (ii) has:
 - 1. at least 25 rooms;
 - 2. a lobby with registration and mail desk; and
 - 3. a dining room that serves full-course meals at least twice daily and that has regular seating at tables, including not more than 15 seats at bars or counters, for at least 50 individuals; and
 - (iii) is operated in facilities that are valued for State and local assessment and taxation at not less than \$50,000; or
 - (2) a restaurant that:
 - (i) is open for business at least 5 days a week and serves at least:
 - 1. two full-course meals each day it is open from Monday to Friday; and
 - 2. one full-course meal each day it is open on Saturday and Sunday;
 - (ii) has regular seating at tables, including not more than 15 seats at bars or counters, for at least 50 individuals; and
 - (iii) is operated in facilities that are valued for State and local assessment and taxation at not less than \$50,000.
- (c) (1) In this subsection, "premises" means an area:
 - (i) inside the restaurant where meals are prepared and served; or
 - (ii) outside the restaurant that is approved in writing by the Board.
- (2) The license authorizes the license holder to sell:
 - (i) beer, wine, and liquor for on-premises consumption;
 - (ii) beer for off-premises consumption 7 days a week; and
 - (iii) wine for off-premises consumption 7 days a week if:
 - 1. the area used to prepare and consume food and beverages occupies at least 90% of the square footage of the licensed premises; and
 - 2. the license holder does not sell more than six bottles of wine to an individual at one time.
- (d) (1) If a license application is made for a new or improved building, on request by the Board the supervisor of assessments shall assess the building and advise the Board of the valuation of the building for assessment and taxation.
- (2) The valuation of the building for assessment and taxation does not affect the renewal or transfer of a Class B license issued before May 1, 1979.
- (e) The annual license fee is \$1,500.

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§ 16-903

- (a) There is a Class BC beer, wine, and liquor license.
- (b) The Board may issue a Class BC license to an applicant that has:
 - (1) a hotel or restaurant that meets the licensing requirements in § 16-902(c) of this subtitle; or
 - (2) a Class B hotel or restaurant (on- and off-sale) beer, wine, and liquor license, if the applicant surrenders the Class B license to the Board before being issued the Class BC license.
- (c) (1) The license authorizes the license holder to sell:

- (i) beer, wine, and liquor 7 days a week at a restaurant or hotel for on–premises consumption;
- (ii) beer 7 days a week at a restaurant or hotel for off–premises consumption; and
- (iii) beer, wine, and liquor 7 days a week at a catered event held off the restaurant or hotel premises for consumption on the premises of the event.
- (2) Either the license holder or the event sponsor shall provide food for consumption at the catered event.
- (d) The license holder may sell beer, wine, and liquor during the hours and on the days as set out for a Class B license under § 16–2005 of this title.
- (e) The annual license fee is \$250 greater than the fee for a Class B hotel or restaurant (on– and off–sale) beer, wine, and liquor license.

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§ 16-904

- (a) There is a Class BR beer, wine, and liquor license.
- (b) The Board may issue the license for use by a restaurant that:
 - (1) serves at least one full–course evening dinner meal at least 5 days a week;
 - (2) is only open during the time meals are served;
 - (3) has regular seating at tables, including not more than 15 seats at bars and counters, for at least 50 individuals; and
 - (4) is operated in facilities valued for State and local assessment and taxation at not less than \$50,000.
- (c) (1) In this subsection, “premises” means an area:
 - (i) inside the restaurant where meals are prepared and served; or
 - (ii) outside the restaurant that is approved in writing by the Board.
- (2) The license authorizes the license holder to sell beer, wine, and liquor 7 days a week at a restaurant for consumption:
 - (i) with meals on the licensed premises; or
 - (ii) on the licensed premises in accordance with regulations that the Board adopts.
- (d) If a license application is made for a new or improved building, on request of the Board the supervisor of assessments shall assess the building and advise the Board of the valuation of the building for assessment and taxation.
- (e) The license holder may sell beer, wine, and liquor 7 days a week at a catered event held off the licensed premises for consumption on the premises of the catered event if the license holder:
 - (1) provides food for consumption at the catered event; and
 - (2) pays an annual fee of \$250 in addition to the annual license fee.
- (f) The annual license fee is \$2,000.

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§ 16-905

- (a) There is a Class C beer, wine, and liquor license.
- (b) (1) The Board may issue the license for use by a club that:
 - (i) has a dining room;
 - (ii) has a regular seating capacity at tables, including not more than 15 seats at bars or counters, for at least 50 individuals; and
 - (iii) operates in a facility with an assessed real property valuation of at least \$20,000.
- (2) The license authorizes the license holder to sell beer, wine, and liquor at a club, at the place described in the license, for on–premises consumption.
- (c) The annual license fee:

- (1) for a club that is a local chapter of a nationally organized nonprofit fraternal or veterans' organization is \$1,200; and
- (2) for any other club is \$1,500.

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§ 16-906

A Class D beer, wine, and liquor license may not be issued in the county.

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§ 16-1001

- (a) There is a Class C (golf course) beer, wine, and liquor license.
- (b) The Board may issue the license for the use of a golf course or organization that:
 - (1) is open to the public;
 - (2) is operated for profit;
 - (3) owns real estate in the county; and
 - (4) has a golf course with a minimum of nine holes.
- (c)
 - (1) The license authorizes the license holder to sell beer, wine, and liquor for consumption only on the land and in the buildings that are part of the golf course.
 - (2) A patron need not be seated to be served.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 16-2005 of this title.
- (e) The annual license fee is \$1,500.

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§ 16-1101

- (a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:
 - (1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and
 - (2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").
- (b) Section 4-1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.
- (c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:
 - (1) § 4-1104 ("Refillable container permit — Draft beer"), subject to § 16-1102 of this subtitle; and
 - (2) § 4-1106 ("Nonrefillable container permit — Draft beer"), subject to § 16-1103 of this subtitle.

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§ 16-1102

- (a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for the permit:
 - (1) begin at the same time as those for the underlying license; and
 - (2) end at midnight.
- (d) The annual permit fees are:
 - (1) \$50 for an applicant whose license has an off-sale privilege; and

(2) \$500 for an applicant whose license does not have an off-sale privilege.

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§ 16-1103

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:

(i) \$50 for an applicant whose license has an off-sale privilege; and

(ii) \$500 for an applicant whose license does not have an off-sale privilege.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

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§ 16-1201

(a) There is a Class H caterer's beer, wine, and liquor license.

(b) The Board may issue the license to the owner or operator of a catering establishment that has:

(1) one or more banquet rooms suitable for public gatherings; and

(2) food preparation facilities on the premises.

(c) The license authorizes a holder to:

(1) contract with a sponsor of a public or private event to:

(i) provide food and alcoholic beverages; or

(ii) provide food and allow patrons to bring personal alcoholic beverages onto the premises of the license holder for consumption at a catered event; and

(2) sell alcoholic beverages at retail at the premises described in the license for on-premises consumption.

(d) (1) The annual license fee is equal to the fee for a Class B beer, wine, and liquor license as provided in § 16-902 of this title.

(2) The Board may not issue the license before payment of the fee is received by the Board.

(e) A hotel or restaurant that holds a Class B restaurant or hotel beer, wine, and liquor license is not required to obtain a Class H caterer's license if catering is or has been a part of the services provided by the holder of the Class B license.

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§ 16-1202

(a) There is a Class HC caterer's (on-sale and limited off-sale) beer, wine, and liquor license.

(b) The Board may issue the license to the holder of a Class H caterer's beer, wine, and liquor license.

(c) The license authorizes a holder to:

(1) sell beer, wine, and liquor 7 days a week at a catered event for consumption:

(i) on the licensed premises; or

(ii) on the premises where the catered event is held; and

(2) exercise the privileges of the license only during the hours and on the days authorized for a Class B hotel or restaurant (on- and off-sale) beer, wine, and liquor license.

(d) The license holder shall provide food for consumption at the catered event.

(e) (1) Subject to paragraph (2) of this subsection, in a calendar year the license holder may hold not more than eight events that the license holder sponsors.

(2) An event that the license holder sponsors may be held only at a location and on a date that the Board approves in accordance with regulations that the Board adopts.

(f) The annual license fee is \$250 greater than the annual fee for a Class B hotel or restaurant (on- and off-sale) beer, wine, and liquor license.

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§ 16-1301

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-1202 ("Per diem licenses");

(2) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(3) § 4-1204 ("Class C per diem beer, wine, and liquor license");

(4) § 4-1206 ("License to dispose of stock");

(5) § 4-1207 ("Temporary move of licensed premises");

(6) § 4-1208 ("Hours and days of sale"); and

(7) § 4-1209 ("Wine permit for fund-raising event").

(b) Section 4-1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 16-1311 of this subtitle.

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§ 16-1304

(a) There is a beer festival license.

(b) The Board may issue the license to a holder of a retail license, Class 5 brewery license, Class 7 micro-brewery license, or Class 8 farm brewery license.

(c) The license authorizes the holder to display and sell beer.

(d) A license holder shall display and sell beer:

(1) at retail for on- and off-premises consumption; and

(2) during the hours and days designated for the beer festival.

(e) The Board shall:

(1) choose 1 weekend for the beer festival that does not fall on the dates chosen for the Anne Arundel Beer and Wine Festival, the Cumberland and Shenandoah Valley Wine Festival in Washington County, or the Maryland Wine Festival in Carroll County;

(2) choose a location that is not already licensed; and

(3) ensure that the primary focus of the beer festival is the promotion of Maryland beer.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is \$50 for a 1-day or 2-day festival.

(h) The Board shall adopt regulations to carry out this section.

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§ 16-1305

(a) There is a Maryland Wine Festival (MWF) license.

- (b) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.
- (c) The license authorizes the holder to display and sell wine that is produced and processed in the State.
- (d) A license holder shall display and sell wine:
 - (1) at retail for on– and off–premises consumption; and
 - (2) during the hours and days designated for the Maryland Wine Festival in Carroll County.
- (e) The County Commissioners:
 - (1) may choose 1 weekend each year during the month of July, August, or September for the Maryland Wine Festival; and
 - (2) shall choose a location that is not already licensed.
- (f) The license holder may hold another license of a different class or nature.
- (g) The license fee is \$200.
- (h) The Board shall adopt regulations to carry out this section.

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§ 16-1306

- (a) There is a beer tasting (BT) license.
- (b) The Board may issue the license to a holder of a beer and wine (BW) license or a beer, wine, and liquor (BWL) license.
- (c) The license authorizes the holder to allow the consumption of beer for tasting if:
 - (1) the license holder is authorized to sell the beer; and
 - (2) the consumer is not charged for the beer.
- (d) The Board shall regulate:
 - (1) the quantity of beer served to each individual;
 - (2) the number of bottles or other containers of beer from which this quantity is served; and
 - (3) the size of the bottles or other containers.
- (e) In addition to the cost of a BW license or BWL license, the annual license fee is \$100.

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§ 16-1307

- (a) There is a wine tasting (WT) license.
- (b) The Board may issue the license to a holder of a beer and wine (BW) license or beer, wine, and liquor (BWL) license.
- (c) The license authorizes the holder to allow the consumption of wine for tasting if:
 - (1) the license holder is authorized to sell the wine; and
 - (2) the consumer is not charged for the wine.
- (d) The Board shall regulate:
 - (1) the quantity of wine served to each individual; and
 - (2) the number of bottles of wine from which this quantity is served.
- (e) In addition to the cost of a BW license or BWL license, the annual license fee is \$100.

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§ 16-1308

- (a) There is a liquor tasting license.
- (b) The Board may issue the license to a holder of a Class A beer, wine, and liquor license.

- (c) The license authorizes the holder to allow the consumption of liquor for tasting if:
 - (1) the license holder is authorized to sell the liquor; and
 - (2) the consumer is not charged for the liquor.
- (d) An individual may consume liquor at a liquor tasting in a quantity of not more than:
 - (1) one-half ounce from each offering of liquor; and
 - (2) five offerings in 1 day.
- (e) A license is valid for not more than 52 days a year and may be used on consecutive or nonconsecutive days.
- (f) The annual license fee is \$100.

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§ 16-1311

The fee for a Class C per diem beer license, a Class C per diem beer and wine license, or a Class C per diem beer, wine, and liquor license is \$50 per day.

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§ 16-1312

- (a) The Board may issue a Class C multiple event beer, wine, and liquor license.
- (b) The license authorizes the license holder to exercise any privilege conferred by a Class C beer, wine, and liquor license at an entertainment event held by a county fire department or an arts center on West Main Street in Westminster.
- (c) (1) The license shall be in the form that the Board requires.
 - (2) The applicant shall sign the license.
- (d) A fire department or an arts center on West Main Street in Westminster may not be issued a multiple event license more than one time in a calendar year.
- (e) The annual fee for the license is:
 - (1) \$125, for not more than 10 events per year;
 - (2) \$250, for not more than 20 events per year;
 - (3) \$375, for not more than 30 events per year;
 - (4) \$500, for not more than 40 events per year; and
 - (5) \$2,000 for 41 or more events per year.
- (f) A fire company or an arts center on West Main Street in Westminster that holds a Class C multiple event license is not precluded from obtaining a Class C per diem license under this subtitle.

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§ 16-1401

- (a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:
 - (1) § 4-102 ("Applications to be filed with local licensing board");
 - (2) § 4-106 ("Payment of notice expenses");
 - (3) § 4-108 ("Application form required by Comptroller");
 - (4) § 4-111 ("Payment of license fees");
 - (5) § 4-113 ("Refund of license fees"); and
 - (6) § 4-114 ("Fees for licenses issued for less than 1 year").
- (b) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:

- (1) § 4–103 (“Application on behalf of partnership”), subject to § 16–1405 of this subtitle;
- (2) § 4–104 (“Application on behalf of corporation or club”), subject to § 16–1405 of this subtitle;
- (3) § 4–105 (“Application on behalf of limited liability company”), subject to § 16–1405 of this subtitle;
- (4) § 4–107 (“Criminal history records check”), subject to §§ 16–1403 and 16–1404 of this subtitle;
- (5) § 4–109 (“Required information on application — In general”), subject to § 16–1405 of this subtitle;
- (6) § 4–110 (“Required information on application — Petition of support”), subject to § 16–1405.1 of this subtitle; and
- (7) § 4–112 (“Disposition of license fees”), subject to § 16–1406 of this subtitle.

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§ 16-1402

The Board may charge an administrative fee not exceeding \$500 for processing an application for a new license.

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§ 16-1403

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

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§ 16-1404

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

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§ 16-1405

(a) An individual who is a resident of the State at the time an application for a license is filed meets the residency requirements under §§ 4–103, 4–104, and 4–105 of this article.

(b) The license remains valid only for as long as at least one of the applicants remains a resident of the State.

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§ 16-1406

The County Commissioners shall pay 25% of the license fees collected under this title to the municipality where the licensed premises is located.

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§ 16-1501

(a) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–202 (“Authority of local licensing boards”);
- (2) § 4–204 (“Prohibition against issuing multiple licenses for same premises”);
- (3) § 4–205 (“Chain store, supermarket, or discount house”);
- (4) § 4–206 (“Limitations on retail sales floor space”);
- (5) § 4–207 (“Licenses issued to minors”);
- (6) § 4–208 (“Notice of license application required”);
- (7) § 4–210 (“Approval or denial of license application”);
- (8) § 4–211 (“License forms; effective date; expiration”);
- (9) § 4–212 (“License not property”);
- (10) § 4–213 (“Replacement licenses”); and

(11) § 4-214 (“Waiting periods after denial of license applications”).

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:

(1) § 4-203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to Subtitle 13, Part III of this title; and

(2) § 4-209 (“Hearing”), subject to § 16-1502 of this subtitle.

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§ 16-1502

The Board is not required to hold a hearing before issuing a special or temporary license if the application is only for a special or temporary license.

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§ 16-1601

(a) (1) (i) The aggregate number of all Class A beer licenses, beer and wine licenses, and beer, wine, and liquor licenses in each election district may not be more than one for every 5,000 individuals.

(ii) The Board shall determine the population of each election district by using the most recent published population report of the County Planning Commission.

(2) Except as provided in subsection (b) of this section, the Board may not issue a new Class A license if, in the election district in which the license would be located:

(i) the ratio already exceeds one Class A license for every 5,000 individuals; or

(ii) the issuance of the license would cause the ratio to exceed one Class A license for every 5,000 individuals.

(b) Subsection (a) of this section does not apply to:

(1) a winery that applies for a Class A wine license under § 16-1701 of this title; or

(2) the renewal or transfer of a license.

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§ 16-1701

(a) The following sections of Title 4, Subtitle 3 (“Transfer of Local Licenses; Substitution of Names on License”) of Division I of this article apply in the county without exception or variation:

(1) § 4-303 (“Chain store, supermarket, or discount house”);

(2) § 4-304 (“Compliance with Bulk Transfers Act required”); and

(3) § 4-306 (“Substitution of names of officers on license”).

(b) The following sections of Title 4, Subtitle 3 (“Transfer of Local Licenses; Substitution of Names on License”) of Division I of this article apply in the county:

(1) § 4-302 (“Transfer of place of business; transfer of license and inventory”), subject to § 16-1702 of this subtitle; and

(2) § 4-305 (“Filing fee and endorsement”), subject to § 16-1703 of this subtitle.

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§ 16-1702

The Board may not allow the transfer of a license unless the Board is satisfied that all State or local real or personal property taxes owed by the transferor are paid.

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§ 16-1703

(a) The fee for a transfer of a license is \$350, in addition to the costs of publication and notice.

(b) The fee is not refundable.

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§ 16-1801

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 16-1802

The Board may impose a late fee of \$50 for each day the application is late, up to a maximum amount of \$500.

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§ 16-1803

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

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§ 16-1901

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

- (1) § 4–502 ("Storage of alcoholic beverages");
- (2) § 4–503 ("Solicitations and sales outside of licensed premises");
- (3) § 4–506 ("Evidence of purchaser's age");
- (4) § 4–507 ("Retail delivery of alcoholic beverages"); and
- (5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

- (1) § 4–504 ("Employment of underage individuals"), subject to § 16–1902 of this subtitle; and
- (2) § 4–505 ("Alcohol awareness program"), subject to § 16–1904 of this subtitle.

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§ 16-1902

(a) A holder of a Class B license may employ an individual at least 15 years old to perform a task other than one involving selling, serving, or delivering alcoholic beverages.

(b) (1) An individual at least 18 years old may sell, serve, or deliver alcoholic beverages in a restaurant.

(2) A holder of a Class A license may employ an individual at least 18 years old to stock alcoholic beverages and to operate a lottery ticket terminal.

(c) An individual under the age of 21 years may not act as a bartender or in any solely bar–related capacity.

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§ 16-1903

A license holder may not sell, offer to sell, or dispense alcoholic beverages from a walk–up or drive–through window.

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§ 16-1904

(a) The holder of a Class B or Class D license or an individual designated by the license holder who is employed in a supervisory capacity shall be:

- (1) certified by an approved alcohol awareness program; and
- (2) present on the licensed premises during the hours in which alcoholic beverages may be sold.
- (b) A license holder who violates this section is subject to:
 - (1) for the first offense, a \$100 fine; and
 - (2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.
- (c) At least one individual who is listed on the license as a license holder shall maintain a current certificate reflecting the completion of an alcohol awareness program while the individual is listed on the license.

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§ 16-2001

- (a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.
- (2) An owner, operator, or manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 16-2002

- (a) A holder of a Class A beer license may sell or provide beer on Monday through Sunday from 8 a.m. to 11 p.m.
- (b) A holder of a Class B beer license may sell or provide beer on Monday through Saturday, from 8 a.m. to 2 a.m. the following day.
- (c) A holder of a Class C beer license may sell or provide beer on Monday through Saturday from 8 a.m. to 2 a.m. the following day.
- (d) A holder of a Class D beer license may sell or provide beer on Monday through Saturday from 8 a.m. to 2 a.m. the following day.

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§ 16-2003

A holder of a Class A wine license may sell wine on Sunday.

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§ 16-2004

- (a) A holder of a Class A beer and wine license may sell or provide beer and wine on Monday through Sunday from 8 a.m. to 11 p.m.
- (b) (1) A holder of a 6-day Class B beer and wine license may sell or provide beer and wine for on-premises consumption on Monday through Saturday from 8 a.m. to 2 a.m. the following day.
- (2) A holder of a 7-day Class B beer and wine license may sell or provide beer and wine for on-premises consumption:
 - (i) on Monday through Saturday from 8 a.m. to 2 a.m. the following day; and
 - (ii) on Sunday from 8 a.m. to 1 a.m. the following day.
- (3) A holder of a 7-day Class B beer and wine license may sell beer and wine for off-premises consumption on Monday through Sunday from 8 a.m. to 11 p.m.
- (c) A holder of a Class C beer and wine license may sell or provide beer and wine on Monday through Saturday from 8 a.m. to 2 a.m. the following day.
- (d) (1) A holder of a 6-day or 7-day Class D beer and wine license may sell or provide beer and wine on Monday through Saturday from 8 a.m. to 2 a.m. the following day.

(2) A holder of a 7-day Class D beer and wine license may sell or provide beer and wine on Sunday from 8 a.m. to 1 a.m. the following day.

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§ 16-2005

(a) A holder of a Class A beer, wine, and liquor license may sell or provide beer, wine, and liquor on Monday through Sunday from 8 a.m. to 11 p.m.

(b) A holder of a Class B beer, wine, and liquor license may sell or provide beer, wine, and liquor:

(1) on Monday through Saturday from 8 a.m. to 2 a.m. the following day; and

(2) on Sunday from 8 a.m. to 1 a.m. the following day.

(c) A holder of a Class C beer, wine, and liquor license may sell or provide beer, wine, and liquor:

(1) on Monday through Saturday from 8 a.m. to 2 a.m. the following day; and

(2) on Sunday from 8 a.m. to 1 a.m. the following day.

(d) Reserved.

(e) A holder of a Class H beer, wine, and liquor license may sell or provide beer, wine, and liquor:

(1) on Monday through Saturday from 8 a.m. to 2 a.m. the following day; and

(2) on Sunday from 8 a.m. to 1 a.m. the following day.

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§ 16-2006

This article does not restrict on January 1:

(1) the sale of alcoholic beverages by a holder of a Class B, Class C, Class H, or per diem license from midnight to 3 a.m.; or

(2) a person from consuming alcoholic beverages from midnight to 3 a.m. on the premises of a holder of a Class B, Class C, Class H, or per diem license.

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§ 16-2007

A license holder may not allow the consumption of alcoholic beverages on the premises later than 15 minutes after the closing time.

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§ 16-2101

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 16-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 16-2301

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

(1) § 4-802 ("Expiration of license on death of license holder");

(2) § 4-804 ("Transfer or reinstatement of license");

(3) § 4–805 (“Rights of protest, revocation, suspension, and restriction”); and

(4) § 4–806 (“Refund”).

(b) Section 4–803 (“Certificate of permission or renewal license for continuation of business”) of Division I of this article applies in the county, subject to § 16–2302 of this subtitle.

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§ 16-2302

(a) An application for the continuation of the business of a deceased license holder shall be made within 60 days after the death of the license holder.

(b) If the personal representative or special administrator of the estate shows to the satisfaction of the Board that the estate cannot be settled within the 18–month extension period because of litigation, the Board may grant to the personal representative or special administrator additional time for the continuation of the business.

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§ 16-2401

Title 4, Subtitle 9 (“Judicial Review”) of Division I of this article applies in the county without exception or variation.

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§ 16-2402

(a) Before docketing an action for judicial review under Title 4, Subtitle 9 of this article, the clerk of the circuit court for the county shall:

(1) collect all court costs from the petitioner; and

(2) receive a statement from the clerk of the Board that the costs for getting records and transcripts of proceedings of the hearing before the Board have been paid.

(b) The costs described in subsection (a)(1) of this section may not be assessed against the Board.

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§ 16-2403

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

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§ 16-2501

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 16-2601

(a) The following sections of Title 6, Subtitle 2 (“Enforcement”) of Division I of this article apply in the county without exception or variation:

(1) § 6–202 (“Inspections”);

- (2) § 6–203 (“Use of equipment to measure quantity and quality of alcoholic beverages”);
 - (3) § 6–204 (“Power to summon witnesses”);
 - (4) § 6–205 (“Peace officers”);
 - (5) § 6–206 (“Charging document for unlawful sale of alcoholic beverage”);
 - (6) § 6–207 (“Display of alcoholic beverages as prima facie evidence of sale”);
 - (7) § 6–208 (“Regulating possession or consumption of alcohol in public places”);
 - (8) § 6–209 (“Adoption of standards for authorization of consumption”); and
 - (9) § 6–210 (“State preemption of local disorderly intoxication laws”).
- (b) Section 6–211 (“Fines and forfeitures”) of Division I of this article applies in the county, subject to § 16–2603 of this subtitle.

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§ 16-2602

- (a) The Board may subpoena records pertaining to a licensed establishment.
- (b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.
- (2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

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§ 16-2603

One-half of each fine imposed in the county shall be distributed as provided under § 7–507 of the Courts Article.

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§ 16-2701

- (a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:
- (1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”);
 - (2) § 6–305 (“Proof of age for sale of alcoholic beverages”);
 - (3) § 6–306 (“Defense to prosecution for sale to underage individual”);
 - (4) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”);
 - (5) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);
 - (6) § 6–310 (“Providing free food”);
 - (7) § 6–311 (“Restrictions on purchases and sales by retail dealer”);
 - (8) § 6–312 (“Beverage misrepresentation”);
 - (9) § 6–313 (“Tampering with alcoholic beverage container”);
 - (10) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);
 - (11) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);
 - (12) § 6–316 (“Maximum alcohol content”);
 - (13) § 6–317 (“Multiple serving purchase required”);
 - (14) § 6–320 (“Disorderly intoxication”);
 - (15) § 6–321 (“Consumption of alcoholic beverages in public”);
 - (16) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(17) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(18) § 6–327 (“Unlicensed out-of-state sale of alcoholic beverages”);

(19) § 6–328 (“Tax evasion”);

(20) § 6–329 (“Destruction of evidence”); and

(21) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

(1) § 6–308 (“Allowing on-premises consumption of alcoholic beverages not purchased from license holder”), subject to § 16–2702 of this subtitle;

(2) § 6–319 (“On-premises consumption of alcoholic beverages not purchased from license holder”), subject to § 16–2702 of this subtitle; and

(3) § 6–322 (“Possession of open container”), subject to § 16–2703 of this subtitle.

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§ 16-2702

Sections 6–308 and 6–319 of this article do not apply to:

(1) a holder of a temporary license; or

(2) an individual consuming alcoholic beverages on the licensed premises of a holder of a temporary license.

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§ 16-2703

(a) An individual may possess an alcoholic beverage in an open container on private property described under § 6–322(a)(1) of this article only if the individual possesses and presents the written consent of the owner of the property.

(b) In addition to the prohibitions listed in § 6–321 of this article, an individual may not possess in an open container an alcoholic beverage while on a motorcycle located in the places listed in § 6–321 of this article, unless the individual possesses and presents the written consent of the owner of the property.

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§ 16-2704

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding \$50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

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§ 16-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 16-2802

The Board may impose a fine not exceeding \$2,000 or suspend a license or both for a violation that is a cause for license suspension.

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Title 17 — Title 17

§ 17-101

(a) In this title:

(1) except as provided in subsections (d) and (e) of this section, the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Cecil County.

(c) “County” means Cecil County.

(d) The requirements relating to average daily receipts for a hotel under § 1–101 of this article are not applicable to a license issued in the county.

(e) The requirements relating to average daily receipts for a restaurant under § 1–101 of this article are not applicable to a license issued in the county.

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§ 17-102

This title applies only in Cecil County.

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§ 17-103

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 17-201

There is a Board of License Commissioners for Cecil County.

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§ 17-202

(a) The County Commissioners shall appoint three members to the Board.

(b) Each member of the Board shall be of high moral character and possess a sound reputation for integrity.

(c) (1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) The County Commissioners may remove a member for misconduct in office, incompetence, or willful neglect of duty.

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§ 17-203

From among its members, the Board shall designate a chair.

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§ 17-204

(a) The Board shall meet at least once a month.

(b) (1) (i) The chair of the Board shall receive an annual salary of \$3,000.

(ii) Each other member of the Board shall receive an annual salary of \$2,500.

(2) (i) The chair and each other member of the Board shall be reimbursed for expenses in accordance with the Standard State Travel Regulations.

(ii) The expenses shall be paid by the county.

(c) Subject to § 17–205 of this subtitle, the Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

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§ 17-205

(a) (1) The Board may employ one full-time inspector and as many part-time inspectors as the Board considers necessary.

(2) The employment of the inspectors is subject to the County Personnel Policy and Procedure Manual.

(b) An individual may not accept appointment or continue as an inspector if the individual or a member of the individual's immediate family has a personal or financial interest directly or indirectly in a license or in a premises licensed under this article.

(c) An inspector:

(1) has all the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article; and

(2) may serve a summons under § 17–2603 of this title.

(d) An inspector shall:

(1) investigate all applicants for a license or transfer of a license;

(2) visit and inspect at unannounced times every licensed premises in the county at least once every 90 days;

(3) enforce all alcoholic beverages laws;

(4) investigate all violations of the alcoholic beverages laws and report them to the Board; and

(5) submit monthly reports in writing to the Board of the inspector's activities, setting forth complaints and listing violations that the inspector observed or were reported to the inspector.

(e) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

(f) The salaries and travel expenses of the inspectors shall be established by the County Commissioners using county personnel department regulations and guidelines.

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§ 17-206

The Board may adopt regulations to carry out this article.

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§ 17-301

There is no liquor control board or department of liquor control in the county.

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§ 17-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2–201 (“Issuance by Comptroller”);
 - (2) § 2–202 (“Class 1 distillery license”);
 - (3) § 2–203 (“Class 9 limited distillery license”);
 - (4) § 2–204 (“Class 2 rectifying license”);
 - (5) § 2–205 (“Class 3 winery license”);
 - (6) § 2–206 (“Class 4 limited winery license”);
 - (7) § 2–207 (“Class 5 brewery license”);
 - (8) § 2–208 (“Class 6 pub–brewery license”);
 - (9) § 2–210 (“Class 8 farm brewery license”);
 - (10) § 2–211 (“Residency requirement”);
 - (11) § 2–212 (“Additional licenses”);
 - (12) § 2–213 (“Additional fees”);
 - (13) § 2–214 (“Sale or delivery restricted”);
 - (14) § 2–215 (“Beer sale on credit to retail dealer prohibited”);
 - (15) § 2–216 (“Interaction between manufacturing entities and retailers”);
 - (16) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and
 - (17) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).
- (b) Section 2–209 (“Class 7 micro–brewery license”) applies in the county, subject to § 17–403 of this subtitle.

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§ 17-402

A holder of a manufacturer’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 17-403

(a) A Class 7 micro–brewery license may be issued to the holder of:

- (1) a Class B beer, wine, and liquor (on–sale) license, for use on the premises of the restaurant for which the Class B license was issued; or
- (2) a Class D beer, wine, and liquor license, for use on the premises for which the Class D license was issued.

(b) The hours and days of sale for the Class 7 micro–brewery license are those established for a Class D license.

(c) For the holder of a Class D beer, wine, and liquor license that also holds a Class 7 micro–brewery license, the Board may determine the required ratio of gross receipts from the sale of food to the gross receipts from the sale of alcoholic beverages.

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§ 17-501

Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article applies in the county without exception or variation.

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§ 17-502

Except as provided in § 17–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 17-503

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 17-601

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is \$60.

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§ 17-602

(a) There is a Class B beer license.

(b) The license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on- and off-premises consumption.

(c) The annual license fee is \$75.

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§ 17-603

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on-premises consumption.

(c) The annual license fee is \$75.

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§ 17-604

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on- and off-premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is \$200.

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§ 17-701

(a) There is a Class A wine license in the county.

(b) (1) The license may be issued to a holder of a Class 4 limited winery license.

(2) A holder of a Class 4 limited winery license that applies for a Class A wine license is exempt from any quota established by the Board concerning the number of licenses in the election district where the winery is located.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is \$50.

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§ 17-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

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§ 17-802

(a) There is a Class A beer and wine license.

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fee is \$75.

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§ 17-803

(a) There is a Class B beer and wine license.

(b) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on- and off-premises consumption.

(c) The annual license fee is \$90.

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§ 17-804

(a) There is a Class C beer and wine license.

(b) The license authorizes the license holder to sell beer and wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on-premises consumption.

(c) The annual license fee is \$100.

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§ 17-805

(a) There is a Class D beer and wine license.

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on- and off-premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is \$225.

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§ 17-901

(a) There is a Class A beer, wine, and liquor license.

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) The license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is \$750.

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§ 17-902

(a) There is a Class B beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at a restaurant at retail at the place described in the license, for on– or off–premises consumption.

(c) The annual license fee is \$750.

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§ 17-903

(a) There is a Class BLX beer, wine, and liquor license.

(b) The Board may issue the license for use by a restaurant that has:

(1) a capital investment of at least \$450,000 for dining room facilities and kitchen equipment, not including the cost of land, buildings, or a lease; and

(2) seating for at least 100 individuals.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days of sale as set out for a Class BLX beer, wine, and liquor license under § 17–2006(c) of this title.

(e) (1) The annual license fee is \$2,500.

(2) There is no additional Sunday fee.

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§ 17-904

(a) There is a Class C beer, wine, and liquor license.

(b) The Board may issue the license for use by a club that:

(1) has been incorporated for at least 2 years before the license application is made;

(2) has at least 25 members paying dues of at least \$50 per year per member;

(3) maintains sleeping accommodations on the club premises for 25 club members or guests; and

(4) has facilities for preparing and serving food on the club premises to members and guests.

(c) The license authorizes the license holder to sell beer, wine, and liquor at the place described in the license, for on–premises consumption.

(d) The annual license fee is \$600.

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§ 17-905

(a) There is a Class D beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is \$750.

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§ 17-1001

(a) There is a beer, wine, and liquor club or organization license.

(b) (1) The Board may issue a beer, wine, and liquor license for the use of a club or organization that:

(i) owns real property in the county; and

(ii) 1. if a yacht club, has at least 150 members, of which at least 50 members own yachts, boats, or other vessels; or

2. if a local veterans', fraternal, or sororal organization, is associated with a national organization.

(2) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 17-2006 of this title.

(d) The annual license fee is:

(1) \$2,000 for a for-profit club or organization; and

(2) \$500 for a nonprofit club or organization.

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§ 17-1002

(a) There is a Class EF (entertainment facility) beer, wine, and liquor license.

(b) (1) The Board may issue a license to an applicant that has a capital investment of at least \$35,000,000 in the entertainment facility for which the license is sought, not including real property.

(2) The Board may issue one or more licenses for the same entertainment facility.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor:

(i) by the drink and bottle;

(ii) from one or more outlets in the entertainment facility; and

(iii) for consumption anywhere within the entertainment facility.

(2) The license authorizes the playing of music and dancing.

(d) The license holder may sell and serve beer, wine, and liquor in the entertainment facility during the days and hours that the entertainment facility is open for business.

(e) The annual license fee is \$7,500.

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§ 17-1003

(a) There is a Class GC (golf course) beer, wine, and liquor license.

(b) The Board may issue the license for use by an organization or country club that:

(1) is public or private;

(2) is operated for profit;

(3) owns real estate in the county; and

(4) has a regular or championship golf course with at least 18 holes.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for consumption only on the land and in the buildings, including the clubhouse, that are used for golfing purposes.

(2) A patron need not be seated to be served.

(3) A prohibition on the distance that licensed premises shall be from a structure used as a hospital, house of worship, or school does not apply to the license holder.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 17–2006 of this title.

(e) The annual license fee is \$2,000.

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§ 17-1004

(a) There is a motel–restaurant complex or hotel–restaurant complex license.

(b) The Board may issue the license to a person owning or leasing a motel–restaurant complex or hotel–restaurant complex that has:

(1) a capital investment of at least \$1,000,000 in the buildings, not including the land; and

(2) an enclosed dining room that serves full–course meals from menus at least twice daily.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 17–2006 of this title.

(e) The annual license fee is \$1,500.

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§ 17-1101

(a) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 (“Corkage — Consuming wine not purchased from license holder on licensed premises”); and

(2) § 4–1103 (“Removal of partially consumed bottle of wine from licensed premises”).

(b) Section 4–1105 (“Refillable container permit — Wine”) of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article apply in the county:

(1) § 4–1104 (“Refillable container permit — Draft beer”), subject to § 17–1102 of this subtitle; and

(2) § 4–1106 (“Nonrefillable container permit — Draft beer”), subject to § 17–1103 of this subtitle.

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§ 17-1102

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license or a Class B license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit begin and end at the same time as those for the underlying license.

(d) Receipts collected under the permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under § 17–2001 of this title.

(e) The Board shall adopt regulations to carry out this section.

(f) The annual permit fee is \$50.

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§ 17-1103

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license or a Class B license.

(b) An applicant for the permit shall complete the form that the Board provides.

- (c) The hours of sale for the permit begin and end at the same time as those for the underlying license.
- (d) Receipts collected under the permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under § 17–2001 of this title.
- (e) The Board shall adopt regulations to carry out this section.
- (f) (1) Except as provided in paragraph (2) of this subsection, the annual permit fee is \$50.
- (2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

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§ 17-1201

- (a) There is a local caterer's license.
- (b) The Board may issue the license to the holder of:
 - (1) a Class B restaurant or hotel beer, wine, and liquor license; or
 - (2) a Class B restaurant or hotel beer and wine license.
- (c) The license authorizes a holder to:
 - (1) (i) provide beer, wine, and liquor at an event that is held off the premises for which the holder's Class B restaurant or hotel beer, wine, and liquor license is issued; or
 - (ii) provide beer and wine at an event that is held off the premises for which the holder's Class B restaurant or hotel beer and wine license is issued; and
 - (2) exercise the privileges of the license only during the hours and on the days authorized for the holder's Class B license.
- (d) The license holder shall provide food for consumption at the catered event.
- (e) The annual license fee is \$100.
- (f) This section does not require a holder of a Class B restaurant or hotel beer, wine, and liquor license or a Class B restaurant or hotel beer and wine license to obtain a local caterer's license for catering on the premises for which the Class B license is issued.

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§ 17-1301

Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article applies in the county without exception or variation.

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§ 17-1304

- (a) (1) There is a wine festival (WF) license.
- (2) The Board may issue not more than three wine festival (WF) licenses.
- (b) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 winery license.
- (c) The license authorizes the holder to display and sell wine that is distributed in the State.
- (d) A license holder shall display and sell wine:
 - (1) at retail for on– and off–premises consumption; and
 - (2) during the hours and days designated for a wine festival.
- (e) The Board:
 - (1) may choose for each wine festival 1 weekend each year during June, July, August, or September that does not conflict with the Anne Arundel County Beer and Wine Festival, the Cumberland and Shenandoah Valley Wine Festival, or the Maryland Wine Festival in Carroll County;
 - (2) shall choose a location that is not already licensed; and
 - (3) shall ensure that the primary focus of each festival is the promotion of Maryland wine.

- (f) The license holder may hold another license of a different class or nature.
- (g) The license fee is \$20.
- (h) The Board shall adopt regulations to carry out this section.

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§ 17-1305

- (a) There is a wine tasting (Class T) license.
- (b) The license authorizes the holder to hold wine tasting parties and demonstrations.
- (c) The license shall be:
 - (1) issued on a form that the Board requires; and
 - (2) signed and sworn to by the applicant.
- (d) (1) The license issued may be issued to a person not more than four times in a calendar year.
- (2) The total number of days that the license is in effect may not exceed four in a calendar year.
- (e) The license fee is \$25 per day.

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§ 17-1306

- (a) There is a beer, wine, and liquor tasting license.
- (b) The Board may issue the license to a holder of a Class A or Class B beer, wine, and liquor license.
- (c) (1) The license authorizes the holder to allow on-premises consumption of beer, wine, and liquor for tasting.
- (2) The license may be issued for a maximum of:
 - (i) any 26 days in a licensing period;
 - (ii) any 52 days in a licensing period; or
 - (iii) an entire licensing period.
- (3) If a license holder is issued a license for any 26 days in a licensing period or any 52 days in a licensing period, the license holder shall notify the Board at least 7 days before exercising the privileges of the license.
- (d) An individual may consume beer, wine, or liquor covered by the license in a quantity of not more than:
 - (1) 1 ounce from each offering of beer or wine; and
 - (2) one-half ounce from each offering of liquor.
- (e) In addition to the cost of a Class A or Class B beer, wine, and liquor license, the license fee is:
 - (1) \$125 for a 26-day license;
 - (2) \$200 for a 52-day license; and
 - (3) \$400 for a 1-year license.

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§ 17-1308

- (a) (1) A simple majority of the total number of the members of the Board may act to approve or deny an application for a per diem license:
 - (i) in a formal meeting, with a quorum present; or
 - (ii) in accordance with paragraph (2) of this subsection, through oral or written contact by any method by the chair with each member of the Board.
- (2) The chair shall make a written record under paragraph (1)(ii) of this subsection of how each member and the chair voted.

(b) The Board may not require the publication of an application for a per diem license as a prerequisite to the issuing of the license.

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§ 17-1309

(a) The Board may issue a per diem license of any class to a club for use at an entertainment event.

(b) An application shall be:

- (1) on a form that the Board requires; and
- (2) signed and sworn to by the applicant.

(c) (1) The total number of days for which the license may be used may not exceed four in a calendar year.

(2) The license may not be issued to a club more than four times in a calendar year.

(d) The fee for a license is:

- (1) \$10 per day for a per diem beer license or per diem beer and wine license; or
- (2) \$20 per day for a per diem beer, wine, and liquor license.

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§ 17-1310

(a) The Board may issue to a fire department a multiple event entertainment license of any class for use at an entertainment event held by the fire department.

(b) The license authorizes the holder to exercise any privilege conferred by the respective class of license.

(c) An application submitted under this section shall be:

- (1) on a form that the Board requires; and
- (2) signed by the applicant.

(d) The fee for the license is:

- (1) \$120 per year for a beer or beer and wine license; or
- (2) \$240 per year for a beer, wine, and liquor license.

(e) (1) The license may not be issued to a fire department more than once a year.

(2) The number of days for which the license may be used may not exceed 24 per calendar year.

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§ 17-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-102 ("Applications to be filed with local licensing board");
- (2) § 4-103 ("Application on behalf of partnership");
- (3) § 4-104 ("Application on behalf of corporation or club");
- (4) § 4-105 ("Application on behalf of limited liability company");
- (5) § 4-106 ("Payment of notice expenses");
- (6) § 4-108 ("Application form required by Comptroller");
- (7) § 4-109 ("Required information on application — In general");
- (8) § 4-110 ("Required information on application — Petition of support");
- (9) § 4-111 ("Payment of license fees");
- (10) § 4-112 ("Disposition of license fees");

(11) § 4–113 (“Refund of license fees”); and

(12) § 4–114 (“Fees for licenses issued for less than 1 year”).

(b) Section 4–107 (“Criminal history records check”) of Division I of this article applies in the county, subject to §§ 17–1402 through 17–1406 of this subtitle.

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§ 17-1402

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

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§ 17-1403

The Board shall keep all criminal history record information in a sealed envelope available only to the members of the Board and their clerks.

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§ 17-1404

The hearing for a new 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 history record information by the date of the scheduled hearing.

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§ 17-1405

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

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§ 17-1406

The Board may set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

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§ 17-1501

(a) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–202 (“Authority of local licensing boards”);
- (2) § 4–205 (“Chain store, supermarket, or discount house”);
- (3) § 4–206 (“Limitations on retail sales floor space”);
- (4) § 4–207 (“Licenses issued to minors”);
- (5) § 4–208 (“Notice of license application required”);
- (6) § 4–209 (“Hearing”);
- (7) § 4–211 (“License forms; effective date; expiration”);
- (8) § 4–212 (“License not property”);
- (9) § 4–213 (“Replacement licenses”); and
- (10) § 4–214 (“Waiting periods after denial of license applications”).

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:

- (1) § 4–203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to § 17–1503 of this subtitle and Subtitle 13, Part III of this title;

(2) § 4–204 (“Prohibition against issuing multiple licenses for same premises”), subject to § 17–1503 of this subtitle; and

(3) § 4–210 (“Approval or denial of license application”), in addition to § 17–1504 of this subtitle.

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§ 17-1502

(a) A license holder may apply to the Board to exchange the holder's current license for a license of any other class or type.

(b) The Board shall give a license holder, including a holder of a beer or beer and wine license, who applies for a license exchange under this section the same consideration that the Board gives to any other applicant for a license, including a beer, wine, and liquor license.

(c) Before deciding whether to approve an application for a license exchange, the Board shall:

(1) consider:

(i) the general reputation and character of the applicant;

(ii) the manner in which the applicant conducts and operates the business being licensed; and

(iii) the public necessity for the license for which the application is made; and

(2) require:

(i) an inspection of the premises for which the application is made; and

(ii) the premises to comply with all applicable regulations of the Board.

(d) (1) There is a \$1,000 fee to exchange:

(i) any class of beer license for any other class of beer license;

(ii) any class of beer and wine license for any other class of beer and wine license; or

(iii) any class of beer, wine, and liquor license for any other class of beer, wine, and liquor license.

(2) There is a \$2,000 fee to exchange:

(i) any class of beer license or beer and wine license for the same class of beer, wine, and liquor license; or

(ii) any class of beer license for any other class of beer and wine license.

(3) There is a \$3,000 fee to exchange any class of beer license or beer and wine license for any other class of beer, wine, and liquor license.

(4) The exchange fees required under paragraphs (1), (2), and (3) of this subsection are in addition to the regular annual license fees.

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§ 17-1503

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 17-1504

(a) The fees for the issuance of a new license are:

(1) \$1,000 for any class of beer license;

(2) \$2,000 for any class of beer and wine license; and

(3) \$3,000 for any class of beer, wine, and liquor license.

(b) The fees required under subsection (a) of this section are in addition to the regular annual fee required under this title.

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§ 17-1601

(a) (1) Subject to paragraph (2) of this subsection, the Board may not issue a number of licenses that, in the aggregate, exceeds 1 for every 400 registered voters or major fraction in the county, as determined by the current registration of voters.

(2) A Class BLX beer, wine, and liquor restaurant license, Class C club license, motel–restaurant complex license, hotel–restaurant complex license, or Class GC (golf course) beer, wine, and liquor (on–sale) license may not be counted in the computation of the aggregate number of licenses.

(b) The quota shall be computed and applied separately for each election district of the county.

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§ 17-1602

The Board may not issue any license with an off–sale privilege for use in a business that is intended to be operated as a drive–through sales facility at which alcoholic beverages are:

(1) sold at retail; and

(2) dispensed through a window or door to a purchaser in or on a motor vehicle for off–premises consumption.

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§ 17-1701

(a) The following sections of Title 4, Subtitle 3 (“Transfer of Local Licenses; Substitution of Names on License”) of Division I of this article apply in the county without exception or variation:

(1) § 4–303 (“Chain store, supermarket, or discount house”);

(2) § 4–304 (“Compliance with Bulk Transfers Act required”); and

(3) § 4–305 (“Filing fee and endorsement”).

(b) The following sections of Title 4, Subtitle 3 (“Transfer of Local Licenses; Substitution of Names on License”) of Division I of this article apply in the county:

(1) § 4–302 (“Transfer of place of business; transfer of license and inventory”), subject to §§ 17–1702 and 17–1703 of this subtitle; and

(2) § 4–306 (“Substitution of names of officers on license”), subject to § 17–1704 of this subtitle.

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§ 17-1702

The Board may not transfer an off–sale license for use in a business that is intended to be operated as a drive–through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off–premises consumption.

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§ 17-1703

(a) On approval by the Board, a holder of a license may transfer the license to other premises in the same election district if the premises for which the license was issued is:

(1) substantially destroyed by fire, explosion, or catastrophe;

(2) taken by condemnation; or

(3) taken by the exercise of the power of eminent domain.

(b) If the license holder does not request a transfer of the license within 6 months after the date of loss, the license shall expire and be available to be issued to an applicant.

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§ 17-1704

(a) If there is a change in an officer of a corporation or authorized person of a limited liability company, the corporation or limited liability company shall submit a written notice by certified mail to the Board within 30 days after installation of the new officer or authorized person.

(b) A written notice submitted to the Board in accordance with subsection (a) of this section shall be accompanied by:

(1) a \$5 fee; and

(2) a sworn statement that includes:

(i) the name and address of each new officer or authorized person;

(ii) the office held by each new officer or authorized person; and

(iii) the name and address of the previous officer or authorized person.

(c) After receiving a written notice provided in accordance with this section, the Board shall issue a revised license listing the current officers or authorized persons.

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§ 17-1801

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 17-1802

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

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§ 17-1901

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 17–1902 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 17–1903 of this subtitle.

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§ 17-1902

A license holder may employ an individual at least 18 years old to sell, serve, deliver, or otherwise deal with alcoholic beverages.

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§ 17-1903

(a) A license holder shall ensure that:

(1) each employee in a supervisory capacity and each bartender be certified by an approved alcohol awareness program; and

(2) at least one certified individual be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a \$100 fine; and

(2) for each subsequent offense, a fine not exceeding \$500 or suspension or revocation of the license or both.

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§ 17-2001

In this subtitle, "restaurant" means a business establishment:

(1) that is for the accommodation of the public;

(2) that has a proper and an adequate dining room and sufficient facilities for preparing and serving meals;

(3) that has been approved by the Board; and

(4) whose average of annual receipts from the sale of food comprises at least 25% of the average receipts of the business.

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§ 17-2002

(a) (1) Unless otherwise provided in this title, an individual may not consume alcoholic beverages in a premises licensed under this title:

(i) from 2 a.m. to 6 a.m. on Monday through Saturday; or

(ii) from 2 a.m. to 8 a.m. on Sunday.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 17-2003

On Sunday, a license holder may not sell any alcoholic beverage on any licensed premises from 2 a.m. to 8 a.m.

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§ 17-2004

(a) (1) A holder of a Class A beer license may sell beer:

(i) on Monday through Saturday from 6 a.m. to 2 a.m. the following day; and

(ii) subject to paragraph (2) of this subsection, on Sunday from 8 a.m. to 2 a.m. the following day.

(2) To sell beer on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of \$500.

(b) (1) A holder of a Class B beer license may sell beer:

(i) on Monday through Saturday from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraph (4) of this subsection and subject to paragraphs (2) and (3) of this subsection, on Sunday from 8 a.m. to 2 a.m. the following day.

(2) To sell beer on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of \$500.

(3) Sales of beer for on-premises consumption may be conducted on Sunday under paragraph (1)(ii) of this subsection only by a licensed restaurant.

(4) The license holder may not sell beer at a bar or counter on Sunday.

(c) (1) A holder of a Class C beer license may sell beer for on-premises consumption:

(i) on Monday through Saturday from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraph (2) of this subsection, on Sunday from 8 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer at a bar or counter on Sunday.

(d) (1) A holder of a Class D beer license may sell beer:

(i) on Monday through Saturday from 6 a.m. to 2 a.m. the following day; and

(ii) subject to paragraphs (2) and (3) of this subsection, on Sunday from 1 p.m. to 10 p.m.

(2) To sell beer on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of \$500.

(3) Sales of beer for on-premises consumption may be conducted on Sunday under paragraph (1)(ii) of this subsection only by a licensed restaurant.

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§ 17-2005

(a) (1) A holder of a Class A beer and wine license may sell beer and wine:

(i) on Monday through Saturday from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday, subject to paragraph (2) of this subsection, from 8 a.m. to 2 a.m. the following day.

(2) To sell beer and wine on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of \$500.

(b) (1) A holder of a Class B beer and wine license may sell beer and wine:

(i) on Monday through Saturday from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraph (4) of this subsection and subject to paragraphs (2) and (3) of this subsection, on Sunday from 8 a.m. to 2 a.m. the following day.

(2) To sell beer and wine on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of \$500.

(3) Sales of beer and wine for on-premises consumption may be conducted on Sunday under paragraph (1)(ii) of this subsection only by a licensed restaurant.

(4) The license holder may not sell beer or wine at a bar or counter on Sunday.

(c) (1) A holder of a Class C beer and wine license may sell beer and wine for on-premises consumption:

(i) on Monday through Saturday from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraph (2) of this subsection, on Sunday from 8 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer or wine at a bar or counter on Sunday.

(d) (1) A holder of a Class D beer and wine license may sell beer and wine:

(i) on Monday through Saturday from 6 a.m. to 2 a.m. the following day; and

(ii) subject to paragraph (2) of this subsection, on Sunday from 1 p.m. to 2 a.m. the following day.

(2) To sell beer and wine on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of \$500.

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§ 17-2006

- (a) (1) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor:
- (i) on Monday through Saturday from 6 a.m. to 2 a.m. the following day; and
 - (ii) on Sunday, subject to paragraph (2) of this subsection, from 8 a.m. to 2 a.m. the following day.
- (2) To sell beer, wine, and liquor on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of \$500.
- (b) (1) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:
- (i) on Monday through Saturday from 6 a.m. to 2 a.m. the following day; and
 - (ii) except as provided in paragraph (4) of this subsection and subject to paragraphs (2) and (3) of this subsection, on Sunday from 8 a.m. to 2 a.m. the following day.
- (2) To sell beer, wine, and liquor on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of \$500.
- (3) Sales of beer, wine, and liquor for on-premises consumption may be conducted on Sunday under paragraph (1)(ii) of this subsection only by a licensed restaurant.
- (4) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.
- (c) A holder of a Class BLX beer, wine, and liquor license may sell beer, wine, and liquor:
- (1) on Monday through Saturday from 6 a.m. to 2 a.m. the following day; and
 - (2) on Sunday from 8 a.m. to 2 a.m. the following day, for on-premises consumption.
- (d) (1) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor for on-premises consumption:
- (i) on Monday through Saturday from 6 a.m. to 2 a.m. the following day; and
 - (ii) except as provided in paragraph (2) of this subsection, on Sunday from 8 a.m. to 2 a.m. the following day.
- (2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.
- (e) (1) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:
- (i) on Monday through Saturday from 6 a.m. to 2 a.m. the following day; and
 - (ii) subject to paragraph (2) of this subsection, on Sunday from 1 p.m. to 2 a.m. the following day.
- (2) To sell beer, wine, and liquor on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of \$500.

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§ 17-2007

- (a) This subtitle does not restrict the sale or consumption of alcoholic beverages on a licensed premises:
- (1) on January 1, between midnight and 4 a.m.; or
 - (2) on December 31, when that date falls on a Sunday, between 7 p.m. and 4 a.m. the following day.
- (b) When January 1 falls on a Sunday, a person may not sell or consume alcoholic beverages on a licensed premises between 4 a.m. and the appropriate opening hour of sale specified in this subtitle.

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§ 17-2008

A holder of a Class C beer, beer and wine, or beer, wine, and liquor license may allow the consumption of the alcoholic beverages authorized by the license on Sunday, from 8 a.m. to 2 a.m. the following day.

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§ 17-2101

- (a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4–602 (“Power of local licensing board”);
- (2) § 4–603 (“Revocation and suspension procedures”);
- (3) § 4–604 (“Grounds for revocation or suspension”); and
- (4) § 4–606 (“Effects of revocation”).

(b) Section 4–605 (“Nudity and sexual displays”) of Division I of this article applies in the county, subject to § 17–2102 of this subtitle.

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§ 17-2102

In addition to the revocation of license required under § 4–605(a) of this article, if an activity listed in § 4–605 is found to have occurred on the premises for which the license was issued, the license holder, or the employee, entertainer, or patron who performed the activity, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 17-2103

(a) A license shall be revoked if:

- (1) a licensed premises is not open for at least 30 consecutive days on which the license is authorized to be used during 1 year; or
- (2) no sale of alcoholic beverages is made during the 30–day period.

(b) If the license holder shows hardship before the revocation, the Board may allow the license holder an additional period not exceeding 1 year before revoking the license.

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§ 17-2201

Title 4, Subtitle 7 (“Expiration of Local Licenses”) of Division I of this article applies in the county without exception or variation.

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§ 17-2202

In addition to the conditions stated in Title 4, Subtitle 7 of this article, a license expires in the county if a license holder:

- (1) no longer uses the license;
- (2) has the intention of terminating the business of the licensed premises; and
- (3) has not timely filed:
 - (i) an application for a transfer to another location or another person under Subtitle 17 of this title; or
 - (ii) an application for a certificate of permission or a renewal license for continuation of business under Subtitle 18 of this title.

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§ 17-2301

Title 4, Subtitle 8 (“Death of License Holder”) of Division I of this article applies in the county without exception or variation.

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§ 17-2401

Title 4, Subtitle 9 (“Judicial Review”) of Division I of this article applies in the county without exception or variation.

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§ 17-2501

(a) A public club, room, or other unlicensed establishment, at a location under the control or possession of the establishment, may not:

- (1) sell or serve alcoholic beverages to a member or guest;
- (2) keep alcoholic beverages for a member or guest;
- (3) allow a customer to consume or to be served or given alcoholic beverages from the supplies that the customer has previously purchased or reserved; or
- (4) sell, serve, keep, or allow to be consumed setups or other component parts of mixed alcoholic drinks to a member or guest.

(b) A person that operates a business establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person that violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

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§ 17-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

- (1) an establishment open to the public;
- (2) a place of public entertainment; or
- (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 17-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

- (1) § 6-202 ("Inspections");
- (2) § 6-203 ("Use of equipment to measure quantity and quality of alcoholic beverages");
- (3) § 6-205 ("Peace officers");
- (4) § 6-206 ("Charging document for unlawful sale of alcoholic beverage");
- (5) § 6-207 ("Display of alcoholic beverages as prima facie evidence of sale");
- (6) § 6-208 ("Regulating possession or consumption of alcohol in public places"); and
- (7) § 6-209 ("Adoption of standards for authorization of consumption").

(b) Section 6-210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 17-2602 of this subtitle.

(c) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county:

- (1) § 6-204 ("Power to summon witnesses"), in addition to § 17-2603 of this subtitle; and
- (2) § 6-211 ("Fines and forfeitures"), subject to § 17-2605 of this subtitle.

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§ 17-2602

The county may:

(1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

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§ 17-2603

In addition to the sheriff who may serve a summons under § 6–204 of this article, an inspector that the Board employs may serve a summons.

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§ 17-2604

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

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§ 17-2605

One-half of each fine imposed in the county shall be distributed as provided under § 7–507 of the Courts Article.

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§ 17-2606

(a) To protect the public safety and peace when law enforcement officials are present in the county enforcing the laws of other states, an agent, an employee, or a representative of an alcoholic beverages licensing board of another state who enters the county to observe an alcoholic beverage sale:

(1) shall register in person at least 30 days before entry into the county; and

(2) when registering, shall provide:

(i) a written statement setting forth the identity of the registrant;

(ii) the purpose of the entry into the county;

(iii) the make, model, and license number of each vehicle to be used for surveillance activity;

(iv) the names of the premises where surveillance will be conducted; and

(v) the specific time for surveillance of each establishment.

(b) (1) The Sheriff's office shall issue a certificate of registration to each registrant.

(2) A registrant shall keep the certificate in the registrant's possession during all investigative activities.

(c) (1) An individual who fails to register as required by this section may not register for 6 months after being found in violation of this section.

(2) The Board shall suspend the registration of a registrant who violates this section for 6 months.

(d) A person who violates this section when the person is prohibited from registering or when the person's certificate of registration is suspended is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 17-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6–305 (“Proof of age for sale of alcoholic beverages”);
- (2) § 6–306 (“Defense to prosecution for sale to underage individual”);
- (3) § 6–308 (“Allowing on–premises consumption of alcoholic beverages not purchased from license holder”);
- (4) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);
- (5) § 6–310 (“Providing free food”);
- (6) § 6–311 (“Restrictions on purchases and sales by retail dealer”);
- (7) § 6–312 (“Beverage misrepresentation”);
- (8) § 6–313 (“Tampering with alcoholic beverage container”);
- (9) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);
- (10) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);
- (11) § 6–316 (“Maximum alcohol content”);
- (12) § 6–317 (“Multiple serving purchase required”);
- (13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);
- (14) § 6–320 (“Disorderly intoxication”);
- (15) § 6–321 (“Consumption of alcoholic beverages in public”);
- (16) § 6–322 (“Possession of open container”);
- (17) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);
- (18) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);
- (19) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);
- (20) § 6–328 (“Tax evasion”);
- (21) § 6–329 (“Destruction of evidence”); and
- (22) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

- (1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 17–2702 of this subtitle; and
- (2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 17–2703 of this subtitle.

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§ 17-2702

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
- (2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

- (1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and
- (2) the individual was not a resident of the State.

(c) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 17-2703

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 17-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 17-2802

(a) The Board may impose a fine not exceeding \$1,000 or suspend a license for a violation of this title.

(b) Fines collected under this section shall be paid into the general fund of the county.

(c) If a period of at least 5 years has elapsed since a violation of this title, a subsequent violation shall be considered a first offense.

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Title 18 — Title 18

§ 18-101

(a) In this title:

(1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Charles County.

(c) “County” means Charles County.

(d) “Light wine” means wine that contains not more than 15.5% of alcohol by volume.

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§ 18-102

This title applies only in Charles County.

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§ 18-103

The County Commissioners may regulate by ordinance the consumption of alcoholic beverages on public property, including buildings, grounds, streets, highways, alleys, sidewalks, and other structures or roads on land in the county owned by:

(1) the county;

(2) the county board of education; or

(3) the State.

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§ 18-104

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 18-201

There is a Board of License Commissioners for Charles County.

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§ 18-202

(a) The County Commissioners shall appoint five members to the Board.

(b) (1) Of the members of the Board:

(i) at least one shall be from each of the County Commissioner districts; and

(ii) one shall be at large.

(2) Each member of the Board shall be a registered voter of the county.

(3) Preferably, at least one member of the Board before being appointed shall have some familiarity or experience with the alcoholic beverages industry.

(c) (1) In this subsection, "direct or indirect interest" means an interest that is proprietary or obtained by a loan, mortgage, or lien or in any other manner.

(2) A member of the Board may not:

(i) have a direct or indirect interest in or on a premises where alcoholic beverages are sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the sale of alcoholic beverages;

(iii) own stock in:

1. a corporation that has a direct or indirect interest in a premises where alcoholic beverages are sold; or

2. a business wholly or partially devoted to the sale of alcoholic beverages;

(iv) hold any other public office or employment; or

(v) solicit or receive, directly or indirectly, a commission, remuneration, or gift from:

1. a person engaged in the sale of alcoholic beverages or an agent or employee of the person; or

2. a license holder.

(3) A person engaged in the manufacture or sale of alcoholic beverages, an agent or employee of the person, or a license holder may not directly or indirectly offer a commission, remuneration, or gift to:

(i) a member of the Board; or

(ii) someone on behalf of a member of the Board.

(d) (1) The term of a member is 4 years.

(2) A member may not serve more than two consecutive terms.

(3) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(e) The County Commissioners may remove a member for:

(1) a violation of subsection (c) of this section or other misconduct in office;

(2) incompetence; or

(3) willful neglect of duty.

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§ 18-203

(a) From among its members, the Board annually shall elect a chair.

(b) A member may not serve more than two consecutive terms as chair.

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§ 18-204

(a) Three members of the Board are a quorum for transacting business.

(b) The Board shall meet at least once a month.

(c) The County Commissioners shall set the salaries of the chair and the other members of the Board.

(d) (1) The Board may:

(i) employ:

1. a secretary;
2. inspectors; and
3. clerical and other assistants as are necessary; and

(ii) set the compensation of the employees.

(2) (i) The County Commissioners shall provide a clerk, counsel, and supplies to the Board as the County Commissioners consider appropriate.

(ii) The County Commissioners may set salaries for the clerk and counsel as the County Commissioners consider appropriate.

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§ 18-205

The Board may adopt regulations to carry out this article.

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§ 18-301

There is no liquor control board or department of liquor control in the county.

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§ 18-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-201 ("Issuance by Comptroller");
- (2) § 2-202 ("Class 1 distillery license");
- (3) § 2-203 ("Class 9 limited distillery license");
- (4) § 2-204 ("Class 2 rectifying license");
- (5) § 2-205 ("Class 3 winery license");
- (6) § 2-206 ("Class 4 limited winery license");
- (7) § 2-207 ("Class 5 brewery license");
- (8) § 2-208 ("Class 6 pub-brewery license");
- (9) § 2-209 ("Class 7 micro-brewery license");
- (10) § 2-210 ("Class 8 farm brewery license");
- (11) § 2-211 ("Residency requirement");
- (12) § 2-212 ("Additional licenses");
- (13) § 2-213 ("Additional fees");
- (14) § 2-214 ("Sale or delivery restricted");

(15) § 2–215 (“Beer sale on credit to retail dealer prohibited”);

(16) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and

(17) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).

(b) Section 2–216 (“Interaction between manufacturing entities and retailers”) of Division I of this article applies in the county, subject to § 18–403 of this subtitle.

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§ 18-402

A holder of a manufacturer’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 18-403

(a) Section 2–216(b) of this article does not apply to a holder of a Class 4 limited winery license.

(b) A holder of a Class 4 limited winery license may hold or have a financial interest in one retail license that does not apply to the premises for which a Class 4 limited winery license applies.

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§ 18-501

Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article applies in the county without exception or variation.

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§ 18-502

Except as provided in § 18–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 18-503

(a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 18-601

A Class A beer license may not be issued in the county.

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§ 18-602

A Class B beer license may not be issued in the county.

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§ 18-603

A Class C beer license may not be issued in the county.

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§ 18-604

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) (1) The annual license fee is \$240.

(2) In addition to the annual license fee, a license holder shall annually pay:

(i) \$200, if the license holder provides live entertainment; and

(ii) \$200, if the license holder provides outdoor table service.

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§ 18-701

A light wine license may not be issued in the county.

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§ 18-801

A Class A beer and light wine license may not be issued in the county.

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§ 18-802

A Class B beer and light wine license may not be issued in the county.

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§ 18-803

A Class C beer and light wine license may not be issued in the county.

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§ 18-804

(a) There is a Class D beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) (1) The annual license fee is \$340.

(2) A license holder shall pay, in addition to the annual license fee:

(i) \$200, if the license holder provides live entertainment; and

(ii) \$200, if the license holder provides outdoor table service.

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§ 18-805

(a) There is a Class H beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine at a hotel or restaurant, at retail, at the place described in the license, for on–premises consumption.

(c) (1) The annual license fee is \$340.

(2) A license holder shall pay, in addition to the annual license fee:

(i) \$200, if the license holder provides live entertainment; and

(ii) \$200, if the license holder provides outdoor table service.

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§ 18-901

(a) There is a Class A beer, wine, and liquor license.

(b) (1) The license authorizes the holder to:

(i) sell beer, wine, and liquor at retail at the place described in the license; and

(ii) serve beer, wine, and liquor for tasting and sampling if:

1. the tasting or sampling is held on the licensed premises; and

2. the holder serves not more than 1 ounce from each serving of beer, wine, or liquor, in a container that holds not more than 4 ounces, to any one individual.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) A license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is \$960.

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§ 18-902

(a) There is a Class B–H (hotel) on–sale beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption in a hotel common area, for a premises primarily engaged in the day–to–day rental of hotel rooms.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004(b) of this title.

(d) (1) The annual license fee is \$360.

(2) In addition to the annual license fee, a license holder shall yearly pay:

(i) \$200, if the license holder provides live entertainment; and

(ii) \$200, if the license holder provides outdoor table service.

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§ 18-903

(a) There is a Class B–N (nightclub) on–sale beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor for consumption on the premises of a nightclub facility that:

(1) is primarily engaged in selling and serving alcoholic beverages, on a drink–by–drink basis; and

(2) has a seating capacity of more than 100 people, as determined by the State Fire Marshal.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004(b) of this title.

(d) (1) The annual license fee is \$610.

(2) In addition to the annual license fee, a license holder shall yearly pay \$200 if the license holder provides live entertainment.

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§ 18-904

- (a) There is a Class B–R (restaurant) on–sale beer, wine, and liquor license.
- (b) The license authorizes the license holder to sell beer, wine, and liquor at retail for consumption on the premises of a restaurant that:
- (1) is primarily engaged in the sale of food and nonalcoholic beverages for on–premises consumption; and
 - (2) contains a dining room with facilities for preparing and serving meals.
- (c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004(b) of this title.
- (d) A license holder may not:
- (1) establish an area on the premises of the restaurant that is a bar; or
 - (2) provide live entertainment.
- (e) (1) The annual license fee is \$360.
- (2) In addition to the annual license fee, a license holder shall yearly pay \$200 if the license holder provides outdoor table service.

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§ 18-905

- (a) There is a Class B–RB (restaurant/bar) on–sale beer, wine, and liquor license.
- (b) The license authorizes the sale and consumption of beer, wine, and liquor on the premises of a restaurant that:
- (1) is primarily engaged in the sale of food and nonalcoholic beverages for on–premises consumption;
 - (2) has a dining room with facilities for preparing and serving meals; and
 - (3) has a bar, with stools to accommodate customers with or without service of food.
- (c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004(b) of this title.
- (d) (1) The annual license fee is \$460.
- (2) In addition to the annual license fee, a license holder shall yearly pay:
- (i) \$200, if the license holder provides live entertainment; and
 - (ii) \$200, if the license holder provides outdoor table service.

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§ 18-906

- (a) There is a Class B–T (tavern) on–sale beer, wine, and liquor license.
- (b) The license authorizes the license holder to sell beer, wine, and liquor for consumption on the premises of a restaurant or bar that:
- (1) is primarily engaged in selling and serving alcoholic beverages, on a drink–by–drink basis; and
 - (2) has a seating capacity of less than 100 people, as determined by the State Fire Marshal.
- (c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004(b) of this title.
- (d) (1) The annual license fee is \$460.
- (2) In addition to the annual license fee, a license holder shall yearly pay:
- (i) \$200, if the license holder provides live entertainment; and
 - (ii) \$200, if the license holder provides outdoor table service.

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§ 18-907

- (a) There is a Class C beer, wine, and liquor license.
- (b) (1) The Board may issue the license for use by:
 - (i) a nonprofit organization; or
 - (ii) a club composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged.
- (2) The nonprofit organization or club for which the license is issued shall:
 - (i) operate only for the use of its members and guests when accompanied by members; and
 - (ii) meet in a clubhouse that is used exclusively for its members and guests.
- (c) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption:
 - (1) in the clubhouse; or
 - (2) on property directly contiguous to the clubhouse that is:
 - (i) owned by the nonprofit organization or club; and
 - (ii) used exclusively by members and guests for social functions or business of the organization or club.
- (d) (1) The annual license fee is \$350.
- (2) In addition to the annual license fee, a license holder shall annually pay:
 - (i) \$200, if the license holder provides live entertainment; and
 - (ii) \$200, if the license holder provides outdoor table service.

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§ 18-908

- (a) There are two types of Class D beer, wine, and liquor licenses.
- (b) The licenses authorize the license holder to sell at retail at the place described in the license:
 - (1) beer, wine, and liquor for on- and off-premises consumption; or
 - (2) beer and wine for on- and off-premises consumption and liquor for off-premises consumption.
- (c) The licenses may not be issued for use by a drugstore.
- (d) (1) The annual license fees are:
 - (i) \$1,320, for a license to sell beer, wine, and liquor for on- and off-premises consumption; and
 - (ii) \$1,020, for a license to sell beer and wine for on- and off-premises consumption and liquor for off-premises consumption.
- (2) In addition to the annual license fee, a license holder shall annually pay:
 - (i) \$200, if the license holder provides live entertainment; and
 - (ii) \$200, if the license holder provides outdoor table service.

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§ 18-1001

- (a) There is a Class B–Stadium (baseball stadium) beer, wine, and liquor license.
- (b) The Board may issue the license to:
 - (1) the owner of a professional team franchise, whether the franchise is a partnership, corporation, or limited liability company; or
 - (2) a private concessionaire that is under contract with the county or a professional baseball team franchise.

- (c) (1) The license authorizes the license holder to sell beer, wine, and liquor on the premises of a baseball stadium owned or operated by the county, excluding any parking areas, to individuals present at a baseball game or other event held at the stadium.
- (2) (i) Except as provided in subparagraph (ii) of this paragraph, beer, wine, and liquor shall be served in plastic, paper, or other nonglass containers on the stadium premises.
- (ii) Beer, wine, and liquor may be served in glass containers in an enclosed stadium dining area in which patrons are seated.
- (3) A patron may consume and carry beer, wine, and liquor anywhere on the stadium premises, excluding any parking areas.
- (4) The license holder may not allow an individual to carry alcoholic beverages onto or from the licensed premises.
- (d) Except as provided in regulations adopted under subsection (e) of this section, the license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004 of this title.
- (e) The Board may adopt regulations relating to:
 - (1) the manner of serving alcoholic beverages;
 - (2) the number of outlets authorized to serve alcoholic beverages; and
 - (3) the hours and days of sale.
- (f) The annual license fee is \$2,200.

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§ 18-1002

- (a) There is a Class B–B&B (bed and breakfast) beer, wine, and liquor license.
- (b) The Board may issue the license for the use of a bed and breakfast that:
 - (1) has rooms, excluding the resident management quarters, that the public for consideration may use for sleeping accommodations for a specified time;
 - (2) does not have dining facilities that are open to the public; and
 - (3) meets all other qualifications to hold a license issued by the Board.
- (c) (1) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption only to a guest:
 - (i) whose name and address appear on the registry that the bed and breakfast maintains; and
 - (ii) who is an occupant of a sleeping room in the bed and breakfast.
- (2) The license holder may not sell beer, wine, and liquor to an individual who is registered only to obtain alcoholic beverages.
- (3) If the licensed premises ends operations as a bed and breakfast, the license is void.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004 of this title.
- (e) The annual license fee is:
 - (1) \$25 for a bed and breakfast with five or fewer bedrooms; and
 - (2) \$50 for a bed and breakfast with six or more bedrooms.

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§ 18-1004

- (a) In this section, “resort complex” means a parcel or contiguous parcels of land:
 - (1) of at least 20 acres;
 - (2) under common ownership; and

(3) with facilities that:

(i) include a venue for golf, waterfront beach activities, or a marina;

(ii) serve the public; and

(iii) resulted in a capital investment of at least \$550,000 exclusive of the cost of the land.

(b) There is a resort complex license.

(c) The Board may issue one resort complex license to the person owning or operating a resort complex.

(d) The license authorizes the license holder to sell beer, wine, and liquor from:

(1) one or more outlets in the resort complex that may be consumed in conjunction with the playing of music and dancing at designated locations in the resort complex; and

(2) one designated outlet in the resort complex for off-premises consumption.

(e) A license holder may serve alcoholic beverages:

(1) at one or more outside outlets in the resort complex on Monday through Sunday, from 6 a.m. to midnight;

(2) at one or more inside outlets in the resort complex:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday, from 6 a.m. to midnight; and

(3) at one designated outlet for off-premises consumption:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday, from 6 a.m. to midnight.

(f) A resort complex license is exempt from any quota or restriction on off-sale licenses issued for the election district in which the resort complex is located.

(g) (1) Certain areas in a resort complex may be excluded from the portion of the property that is considered to be the licensed premises.

(2) A person other than the resort complex license holder may obtain a different class of license for an area excluded under paragraph (1) of this subsection.

(h) The annual license fees are:

(1) \$3,500 for two outlet locations; and

(2) \$1,750 for each additional outlet location.

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§ 18-1101

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4-1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4-1104 ("Refillable container permit — Draft beer"), subject to § 18-1102 of this subtitle; and

(2) § 4-1106 ("Nonrefillable container permit — Draft beer"), subject to § 18-1103 of this subtitle.

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§ 18-1102

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class C license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The annual permit fees are:

(1) \$50 for an applicant whose license has an off-sale privilege; and

(2) \$500 for an applicant whose license does not have an off-sale privilege.

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§ 18-1103

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class C license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:

(i) \$50 for an applicant whose license has an off-sale privilege; and

(ii) \$500 for an applicant whose license does not have an off-sale privilege.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

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§ 18-1301

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-1202 ("Per diem licenses");

(2) § 4-1204 ("Class C per diem beer, wine, and liquor license");

(3) § 4-1205(b) ("License fees — Class C per diem beer, wine, and liquor license");

(4) § 4-1206 ("License to dispose of stock");

(5) § 4-1207 ("Temporary move of licensed premises");

(6) § 4-1208 ("Hours and days of sale"); and

(7) § 4-1209 ("Wine permit for fund-raising event").

(b) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article do not apply in the county:

(1) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine licenses"); and

(2) § 4-1205(a) ("License fees — Class C per diem beer and Class C per diem beer and wine licenses").

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§ 18-1304

(a) In this section, "Festival" means the Charles County Beer and Wine Festival.

(b) There is a Charles County Beer and Wine Festival (CBWF) license.

- (c) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.
- (d) The license authorizes the holder to display and sell:
 - (1) wine that is:
 - (i) manufactured and processed in any state; and
 - (ii) distributed in the State when the license application is filed; and
 - (2) beer that is brewed by a brewer:
 - (i) that brews less than 60,000 barrels of beer annually; and
 - (ii) whose product is distributed in the State when the license application is filed.
- (e) A license holder may display and sell beer and wine:
 - (1) at retail for on– and off–premises consumption; and
 - (2) during the hours and days designated for the Festival.
- (f) (1) Subject to paragraph (3) of this subsection, the Board may choose 1 weekend, Friday through Sunday inclusive, each year for the Festival.
- (2) The Board shall:
 - (i) choose a location that is not licensed; and
 - (ii) ensure that the primary focus of the Festival is the promotion of Maryland beer and wine.
- (3) The weekend chosen for the Festival may not:
 - (i) be within 14 days before or after the dates selected for the Maryland Wine Festival in Carroll County; or
 - (ii) conflict with the dates selected for the:
 - 1. Anne Arundel County Beer and Wine Festival;
 - 2. Baltimore County Wine Festival;
 - 3. Calvert County Wine Festival;
 - 4. Harford County Wine Festival;
 - 5. Howard County Wine Festival;
 - 6. Queen Anne’s County Beer and Wine Festival;
 - 7. Maryland Wine Festival in Somerset County;
 - 8. Cumberland and Shenandoah Valley Wine Festival in Washington County; or
 - 9. Worcester County Beer and Wine Festival.
- (g) The license holder may hold another license of a different class or nature.
- (h) Beer and wine displayed and sold shall be:
 - (1) invoiced to the license holder by a wholesaler, Class 3 winery, or Class 4 limited winery; and
 - (2) delivered to the Festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.
- (i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder to:
 - (1) deliver beer and wine not earlier than 2 days before the effective date of the festival license; and
 - (2) accept returns not later than 2 days after the expiration date of the festival license.
- (j) The Board may set the license fee.
- (k) The Board shall adopt regulations to carry out this section.

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§ 18-1307

(a) There is a Class D per diem beer license.

(b) (1) The Board may issue the license for a religious, fraternal, civic, veterans', charitable, or hospital supporting organization.

(2) Subject to any conditions the Board may impose, the license may be issued for a period not exceeding 10 consecutive days.

(c) The license fee is \$45.

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§ 18-1308

(a) There is a Class C per diem beer, wine, and liquor license.

(b) (1) The Board may issue a Class C beer, wine, and liquor license for the use of a person holding an entertainment event conducted by a club, a society, or an association at the place described in the license.

(2) The license may be issued for a period not exceeding 7 consecutive days.

(c) The license fee is \$25 per day.

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§ 18-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–102 ("Applications to be filed with local licensing board");

(2) § 4–103 ("Application on behalf of partnership");

(3) § 4–106 ("Payment of notice expenses");

(4) § 4–108 ("Application form required by Comptroller");

(5) § 4–110 ("Required information on application — Petition of support");

(6) § 4–111 ("Payment of license fees");

(7) § 4–113 ("Refund of license fees"); and

(8) § 4–114 ("Fees for licenses issued for less than 1 year").

(b) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:

(1) § 4–104 ("Application on behalf of corporation or club"), subject to § 18–1404 of this subtitle;

(2) § 4–105 ("Application on behalf of limited liability company"), subject to § 18–1404 of this subtitle;

(3) § 4–107 ("Criminal history records check"), subject to §§ 18–1402, 18–1403, 18–1407, and 18–1408 of this subtitle;

(4) § 4–109 ("Required information on application — In general"), subject to § 18–1405 of this subtitle; and

(5) § 4–112 ("Disposition of license fees"), subject to § 18–1410 of this subtitle.

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§ 18-1402

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

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§ 18-1403

The Board shall keep all criminal history record information in a sealed envelope available only to the members of the Board and their clerks.

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§ 18-1404

(a) Except as provided in subsection (b) of this section, an applicant for a new license for a corporation or limited liability company shall certify to the Board that the applicant:

- (1) is an officer of the corporation or limited liability company;
- (2) meets any other qualification for licensing;
- (3) owns at least a 20% interest of the stock of the corporation or a 20% interest in the limited liability company; and
- (4) will maintain at least 20% of the stock or at least a 20% interest as long as the applicant is the license holder.

(b) The ownership requirement in subsection (a) of this section does not apply to an applicant for a Class BLX license on behalf of a corporation or limited liability company in which:

- (1) the stock of the corporation or interest in the limited liability company is authorized for sale by the United States Securities and Exchange Commission; or
- (2) a majority of the stock of the corporation or interest in the limited liability company is:
 - (i) owned or controlled directly or indirectly by one or more corporations or limited liability companies; and
 - (ii) is authorized for sale by the United States Securities and Exchange Commission.

(c) An applicant for a license for a corporation or limited liability company shall submit to the Board:

- (1) an executed copy of the articles of incorporation or articles of organization; and
- (2) except as provided in subsection (d) of this section, a schedule that shows:
 - (i) for each stockholder holding at least 5% of the stock of a corporation, the name, address, and percentage of stock held; or
 - (ii) for each member holding at least a 5% interest in a limited liability company, the name, address, and percentage of interest held.

(d) The schedule requirement under subsection (c)(2) of this section does not apply if the stock of the corporation or interest in the limited liability company is authorized for sale by the United States Securities and Exchange Commission.

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§ 18-1405

(a) The application shall include:

- (1) a signed statement by the applicant that:
 - (i) the applicant has not been convicted of a felony; or
 - (ii) except as provided in subsection (b) of this section, if the application is made on behalf of a corporation, that the applicant and none of the stockholders of that corporation have been convicted of a felony;
- (2) a statement that the applicant is at least 21 years old;
- (3) a certified statement from the Treasurer of the county that shows the value of the merchandise, fixtures, and inventory, as certified by the State Department of Assessments and Taxation, for the business for which the application is made for the calendar year immediately preceding the year for which the license is to be issued; and
- (4) a certified statement from the County Treasurer's Office that shows that no unpaid taxes are due on the merchandise, fixtures, and inventory from the applicant to the county or municipality where the licensed premises is to be located.

(b) The requirement under subsection (a)(1)(ii) of this section does not apply to an applicant for a Class B beer, wine, and liquor (BLX) luxury restaurant license.

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§ 18-1406

The hearing for a new 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 history records check by the date of the scheduled hearing.

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§ 18-1407

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

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§ 18-1408

The Board may set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

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§ 18-1409

(a) The Board shall charge an application fee for a new license that is:

- (1) \$200, in addition to any other fee required for a license; and
- (2) nonrefundable, whether the application is approved or denied.

(b) The Board shall use the application fee to pay its expenses to process the application.

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§ 18-1410

(a) The Board of License Commissioners shall remit promptly to the Board of County Commissioners the fees collected and refunds paid under this article.

(b) The Board of County Commissioners shall deposit fees received in accordance with subsection (a) of this section in the general fund of the county.

(c) A person who violates subsection (a) of this section is subject to a fine not exceeding \$500.

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§ 18-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4–205 ("Chain store, supermarket, or discount house");
- (2) § 4–206 ("Limitations on retail sales floor space");
- (3) § 4–207 ("Licenses issued to minors");
- (4) § 4–209 ("Hearing");
- (5) § 4–211 ("License forms; effective date; expiration");
- (6) § 4–212 ("License not property"); and
- (7) § 4–213 ("Replacement licenses").

(b) Section 4–208 ("Notice of license application required") of Division I of this article does not apply in the county and is superseded by § 18–1504 of this subtitle.

(c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

- (1) § 4–202 ("Authority of local licensing boards"), subject to § 18–1502 of this subtitle;
- (2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 18–1503 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;
- (3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 18–1503 of this subtitle and Subtitle 13, Part III of this title;

- (4) § 4-210 (“Approval or denial of license application”), subject to § 18-1505 of this subtitle; and
- (5) § 4-214 (“Waiting periods after denial of license applications”), subject to § 18-1507 of this subtitle.

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§ 18-1502

The Board may not issue a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license to a person that holds an out-of-state alcoholic beverages license.

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§ 18-1503

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and light wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 18-1504

(a) Before the Board may approve an application for a license, the Board shall publish notice of the application two times in 2 successive weeks in one newspaper of general circulation in the county.

(b) (1) An applicant for a new license or an upgrade of an existing license shall post the notice in a conspicuous place in the location described in the application for 20 consecutive days before the application hearing.

(2) The Board shall supply the applicant with the notice on a sign that measures at least 24 by 36 inches and includes:

- (i) the class of license for which the application is made;
- (ii) the name and trade name of the applicant;
- (iii) the date, time, and location of the application hearing; and
- (iv) contact information for the applicant.

(3) An applicant shall pay to the Board a one-time posting fee of \$35 for a new license or an upgrade of an existing license.

(c) If the location described in the application is under construction or renovation or is not easily accessible to the public, the applicant shall post an additional notice on the perimeter of the location that is easily accessible to the public, such as:

- (1) the entrance to the location;
- (2) a driveway to the location; or
- (3) the curb of the location.

(d) The Board may hold a hearing and act on the license application without full compliance with the posting requirements under this section if the applicant demonstrates by a preponderance of the evidence that the applicant substantially complied.

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§ 18-1505

In a hearing on an application or a protest, the general reputation of the following is admissible:

- (1) the applicant or license holder;
- (2) the location described in the application; and
- (3) the persons who congregate at the location described in the application.

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§ 18-1506

(a) The Board may:

(1) give tentative approval to issuing a license for an establishment that is not completed, based on plans and specifications that accompany the application; and

(2) issue the license when construction is completed in accordance with the plans and specifications.

(b) This section does not apply to the renewal or transfer of a license issued before May 1, 2014.

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§ 18-1507

The waiting periods specified in § 4-214(a) of this article do not apply if the grounds for the denials were that:

(1) the license was not necessary to accommodate the public;

(2) under the license, the premises would not be suitable for the sale of alcoholic beverages; or

(3) the Board determined the applicant not to be a proper license holder.

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§ 18-1601

(a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, the Board may not issue more than one of any license with an off-sale privilege for every 1,350 residents in an election district in the county, as determined by the latest federal census.

(ii) In the sixth election district, the Board may not issue more than one of any license with an off-sale privilege for every 2,700 residents in the election district, as determined by the latest federal census.

(2) The Board may not approve the transfer of a license issued under paragraph (1) of this subsection from one election district to another.

(3) The Board may not issue a new license in an election district unless the issue may be made without exceeding the quotas provided for in paragraph (1) of this subsection.

(b) (1) This section does not require the forfeiture or revocation of a license in effect on October 1, 1992.

(2) In an election district in which a quota established in subsection (a)(1) of this section was exceeded as of October 1, 1992, the total number of licenses may be reduced only:

(i) by the voluntary relinquishment of a license by the license holder;

(ii) by the bankruptcy of the license holder; or

(iii) in accordance with another provision of this article.

(c) (1) Notwithstanding the license quota limitations established in subsection (a) of this section, when a license is relinquished by a license holder or revoked by the Board, the Board may hold the license in abeyance until the earlier of:

(i) the date the Board issues the license to a new license holder; or

(ii) 1 year.

(2) If the Board does not issue the license to a new license holder within 1 year after the date the license is relinquished or revoked the license shall be considered extinguished.

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§ 18-1602

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license:

(i) with an on-sale privilege, for an establishment that is within 500 feet of a school accredited by the State Board of Education; or

(ii) with an off-sale privilege, for an establishment that is within 1,000 feet of a school accredited by the State Board of Education.

(2) The distance from the establishment to the school is to be measured in a direct line from the nearest wall of the establishment to the property line of the school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

- (1) a Class B (on-sale) beer, wine, and liquor license issued for an establishment located in a municipality in the county;
- (2) a school that locates its building within 500 feet of an existing licensed premises; or
- (3) the renewal or transfer of a license issued before May 1, 2014.

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§ 18-1605

(a) There is a Class B–BLX (luxury restaurant) on-sale beer, wine, and liquor license.

(b) (1) The Board may issue the license for use by a luxury-type restaurant that has:

- (i) a capital investment of at least \$550,000 for dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and
- (ii) seating for at least 150 individuals.

(2) The license authorizes the on-premises consumption of beer, wine, and liquor.

(c) A person may not have a direct or indirect interest in any combination in more than six Class B–BLX licenses.

(d) An indirect interest is presumed to exist between any combination of persons if any of the following conditions exist between them:

- (1) a common parent company;
 - (2) a franchise agreement;
 - (3) a licensing agreement;
 - (4) a concession agreement;
 - (5) dual membership in a chain of businesses commonly owned and operated;
 - (6) a sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;
 - (7) common direct or indirect sharing of profit from the sale of alcoholic beverages; or
 - (8) a sharing of a common trade name, trademark, logo, or theme, or mode of operation identifiable by the public.
- (e) Subject to the requirements of subsection (b) of this section, the Board shall define “luxury-type restaurant” by regulation.
- (f) The annual license fee is \$2,400.

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§ 18-1606

(a) A person may not have a direct or indirect interest in more than two of the following licenses in any combination:

- (1) Class B–H (hotel) on-sale beer, wine, and liquor licenses issued under § 18–902 of this title;
- (2) Class B–R (restaurant) on-sale beer, wine, and liquor licenses issued under § 18–904 of this title; and
- (3) Class B–RB (restaurant/bar) on-sale beer, wine, and liquor licenses issued under § 18–905 of this title.

(b) An indirect interest is presumed to exist between any combination of persons if any of the following conditions exist between them:

- (1) a common parent company;
- (2) a franchise agreement;
- (3) a licensing agreement;
- (4) a concession agreement;

- (5) dual membership in a chain of businesses commonly owned and operated;
- (6) a sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;
- (7) common direct or indirect sharing of profit from the sale of alcoholic beverages; or
- (8) a sharing of a common trade name, trademark, logo, or theme or mode of operation identifiable by the public.

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§ 18-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

- (1) § 4-303 ("Chain store, supermarket, or discount house");
- (2) § 4-304 ("Compliance with Bulk Transfers Act required"); and
- (3) § 4-306 ("Substitution of names of officers on license").

(b) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

- (1) § 4-302 ("Transfer of place of business; transfer of license and inventory"), subject to § 18-1702 of this subtitle; and
- (2) § 4-305 ("Filing fee and endorsement"), subject to § 18-1703 of this subtitle.

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§ 18-1702

(a) (1) If a license is to be transferred to a different license holder, the Board shall investigate whether the transferee has a record of criminal convictions and request from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services a State and national criminal history records check.

(2) The Board shall adopt regulations to preserve the confidentiality of the records obtained under paragraph (1) of this subsection.

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

(c) A transfer of a license may not be made unless the Board is presented with:

- (1) a certificate from the Treasurer of the county showing the value of the merchandise, fixtures, and inventory, 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 immediately preceding the year the license is to be issued; and
- (2) a certificate from the county or a municipality showing that all real or personal property taxes due the county, the municipality, or the State are paid.

(d) Except by way of renewal, a license may not be transferred to a chain store, supermarket, discount house or its franchisor or franchisee, or concessionaire of any kind.

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§ 18-1703

(a) Except as provided in subsection (b) of this section, an applicant for a transfer of license for a corporation or limited liability company shall certify to the Board that the applicant:

- (1) is an officer of the corporation or limited liability company;
- (2) meets any other qualification for licensing;
- (3) owns at least a 20% interest of the stock of the corporation or a 20% interest in the limited liability company; and
- (4) will maintain at least 20% of the stock or at least a 20% interest as long as the applicant is the license holder.

(b) The ownership requirement in subsection (a) of this section does not apply to an applicant for a transfer of a Class BLX license on behalf of a corporation or limited liability company in which:

(1) the stock of the corporation or interest in the limited liability company is authorized for sale by the United States Securities and Exchange Commission; or

(2) a majority of the stock of the corporation or interest in the limited liability company is:

(i) owned or controlled directly or indirectly by one or more corporations or limited liability companies; and

(ii) authorized for sale by the United States Securities and Exchange Commission.

(c) An applicant for a transfer of a license for a corporation or limited liability company shall submit to the Board:

(1) an executed copy of the articles of incorporation or articles of organization; and

(2) except as provided in subsection (d) of this section, a schedule that shows:

(i) for each stockholder holding at least 5% of the stock of a corporation, the name, address, and percentage of stock held; or

(ii) for each member holding at least a 5% interest in a limited liability company, the name, address, and percentage of interest held.

(d) The schedule requirement under subsection (c)(2) of this section does not apply if the stock of the corporation or interest in the limited liability company is authorized for sale by the United States Securities and Exchange Commission.

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§ 18-1704

(a) The fee for a transfer of a license is \$200, which is nonreturnable.

(b) In addition to the fee required under subsection (a) of this section, an applicant for a transfer of a license shall pay to the Board a onetime posting fee of \$35.

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§ 18-1801

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-402 ("Eligibility for renewal; process");

(2) § 4-403 ("Renewal application");

(3) § 4-407 ("Denial of renewal application");

(4) § 4-408 ("Issuance of renewed licenses");

(5) § 4-409 ("Multiple licenses"); and

(6) § 4-410 ("Chain store, supermarket, or discount house").

(b) Section 4-404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 18-1802 of this subtitle.

(c) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county:

(1) § 4-405 ("Contents of renewal application"), subject to § 18-1803 of this subtitle; and

(2) § 4-406 ("Protests"), subject to § 18-1804 of this subtitle.

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§ 18-1802

(a) To renew a license, the license holder annually shall file an application with the Board on or before March 31.

(b) The Board:

(1) shall accept late renewal applications through the date of the next Board meeting following March 31; and

(2) may fine the license holder \$50 for each day the application is late, up to a maximum total of \$500 per renewal application.

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§ 18-1803

The Board may not renew a license unless the license holder presents to the Board certification from the Treasurer of the county showing:

(1) the value of the inventory and personal property, as certified to the county by the State Department of Assessments and Taxation, of the underlying business for the previous calendar year; and

(2) that there are no unpaid taxes due from the applicant to:

(i) the county, a municipality, or a town where the licensed premises is located; and

(ii) the county or the State on the inventory and personal property of the underlying business.

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§ 18-1804

(a) A protest of a license renewal shall:

(1) specify the basis on which the protest is made; and

(2) be filed under oath.

(b) The Board without a hearing may approve a license renewal that is under protest if the Board finds that the basis of the protest lacks substance.

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§ 18-1805

Notwithstanding § 18–1502 of this title, the Board may renew a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license originally issued to a holder of an out-of-state alcoholic beverages license.

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§ 18-1806

Section 18–1506 of this title does not apply to the renewal of a license issued before May 1, 2014.

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§ 18-1807

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

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§ 18-1901

(a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county without exception or variation:

(1) § 4–502 (“Storage of alcoholic beverages”);

(2) § 4–503 (“Solicitations and sales outside of licensed premises”);

(3) § 4–506 (“Evidence of purchaser’s age”);

(4) § 4–507 (“Retail delivery of alcoholic beverages”); and

(5) § 4–508 (“Display of license”).

(b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county:

(1) § 4–504 (“Employment of underage individuals”), subject to § 18–1902 of this subtitle; and

(2) § 4–505 (“Alcohol awareness program”), subject to § 18–1902.1 of this subtitle.

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§ 18-1902

(a) An individual at least 18 years old may serve alcoholic beverages in a restaurant in connection with serving a meal.

(b) An individual under the age of 21 years may not act as bartender or in any solely bar–related capacity.

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§ 18-1903

(a) A license holder or agent or employee of the license holder may sell alcoholic beverages only in a room having at least one plain glass window or door that allows an individual standing on the outside to observe the interior of the licensed premises during all hours of operation.

(b) During all hours of operation, the view afforded by the window or door may not be obstructed.

(c) (1) A license holder may install a protective covering over an exterior door or window of the licensed premises if the covering is:

(i) used only when the licensed premises is not occupied;

(ii) designed to protect the licensed premises from unlawful intrusion or destruction; and

(iii) secured only from the exterior of the licensed premises.

(2) This subsection does not prevent an inspection and search of the licensed premises under § 6–202 of this article.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$250 or imprisonment or both.

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§ 18-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, operator, or manager of a licensed premises under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 18-2002

(a) Reserved.

(b) Reserved.

(c) Reserved.

(d) A holder of a Class D beer license may sell beer:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 6 a.m. to midnight.

(e) (1) The part of a premises where alcoholic beverages are sold or displayed may be open only during the hours of sale for alcoholic beverages set out in subsection (d) of this section.

(2) A license holder with an on–sale license shall remove all bottles and containers from the table on or before the closing time set out in subsection (d) of this section.

(f) A license holder may sell nonalcoholic items:

(1) on Monday through Saturday, from 5 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 6 a.m. to midnight.

(g) A person that violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment or a fine not exceeding \$250 or both.

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§ 18-2003

(a) Reserved.

(b) Reserved.

(c) Reserved.

(d) A holder of a Class D beer and light wine license may sell beer and light wine:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 6 a.m. to midnight.

(e) A holder of a Class H beer and light wine license may sell beer and light wine:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 6 a.m. to midnight.

(f) (1) The part of a premises where alcoholic beverages are sold or displayed may be open only during the hours of sale for alcoholic beverages set out in subsections (d) and (e) of this section.

(2) A license holder with an on-sale license shall remove all bottles and containers from the table on or before the closing time set out in subsections (d) and (e) of this section.

(g) A license holder may sell nonalcoholic items:

(1) on Monday through Saturday, from 5 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 6 a.m. to midnight.

(h) A person that violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment or a fine not exceeding \$250 or both.

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§ 18-2004

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor for off-premises consumption:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 6 a.m. to midnight.

(b) A holder of a Class B—BLX (luxury restaurant), B—H (hotel), B—N (nightclub), B—R (restaurant), B—RB (restaurant/bar), or B—T (tavern) beer, wine, and liquor license may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 6 a.m. to midnight.

(c) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 6 a.m. to midnight.

(d) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 6 a.m. to midnight.

(e) (1) The part of a premises where alcoholic beverages are sold or displayed may be open only during the hours of sale for alcoholic beverages set out in subsections (a) through (d) of this section.

(2) A license holder with an on-sale license shall remove all bottles and containers from the table on or before the closing time set out in subsections (a) through (d) of this section.

(f) A license holder may sell nonalcoholic items:

- (1) on Monday through Saturday, from 5 a.m. to 2 a.m. the following day; and
- (2) on Sunday, from 6 a.m. to midnight.

(g) A person that violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment or a fine not exceeding \$250 or both.

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§ 18-2005

On application, the Board shall issue a special permit authorizing the license holder to stay open on January 1 during hours that are subject to regulations that the Board adopts.

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§ 18-2101

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-602 ("Power of local licensing board");
- (2) § 4-603 ("Revocation and suspension procedures");
- (3) § 4-604 ("Grounds for revocation or suspension"); and
- (4) § 4-605 ("Nudity and sexual displays").

(b) § 4-606 ("Effects of revocation") of Division I of this article applies in the county, subject to § 18-1601(c) of this title.

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§ 18-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 18-2202

The Board may authorize the closing of a licensed premises for not more than 6 months if:

- (1) the Board determines that the licensed premises is seasonally operated; and
- (2) the license holder submits a written request to the Board at least 30 days before the anticipated date of closing.

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§ 18-2301

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

- (1) § 4-802 ("Expiration of license on death of license holder");
- (2) § 4-804 ("Transfer or reinstatement of license");
- (3) § 4-805 ("Rights of protest, revocation, suspension, and restriction"); and
- (4) § 4-806 ("Refund").

(b) Section 4-803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 18-2302 of this subtitle.

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§ 18-2302

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

- (i) the surviving spouse;
 - (ii) the surviving partners for the benefit of the partnership; or
 - (iii) the senior surviving officer of the corporation for the benefit of the corporation.
- (2) The new license shall be issued:
- (i) for the balance of the license year; and
 - (ii) without further proceedings.
- (b) (1) A renewal license may be issued to the following if they are qualified to hold the license:
- (i) the surviving spouse;
 - (ii) the surviving partners of a partnership; or
 - (iii) the senior surviving officer of a corporation for the benefit of the corporation.
- (2) The Board may issue a renewal license under this subsection without a hearing.

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§ 18-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 18-2402

- (a) Before docketing an action for judicial review under Title 4, Subtitle 9 of this article, the clerk of the circuit court for the county shall:
- (1) collect all court costs from the petitioner; and
 - (2) receive a statement from the clerk of the Board that the costs for getting records and transcripts of proceedings of the hearing before the Board have been paid.
- (b) The costs described in subsection (a)(1) of this section may not be assessed against the Board.

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§ 18-2403

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

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§ 18-2501

- (a) Except as provided in subsection (b) of this section, an unlicensed establishment that offers or provides live entertainment may not, at a location under the control or possession of the establishment, sell, serve, keep, or allow to be consumed:
- (1) alcoholic beverages;
 - (2) setups; or
 - (3) other component parts of mixed alcoholic drinks.
- (b) As long as live entertainment is not offered or provided on more than 8 days in a calendar month, the following are exempted from the prohibitions in subsection (a) of this section:
- (1) the room of a registered guest in a hotel or motel;
 - (2) property owned by a volunteer fire company;
 - (3) property owned and operated by a community or homeowners association composed only of property owners in a single subdivision; or
 - (4) property owned by a religious institution.

(c) A person that violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 18-2502

(a) Alcoholic beverages may not be brought into an establishment and consumed or transferred if the establishment is a place of adult entertainment that provides entertainment listed under § 4–605 of this article.

(b) (1) An operator of a place of adult entertainment that knowingly allows a violation of this section in the establishment is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 for each violation.

(2) Each day of operation in violation of this section is a separate violation.

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§ 18-2503

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 18-2601

(a) The following sections of Title 6, Subtitle 2 (“Enforcement”) of Division I of this article apply in the county without exception or variation:

(1) § 6–202 (“Inspections”);

(2) § 6–203 (“Use of equipment to measure quantity and quality of alcoholic beverages”);

(3) § 6–204 (“Power to summon witnesses”);

(4) § 6–205 (“Peace officers”);

(5) § 6–206 (“Charging document for unlawful sale of alcoholic beverage”);

(6) § 6–207 (“Display of alcoholic beverages as prima facie evidence of sale”);

(7) § 6–208 (“Regulating possession or consumption of alcohol in public places”);

(8) § 6–209 (“Adoption of standards for authorization of consumption”); and

(9) § 6–211 (“Fines and forfeitures”).

(b) Section 6–210 (“State preemption of local disorderly intoxication laws”) of Division I of this article does not apply in the county and is superseded by § 18–2602 of this subtitle.

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§ 18-2602

The county may:

(1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

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§ 18-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6-305 ("Proof of age for sale of alcoholic beverages");
- (2) § 6-306 ("Defense to prosecution for sale to underage individual");
- (3) § 6-308 ("Allowing on-premises consumption of alcoholic beverages not purchased from license holder");
- (4) § 6-309 ("Allowing on-premises consumption or possession of alcoholic beverages by individual under the age of 21 years");
- (5) § 6-310 ("Providing free food");
- (6) § 6-311 ("Restrictions on purchases and sales by retail dealer");
- (7) § 6-312 ("Beverage misrepresentation");
- (8) § 6-313 ("Tampering with alcoholic beverage container");
- (9) § 6-314 ("Sale of alcoholic beverage container with detachable metal tab");
- (10) § 6-315 ("Alcoholic beverage in container without regular label presumed illicit");
- (11) § 6-316 ("Maximum alcohol content");
- (12) § 6-317 ("Multiple serving purchase required");
- (13) § 6-319 ("On-premises consumption of alcoholic beverages not purchased from license holder");
- (14) § 6-320 ("Disorderly intoxication");
- (15) § 6-321 ("Consumption of alcoholic beverages in public");
- (16) § 6-322 ("Possession of open container");
- (17) § 6-323 ("Possession or use of Alcohol Without Liquid machine");
- (18) § 6-326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");
- (19) § 6-327 ("Unlicensed out-of-state sale of alcoholic beverages");
- (20) § 6-328 ("Tax evasion");
- (21) § 6-329 ("Destruction of evidence"); and
- (22) § 6-330 ("Perjury").

(b) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

- (1) § 6-304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 18-2702 of this subtitle; and
- (2) § 6-307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 18-2703 of this subtitle.

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§ 18-2702

(a) A license holder or an employee of a license holder who is charged with a violation of § 6-304 of this article:

- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
- (2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6-304 of this article if:

- (1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and
- (2) the individual was not a resident of the State.

(c) (1) If a license holder or an employee of a license holder violates § 6–304 of this article:

(i) the Board may impose on the license holder:

1. for the first offense, a fine that the Board determines or a suspension of the license not exceeding 3 days or both; and
2. for each subsequent offense, a penalty that the Board determines; and

(ii) the Board may impose on the employee a fine not exceeding \$500 for each offense.

(2) When determining the number of days for a suspension of a license for a subsequent offense as provided for in paragraph (1)(i)2 of this subsection, the Board shall consider:

(i) the class of license; and

(ii) the economic impact that the suspension will have on the business, taking into account the total sales of alcoholic beverages of the licensed establishment before the suspension compared to the estimated total sales during the suspension.

(3) A fine imposed under this section shall be imposed subject to § 10–1001 of the State Government Article.

(d) Fines collected under this section shall be paid into the general fund of the county.

(e) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 18-2703

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 18-2704

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding \$50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

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§ 18-2705

A retail dealer may not sell or provide a go cup to an individual to consume alcoholic beverages off the licensed premises.

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§ 18-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 18-2802

(a) (1) Subject to subsection (b) of this section, the Board may impose a fine not exceeding \$2,500 or suspend a license or both for a violation of a provision of this article that applies in the county.

(2) The fine shall be imposed subject to § 10–1001 of the State Government Article.

(b) Fines collected under this section shall be paid into the general fund of the county.

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Title 19 — Title 19

§ 19-101

(a) In this title:

(1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Dorchester County.

(c) “County” means Dorchester County.

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§ 19-102

This title applies only in Dorchester County.

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§ 19-103

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 19-201

There is a Board of License Commissioners for Dorchester County.

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§ 19-202

(a) The County Council sits as the Board.

(b) (1) Each member of the County Council may appoint a substitute member to the Board.

(2) The substitute member shall be from the same County Council district as the appointing member of the County Council.

(3) The substitute member serves:

(i) at the will of the appointing member of the County Council; and

(ii) for as long as the appointing member of the County Council remains in office as a member of the County Council.

(4) The substitute member has all the powers and duties of the appointing member of the County Council when acting on the Board.

(c) (1) A member of the Board may not:

(i) have a financial interest, directly or indirectly, in the manufacture of any alcoholic beverage; or

(ii) derive profit or remuneration from the purchase or sale of an alcoholic beverage, other than the salary payable for the performance of the duties of the position required under this section.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$2,000.

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§ 19-203

- (a) (1) (i) The chair of the Board shall receive an annual salary of \$3,000.
- (ii) Each other member of the Board shall receive an annual salary of \$2,500.
- (2) Expenses of the Board:
- (i) are subject to county personnel policies and rules; and
- (ii) shall be provided for in the county budget.
- (b) (1) The Board may:
- (i) employ and set the compensation of clerical and other assistants as are necessary; and
- (ii) with the approval of the County Council:
1. employ an inspector and a recording secretary who shall be employees of the county as provided in the county budget; and
 2. appoint legal counsel.
- (2) Restrictions applicable to members of the Board under § 19–202(c) of this subtitle shall apply to legal counsel and staff assigned to the Board.
- (3) County personnel policies and rules shall apply to:
- (i) staff assigned to the Board; and
- (ii) staff expenses.
- (4) Staff expenses shall be provided for in the county budget.

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§ 19-204

The inspector assigned to the Board may serve a summons.

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§ 19-205

The Board may adopt regulations to carry out this title.

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§ 19-301

There is no liquor control board or department of liquor control in the county.

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§ 19-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2–201 ("Issuance by Comptroller");
- (2) § 2–202 ("Class 1 distillery license");
- (3) § 2–203 ("Class 9 limited distillery license");
- (4) § 2–204 ("Class 2 rectifying license");
- (5) § 2–205 ("Class 3 winery license");
- (6) § 2–206 ("Class 4 limited winery license");
- (7) § 2–207 ("Class 5 brewery license");
- (8) § 2–210 ("Class 8 farm brewery license");

- (9) § 2–211 (“Residency requirement”);
 - (10) § 2–212 (“Additional licenses”);
 - (11) § 2–213 (“Additional fees”);
 - (12) § 2–214 (“Sale or delivery restricted”);
 - (13) § 2–215 (“Beer sale on credit to retail dealer prohibited”);
 - (14) § 2–216 (“Interaction between manufacturing entities and retailers”);
 - (15) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and
 - (16) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).
- (b) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county:
- (1) § 2–208 (“Class 6 pub–brewery license”), subject to § 19–403 of this subtitle; and
 - (2) § 2–209 (“Class 7 micro–brewery license”), subject to § 19–404 of this subtitle.

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§ 19-402

A holder of a manufacturer’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday or an election day.

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§ 19-403

- (a) This section applies to a Class 6 pub–brewery license in the county.
- (b) Section 2–208(d) of this article does not apply in the county.
- (c) A holder of a Class 6 pub–brewery license may sell alcoholic beverages at retail:
 - (1) Monday through Saturday, from 7 a.m. to 1:45 a.m. the following day; and
 - (2) Sunday from noon to midnight, except if Christmas Eve or New Year’s Eve is on a Sunday, then from noon to 2 a.m. the following day.
- (d) (1) The Executive Director may issue to a single applicant one Class 6 pub–brewery license or one Class 7 micro–brewery license, but not both, for a location in an enterprise zone in the county, if the applicant holds no more than three Class B beer, wine, and liquor licenses.
- (2) This subsection does not limit the number of Class 6 pub–brewery licenses that the Executive Director may issue in the county.

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§ 19-404

- (a) This section applies to a Class 7 micro–brewery license in the county.
- (b) Notwithstanding § 2–209(b) of this article, the license may be issued only to the holder of:
 - (1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the county; or
 - (2) a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license located in the county.
- (c) (1) The Executive Director may issue to a single applicant one Class 6 pub–brewery license or one Class 7 micro–brewery license, but not both, for a location in an enterprise zone in the county, if the applicant holds no more than three Class B beer, wine, and liquor licenses.
- (2) This subsection does not limit the number of Class 7 micro–brewery licenses that the Executive Director may issue in the county.
- (d) The hours and days of sale under a Class 7 micro–brewery license are the same as those for a Class D beer license.

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§ 19-501

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

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§ 19-502

Except as provided in § 19-503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 19-503

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 19-601

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is \$250.

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§ 19-602

(a) There is a Class B beer license.

(b) The license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on- and off-premises consumption.

(c) The annual license fee is \$250.

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§ 19-603

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on-premises consumption.

(c) The annual license fee is \$150.

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§ 19-604

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on- and off-premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is \$250.

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§ 19-701

- (a) There is a Class A wine license in the county.
- (b) The license may be issued to a holder of a Class 4 limited winery license.
- (c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.
- (2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (d) The annual license fee is \$50.

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§ 19-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

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§ 19-802

- (a) There is a Class A beer and wine license.
- (b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.
- (2) The license holder shall sell the beer and wine in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.
- (c) The annual license fee is \$350.

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§ 19-803

- (a) There is a Class B beer and wine license.
- (b) (1) The license authorizes the license holder to sell beer and wine at a restaurant, at retail, at the place described in the license, for on-premises consumption.
- (2) A license issued on or before June 30, 2008, for on- and off-premises consumption, may be renewed but may not be transferred.
- (c) The annual license fee is \$350.

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§ 19-804

- (a) There is a Class C beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on-premises consumption.
- (c) The annual license fee is \$250.

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§ 19-805

- (a) There is a Class D beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on- and off-premises consumption.
- (c) The license may not be issued for use by a drugstore.
- (d) The annual license fee is \$350.

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§ 19-901

- (a) There is a Class A beer, wine, and liquor license.
- (b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.
- (2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (c) A license may not be issued for a drugstore unless the applicant:
 - (1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;
 - (2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or
 - (3) has been engaged in the retail drug business for at least 3 years.
- (d) The annual license fee is \$2,500.

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§ 19-902

- (a) There is a Class B beer, wine, and liquor license.
- (b) The Board may issue the license for use by a restaurant, motel, or hotel that has a facility:
 - (1) for serving full-course meals at least twice daily; and
 - (2) with seating at tables for at least 25 individuals, not including seats at bars or counters.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at the place described in the license for on-premises consumption.
- (d) The annual license fee is \$1,250.

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§ 19-903

- (a) There is a Class C beer, wine, and liquor license.
- (b) The Board may issue the license for use by:
 - (1) a yacht club and country and golf club that:
 - (i) has been incorporated for at least 5 years before filing the application for the license;
 - (ii) has at least 250 members paying dues of at least \$10 per year per adult member;
 - (iii) has facilities for preparing and serving food on the premises to members and guests when accompanied by members; and
 - (iv) owns or operates a clubhouse that is on the premises and principally used for its members and guests;
 - (2) a local unit of a nationwide nonprofit organization or club composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged that:
 - (i) has a charter from a national veterans' organization that was granted at least 5 years before the application for the license was made;
 - (ii) has at least 50 members paying dues of at least \$5 per year per member;
 - (iii) operates only for the use of its members and guests when accompanied by members; and
 - (iv) meets in a clubhouse principally used for its members and guests;
 - (3) a lodge or chapter of a nonprofit and nationwide fraternal organization that:
 - (i) is composed of inducted members;

- (ii) has been operating in the county for at least 5 years before the application for the license was made;
- (iii) has at least 125 members paying dues of at least \$5 per year per member; and
- (iv) owns or operates a home or clubhouse principally for the use of its members and guests when accompanied by members; or
- (4) a nonprofit organization operating on the premises located at 200 Byrn Street, Cambridge, known as Governors Hall at Sailwinds Park, so long as an individual or group of individuals does not derive personal profits from the operation of the organization.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license, for on-premises consumption.
- (d) When alcoholic beverages are served at an event open to the public at Governors Hall at Sailwinds Park, the license holder:
 - (1) may distribute a wristband at the event to each individual who is at least 21 years old; and
 - (2) if wristbands are distributed at the event, may not serve an alcoholic beverage to an individual who is not wearing a wristband.
- (e) (1) The annual license fee is \$1,000.
- (2) The Board shall remit the license fee:
 - (i) if the licensed premises is in a municipality, to the governing body of the municipality; or
 - (ii) if the licensed premises is not in a municipality, to the Finance Department of the county.

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§ 19-904

- (a) There is a Class D beer, wine, and liquor license.
- (b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on-premises consumption.
- (c) In accordance with § 4-202 of this article, the Board may limit the number of Class D beer, wine, and liquor licenses to be issued.
- (d) The license may not be issued for use by a drugstore.
- (e) The Board shall adopt regulations to carry out this section.
- (f) The annual license fee is \$1,500.

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§ 19-1001

- (a) There is an arts beer and wine license.
- (b) (1) The Board may issue the license to a nonprofit or for-profit retail business, including an art center, an art gallery, a museum, or a similar business that is primarily devoted to art that expresses matters of serious literary, artistic, scientific, or political value, that:
 - (i) engages in the display and sale of original artwork; and
 - (ii) is located in an arts and entertainment district approved by the Department of Commerce.
- (2) The Board may not issue the license to a business that displays and sells commercially prepared or mass-produced artistic products.
- (3) The license holder may sell or serve beer and wine:
 - (i) at retail for on-premises consumption when snacks are served; and
 - (ii) on Monday through Sunday, during normal business hours but not earlier than 10 a.m. and not later than 10 p.m.
- (4) The license may not be transferred from the location for which the license was originally issued to another location.

- (c) The annual license fee is \$250.
- (d) The Board may adopt regulations to carry out this section.

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§ 19-1002

- (a) There is a venue beer, wine, and liquor license.
- (b) The Board may issue the license to a nonprofit or for-profit retail business that hosts weddings, banquets, parties, meetings, and similar events, whether private or open to the public, at a venue that:
 - (1) is at least 2,000 square feet in size;
 - (2) can accommodate at least 100 individuals for a single event, whether inside the venue or outside on the venue's premises; and
 - (3) has adequate bathroom facilities.
- (c) (1) The license authorizes the license holder to sell or serve beer, wine, and liquor at retail, by the drink or by the bottle, for on-premises consumption:
 - (i) during an event hosted by the license holder at the license holder's venue; and
 - (ii) only if food is also provided during the event.
- (2) A license holder may not allow an individual to carry beer, wine, and liquor onto or off the licensed premises.
- (d) The license may not be transferred to another location.
- (e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 19-2005 of this title.
- (f) The annual fee for the license is \$1,500.
- (g) The Board may adopt regulations to carry out this section.

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§ 19-1101

- (a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:
 - (1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and
 - (2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").
- (b) Section 4-1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.
- (c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:
 - (1) § 4-1104 ("Refillable container permit — Draft beer"), subject to § 19-1102 of this subtitle; and
 - (2) § 4-1106 ("Nonrefillable container permit — Draft beer"), subject to § 19-1103 of this subtitle.

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§ 19-1102

- (a) The Board may issue a refillable container permit for draft beer to a holder of:
 - (1) a Class B beer license;
 - (2) a Class B beer and wine license;
 - (3) a Class B beer, wine, and liquor license;
 - (4) a Class D beer license;
 - (5) a Class D beer and wine license; or
 - (6) a Class D beer, wine, and liquor license.

- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for the permit:
 - (1) begin at the same time as those for the underlying license; and
 - (2) end at midnight.
- (d) In an area of the licensed premises that is accessible to the public, the permit holder may not display or provide shelving for beer for off-premises consumption.
- (e) The Board may adopt regulations to carry out this section, including limiting the number of refillable container permits that may be issued in the county.
- (f) The annual permit fees are:
 - (1) \$50 for an applicant whose license has an off-sale privilege; and
 - (2) \$500 for an applicant whose license does not have an off-sale privilege.

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§ 19-1103

- (a) The Board may issue a nonrefillable container permit for draft beer to a holder of:
 - (1) a Class B beer license;
 - (2) a Class B beer and wine license;
 - (3) a Class B beer, wine, and liquor license;
 - (4) a Class D beer license;
 - (5) a Class D beer and wine license; or
 - (6) a Class D beer, wine, and liquor license.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for the permit:
 - (1) begin at the same time as those for the underlying license; and
 - (2) end at midnight.
- (d) In an area of the licensed premises that is accessible to the public, the permit holder may not display or provide shelving for beer for off-premises consumption.
- (e) The Board may adopt regulations to carry out this section, including limiting the number of nonrefillable container permits that may be issued in the county.
- (f) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:
 - (i) \$50 for an applicant whose license has an off-sale privilege; and
 - (ii) \$500 for an applicant whose license does not have an off-sale privilege.
- (2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

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§ 19-1201

- (a) There is a Class B caterer's license.
- (b) (1) The Board may issue the license to a person to contract with a sponsor of a public or private event to provide food and alcoholic beverages if the person holds:
 - (i) a Class B restaurant or hotel (on-sale) beer and wine license or beer, wine, and liquor license; and
 - (ii) a caterer's license issued by the county health department.
- (2) The Board is not required to publish an application before issuing the license.
- (c) The license authorizes a holder to:

- (1) (i) provide beer and wine at an event that is held off the premises for which the holder's Class B beer and wine license is issued; or
- (ii) provide beer, wine, and liquor at an event that is held off the premises for which the holder's Class B beer, wine, and liquor license is issued; and
- (2) exercise the privileges of the license only during the hours and on the days authorized for the holder's Class B license.
- (d) The license holder shall notify the Board in writing at least 7 days before an event for which the license is to be used.
- (e) The license holder:
 - (1) shall provide food for consumption at the catered event; and
 - (2) when catering a public event:
 - (i) shall distribute a wristband to each individual at the catered event who is at least 21 years old; and
 - (ii) may not serve an alcoholic beverage to an individual who is not wearing the wristband.
- (f) The annual license fee is \$200.
- (g) This section does not require a holder of a Class B restaurant or hotel (on-sale) beer and wine license or beer, wine, and liquor license to obtain a Class B caterer's license for catering on the premises for which the Class B restaurant or hotel license is issued.

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§ 19-1301

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-1202 ("Per diem licenses");
- (2) § 4-1206 ("License to dispose of stock");
- (3) § 4-1207 ("Temporary move of licensed premises");
- (4) § 4-1208 ("Hours and days of sale"); and
- (5) § 4-1209 ("Wine permit for fund-raising event").

(b) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article do not apply in the county:

- (1) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine licenses"), which is superseded by § 19-1309 of this subtitle;
- (2) § 4-1204 ("Class C per diem beer, wine, and liquor license"), which is superseded by § 19-1310 of this subtitle; and
- (3) § 4-1205 ("License fees"), which is superseded by §§ 19-1309 and 19-1310 of this subtitle.

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§ 19-1304

(a) In this section, "festival" means a beer and wine festival in Dorchester County.

(b) There is a Dorchester County beer and wine festival (DBWF) license.

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, Class 4 limited winery license, Class 6 pub-brewery license, Class 7 micro-brewery license, or Class 8 farm brewery license.

(d) The license authorizes the holder to display and sell:

- (1) wine that is:
 - (i) manufactured and processed in any state; and
 - (ii) distributed in the State when the license application is filed; and
- (2) beer that is brewed by a brewer:

- (i) that brews less than 40,000 barrels of beer annually; and
- (ii) whose product is distributed in the State when the license application is filed.
- (e) A license holder shall display and sell beer and wine:
 - (1) at retail for on– and off–premises consumption; and
 - (2) during the hours and days designated for the festival.
- (f) The Board:
 - (1) (i) may approve more than one festival each year to be held on a weekend, Friday through Sunday inclusive; and
 - (ii) may not approve more than one festival for any one weekend;
 - (2) shall approve a location that is not already licensed; and
 - (3) shall ensure that the primary focus of a festival is the promotion of Maryland beer and wine.
- (g) The license holder may hold another license of a different class or nature.
- (h) Beer and wine displayed and sold shall be:
 - (1) invoiced to the license holder by a wholesaler, Class 3 winery, or Class 4 limited winery; and
 - (2) delivered to a festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.
- (i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder to:
 - (1) deliver beer and wine not earlier than 2 days before the effective date of the license; and
 - (2) accept returns not later than 2 days after the expiration date of the license.
- (j) The Board may set the license fee.
- (k) The Board shall adopt regulations to carry out this section.

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§ 19-1305

- (a) There is a 1–day wine tasting (WT) license.
- (b) The Board may issue the license to a holder of a Class A wine (W) license, beer and wine (BW) license, or beer, wine, and liquor (BWL) license.
- (c) The license authorizes the holder to allow the consumption of wine for tasting if:
 - (1) the license holder is authorized to sell the wine; and
 - (2) the consumer is not charged for the wine.
- (d) The Board may not require the publication of an application for a WT license before issuing the license.
- (e) An individual may consume wine covered by the license in a quantity of not more than:
 - (1) 1 ounce from each offering; and
 - (2) 4 ounces from all offerings in a day.
- (f) The license fee is \$25 per day.

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§ 19-1306

- (a) There is a beer, wine, and liquor tasting (BWLTL) license.
- (b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to a holder of a Class A license to hold tastings of beer, wine, or liquor.
- (2) A license holder may not hold tastings of any alcoholic beverages that the license holder is not authorized to sell under the holder's Class A license.

- (c) The license authorizes the holder to allow the consumption of beer, wine, or liquor for tasting if:
 - (1) the consumer is not charged for the beer, wine, or liquor; and
 - (2) the beer, wine, or liquor is consumed on the premises of the holder of the Class A license.
- (d) (1) An applicant for the license shall submit to the Board an application on a form that the Board provides.
- (2) The Board may not require the publication of a license application before issuing the license.
- (3) The Board may issue the license without a public hearing.
- (4) If an initial license application is denied:
 - (i) the applicant may resubmit the application; and
 - (ii) on request from the applicant, the Board shall hold a public hearing on the license application before determining whether to issue the license.
- (5) The license holder shall notify the Board in writing at least 7 days before the event at which the license is to be used.
- (6) Renewal of the license may be made when the holder's Class A license is renewed.
- (e) An individual may consume beer, wine, or liquor covered by the license in a quantity of not more than:
 - (1) (i) 3 ounces from each offering of beer; and
 - (ii) 8 ounces from all offerings of beer in 1 day;
 - (2) (i) 1 ounce from each offering of wine; and
 - (ii) 4 ounces from all offerings of wine in 1 day; and
 - (3) (i) 0.5 ounces from each offering of liquor; and
 - (ii) 1.5 ounces from all offerings of liquor in 1 day.
- (f) At the end of the day for which the license is valid, the license holder shall properly dispose of beer, wine, or liquor that remains in a container that was opened for tasting.
- (g) The license fee is:
 - (1) \$150 for not more than 15 beer, wine, or liquor tastings per year; or
 - (2) \$250 for not more than 30 beer, wine, or liquor tastings per year.

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§ 19-1309

- (a) There is a Class C per diem beer and a Class C per diem beer and wine license.
- (b) A holder of a Class C per diem beer license or a Class C per diem beer and wine license:
 - (1) may cater an event conducted by a club at the place described in the license on the effective days of the license;
 - (2) shall distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; and
 - (3) may not serve an alcoholic beverage to any individual who does not wear the wristband.
- (c) The fee for a Class C per diem beer license or Class C per diem beer and wine license is \$25 per day.
- (d) A person who violates this section is subject to:
 - (1) for a first offense, a fine of \$50; and
 - (2) for a subsequent offense, a fine not exceeding \$500 and denial of subsequent requests for a license for catering additional events.

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§ 19-1310

- (a) There is a Class C per diem beer, wine, and liquor license.

(b) A holder of a Class C per diem beer, wine, and liquor license:

(1) may cater an event conducted by a club at the place described in the license on the effective days of the license;

(2) shall distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; and

(3) may not serve an alcoholic beverage to any individual who does not wear the wristband.

(c) The fee for the license is \$35 per day.

(d) A person who violates this section is subject to:

(1) for a first offense, a fine of \$50; and

(2) for a second offense, a fine not exceeding \$500 and denial of subsequent requests for a license for catering additional events.

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§ 19-1311

(a) The Board may issue a per diem license of any class that entitles the holder to exercise any of the privileges conferred by that class at an event held by a club.

(b) The license authorizes the holder to cater an event at the place described in the license on the days that the license is in effect.

(c) The Board may not require the publication of an application under this section as a prerequisite to the issuing of the license.

(d) An application for the license shall be:

(1) completed on a form that the Board provides;

(2) signed by the applicant; and

(3) notarized.

(e) The fee is:

(1) \$15 per day for a beer license or beer and wine license; or

(2) \$25 per day for a beer, wine, and liquor license.

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§ 19-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-102 ("Applications to be filed with local licensing board");

(2) § 4-103 ("Application on behalf of partnership");

(3) § 4-104 ("Application on behalf of corporation or club");

(4) § 4-105 ("Application on behalf of limited liability company");

(5) § 4-106 ("Payment of notice expenses");

(6) § 4-108 ("Application form required by Comptroller");

(7) § 4-111 ("Payment of license fees");

(8) § 4-112 ("Disposition of license fees");

(9) § 4-113 ("Refund of license fees"); and

(10) § 4-114 ("Fees for licenses issued for less than 1 year").

(b) Section 4-110 ("Required information on application — Petition of support") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:

(1) § 4–107 ("Criminal history records check"), subject to §§ 19–1403 through 19–1407 of this subtitle; and

(2) § 4–109 ("Required information on application — In general"), subject to § 19–1402 of this subtitle.

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§ 19-1402

At the time an application for a license is filed, an applicant shall be a resident of the county.

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§ 19-1403

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

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§ 19-1404

The Board shall keep all criminal history record information in a sealed envelope available only to the members of the Board and their clerks.

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§ 19-1405

The hearing for a new 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 history records check by the date of the scheduled hearing.

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§ 19-1406

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

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§ 19-1407

The Board may set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

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§ 19-1408

(a) (1) In addition to any other fee required for a license, the Board may charge an application fee for a new license in the amount of:

(i) \$150 for an application for a Class A, Class B, Class C, or Class D beer and wine license; and

(ii) \$200 for an application for a Class A, Class B, Class C, or Class D beer, wine, and liquor license.

(2) The application fee under this subsection is nonrefundable whether the license is issued or denied.

(3) The application fee does not apply to the renewal or transfer of a license for the same premises.

(b) In addition to any other fee required for a license, the Board may charge a transfer fee of \$50 per license transfer.

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§ 19-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–202 ("Authority of local licensing boards");

- (2) § 4–205 (“Chain store, supermarket, or discount house”);
- (3) § 4–206 (“Limitations on retail sales floor space”);
- (4) § 4–207 (“Licenses issued to minors”);
- (5) § 4–209 (“Hearing”);
- (6) § 4–210 (“Approval or denial of license application”);
- (7) § 4–211 (“License forms; effective date; expiration”);
- (8) § 4–212 (“License not property”);
- (9) § 4–213 (“Replacement licenses”); and
- (10) § 4–214 (“Waiting periods after denial of license applications”).

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:

- (1) § 4–203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to § 19–1502 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;
- (2) § 4–204 (“Prohibition against issuing multiple licenses for same premises”), subject to § 19–1502 of this subtitle and Subtitle 13, Part III of this title; and
- (3) § 4–208 (“Notice of license application required”), subject to § 19–1503 of this subtitle.

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§ 19-1502

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 19-1503

(a) The Board shall post a suitable notice in a conspicuous place on the location described in the application for at least 10 days before the application hearing.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

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§ 19-1601

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a new license for an establishment that is within 300 feet in a direct line of a place of worship or a public or nonpublic kindergarten, elementary, or secondary school.

(2) The distance from the establishment to the place of worship or the public or nonpublic kindergarten, elementary, or secondary school is to be measured from the establishment in a direct line to the nearest point of the main building of the place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to the issuance of:

- (1) a license for a premises that was licensed on October 1, 1996;
- (2) a Class B (on-sale) beer, wine, and liquor license for a premises in Cambridge, Secretary, or Hurlock;
- (3) a temporary license;
- (4) an arts beer and wine license if the Board receives written consent to the issuance of the license from each place of worship or school located within 300 feet in a direct line of the establishment for which the license is sought; or

(5) a venue beer, wine, and liquor license if the Board receives written consent to the issuance of the license from each place of worship or school located within 300 feet in a direct line of the establishment for which the license is sought.

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§ 19-1604

(a) The Board may issue a Class A beer license, Class A beer and wine license, or Class A beer, wine, and liquor license for a premises licensed under a Class B or Class D license.

(b) The Board may limit the number of Class A beer licenses, Class A beer and wine licenses, and Class A beer, wine, and liquor licenses that the Board issues.

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§ 19-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4-302 ("Transfer of place of business; transfer of license and inventory");

(2) § 4-303 ("Chain store, supermarket, or discount house");

(3) § 4-304 ("Compliance with Bulk Transfers Act required"); and

(4) § 4-305 ("Filing fee and endorsement").

(b) Section 4-306 ("Substitution of names of officers on license") of Division I of this article does not apply in the county and is superseded by § 19-1702 of this subtitle.

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§ 19-1702

(a) (1) Subject to paragraph (2) of this subsection, for a license issued for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

(i) has died;

(ii) has retired; or

(iii) no longer holds an office in the corporation or club.

(2) A substitute officer shall be an individual approved by the Board who meets all the requirements applicable to the original officer.

(b) The license holder shall file an affidavit with the Board that contains:

(1) the substitution of the officer; and

(2) an explanation for the substitution.

(c) On receipt of the affidavit and payment of a \$5 fee, the Board shall:

(1) amend its records; and

(2) issue a corrected license.

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§ 19-1801

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 19-1802

The requirement for a criminal history records check under § 4-107 of this article does not apply to applicants for license renewal.

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§ 19-1901

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

- (1) § 4-502 ("Storage of alcoholic beverages");
- (2) § 4-503 ("Solicitations and sales outside of licensed premises");
- (3) § 4-506 ("Evidence of purchaser's age");
- (4) § 4-507 ("Retail delivery of alcoholic beverages"); and
- (5) § 4-508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

- (1) § 4-504 ("Employment of underage individuals"), subject to § 19-1902 of this subtitle; and
- (2) § 4-505 ("Alcohol awareness program"), subject to § 19-1903 of this subtitle.

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§ 19-1902

A holder of a Class A beer license may employ an individual at least 16 years old to stock beer at the license holder's premises.

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§ 19-1903

An alcohol awareness program certificate of completion held by an employee or an employee's employer may not be used at more than one licensed establishment.

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§ 19-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises that is licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 19-2002

(a) Except as provided in § 19-2006 of this subtitle, a holder of a Class A beer license may sell beer on each day of the week, from 6 a.m. to midnight.

(b) A holder of a Class B beer (on-sale) license may sell beer:

- (1) on Monday through Saturday, from 6 a.m. to 1:45 a.m. the following day; and
- (2) except as provided in § 19-2006 of this subtitle, on Sunday, from noon to midnight.

(c) A holder of a Class C beer (on-sale) license may sell beer:

- (1) on Monday through Saturday, from 10 a.m. to 1:45 a.m. the following day; and
- (2) except as provided in § 19-2006 of this subtitle, on Sunday, from noon to midnight.

(d) A holder of a Class D beer (on-sale) license may sell beer:

- (1) on Monday through Saturday, from 6 a.m. to 1:45 a.m. the following day; and
- (2) except as provided in § 19-2006 of this subtitle, on Sunday, from noon to midnight.

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§ 19-2003

A holder of a Class A wine license may sell wine:

- (1) on Monday through Saturday, from 6 a.m. to 1 a.m. the following day; and
- (2) except as provided in § 19–2006 of this subtitle, on Sunday, from noon to midnight.

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§ 19-2004

(a) A holder of a Class A beer and wine license may sell beer and wine:

- (1) on Monday through Saturday, from 6 a.m. to midnight; and
- (2) except as provided in § 19–2006 of this subtitle, on Sunday, from 6 a.m. to midnight.

(b) A holder of a Class B beer and wine (on–sale and off–sale) license may sell beer and wine:

- (1) on Monday through Saturday, from 6 a.m. to 1:45 a.m. the following day; and
- (2) except as provided in § 19–2006 of this subtitle, on Sunday from 10 a.m. to midnight.

(c) A holder of a Class C beer and wine license may sell beer and wine:

- (1) on Monday through Saturday, from 6 a.m. to 1:45 a.m. the following day; and
- (2) except as provided in § 19–2006 of this subtitle, on Sunday, from noon to midnight.

(d) A holder of a Class D beer and wine license may sell beer and wine:

- (1) on Monday through Saturday, from 6 a.m. to 1:45 a.m. the following day; and
- (2) except as provided in § 19–2006 of this subtitle, on Sunday from noon to 2 a.m. the following day.

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§ 19-2005

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor:

- (1) on Monday through Saturday, from 6 a.m. to midnight; and
- (2) except as provided in § 19–2006 of this subtitle, on Sunday, from 6 a.m. to midnight.

(b) A holder of a Class B beer, wine, and liquor (on–sale) license may sell beer, wine, and liquor:

- (1) on Monday through Saturday, from 7 a.m. to 1:45 a.m. the following day; and
- (2) except as provided in § 19–2006 of this subtitle, on Sunday, from 10 a.m. to midnight.

(c) A holder of a Class C beer, wine, and liquor (on–sale) license may sell beer, wine, and liquor:

- (1) on Monday through Saturday, from 10 a.m. to 1:45 a.m. the following day; and
- (2) except as provided in § 19–2006 of this subtitle, on Sunday, from noon to midnight.

(d) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:

- (1) on Monday through Saturday, from 6 a.m. to 1:45 a.m. the following day; and
- (2) except as provided in § 19–2006 of this subtitle, on Sunday, from noon to midnight.

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§ 19-2006

If December 24 or December 31 is on a Sunday, the hours of sale are:

(1) for beer licenses:

- (i) Class A, from 6 a.m. to 2 a.m. the following day; and
- (ii) Classes B, C, and D, from noon to 2 a.m. the following day;

(2) for Class A wine licenses, from noon to 2 a.m. the following day;

(3) for beer and wine licenses:

(i) Class A, from 6 a.m. to 2 a.m. the following day;

(ii) Class B, from 10 a.m. to 2 a.m. the following day; and

(iii) Classes C and D, from noon to 2 a.m. the following day; and

(4) for beer, wine, and liquor licenses:

(i) Class A, from 6 a.m. to 2 a.m. the following day; and

(ii) Classes B, C, and D, from noon to 2 a.m. the following day.

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§ 19-2007

(a) On-premises consumption of alcoholic beverages is allowed:

(1) until 2 a.m. the following day; or

(2) if December 24 or December 31 is on a Sunday, until 3 a.m. December 25 or January 1.

(b) When consumption of alcoholic beverages must end under subsection (a) of this section, all tables and bar areas must be cleared of alcoholic beverages.

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§ 19-2101

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 19-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 19-2301

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

(1) § 4-802 ("Expiration of license on death of license holder");

(2) § 4-804 ("Transfer or reinstatement of license");

(3) § 4-805 ("Rights of protest, revocation, suspension, and restriction"); and

(4) § 4-806 ("Refund").

(b) Section 4-803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 19-2302 of this subtitle.

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§ 19-2302

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

(i) the surviving spouse;

(ii) the surviving partners for the benefit of the partnership; or

(iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

(i) for the balance of the license year; and

(ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

(1) the surviving spouse;

(2) the surviving partners of a partnership; or

(3) the senior surviving officer of a corporation for the benefit of the corporation.

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§ 19-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 19-2501

(a) This section does not apply to an establishment for which the Board has:

(1) issued a license; or

(2) approved an application for a waiver of this section.

(b) A person who operates an establishment for profit, including a place of adult entertainment that allows at its location a form of sexual display or attire listed under § 4–605 of this article, may not:

(1) knowingly allow an individual to bring alcoholic beverages for consumption into the establishment; or

(2) sell, serve, keep, or allow to be consumed on the premises of the establishment or at a location under the control of the establishment:

(i) alcoholic beverages;

(ii) setups, including drinking containers and ice; and

(iii) other component parts of mixed alcoholic drinks.

(c) The Board shall adopt regulations to carry out the duties of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 19-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 19-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

- (2) § 6–203 (“Use of equipment to measure quantity and quality of alcoholic beverages”);
 - (3) § 6–205 (“Peace officers”);
 - (4) § 6–206 (“Charging document for unlawful sale of alcoholic beverage”);
 - (5) § 6–207 (“Display of alcoholic beverages as prima facie evidence of sale”);
 - (6) § 6–208 (“Regulating possession or consumption of alcohol in public places”);
 - (7) § 6–209 (“Adoption of standards for authorization of consumption”); and
 - (8) § 6–210 (“State preemption of local disorderly intoxication laws”).
- (b) The following sections of Title 6, Subtitle 2 (“Enforcement”) of Division I of this article apply in the county:
- (1) § 6–204 (“Power to summon witnesses”), in addition to § 19–2602 of this subtitle; and
 - (2) § 6–211 (“Fines and forfeitures”), subject to § 19–2603 of this subtitle.

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§ 19-2602

In addition to the sheriff who may serve a summons under § 6–204 of this article, an inspector assigned to the Board may serve a summons.

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§ 19-2603

One-half of each fine imposed in the county shall be distributed as provided in § 7–507 of the Courts Article.

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§ 19-2701

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

- (1) § 6–305 (“Proof of age for sale of alcoholic beverages”);
- (2) § 6–306 (“Defense to prosecution for sale to underage individual”);
- (3) § 6–308 (“Allowing on–premises consumption of alcoholic beverages not purchased from license holder”);
- (4) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);
- (5) § 6–310 (“Providing free food”);
- (6) § 6–311 (“Restrictions on purchases and sales by retail dealer”);
- (7) § 6–312 (“Beverage misrepresentation”);
- (8) § 6–313 (“Tampering with alcoholic beverage container”);
- (9) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);
- (10) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);
- (11) § 6–316 (“Maximum alcohol content”);
- (12) § 6–317 (“Multiple serving purchase required”);
- (13) § 6–320 (“Disorderly intoxication”);
- (14) § 6–321 (“Consumption of alcoholic beverages in public”);
- (15) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);
- (16) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);
- (17) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);
- (18) § 6–328 (“Tax evasion”);

(19) § 6–329 (“Destruction of evidence”); and

(20) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

(1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 19–2702 of this subtitle;

(2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 19–2703 of this subtitle;

(3) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”), subject to § 19–2704 of this subtitle; and

(4) § 6–322 (“Possession of open container”), subject to § 19–2707 of this subtitle.

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§ 19-2702

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) The granting of probation before judgment to a license holder or employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 19-2703

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 19-2704

(a) A person may not display or consume in a licensed establishment any alcoholic beverage other than those that the license holder of the licensed establishment may sell.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$25.

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§ 19-2705

An individual under the age of 21 years may not be on the premises for which a Class D (on–sale) beer, wine, and liquor license has been issued.

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§ 19-2706

(a) A license holder may not allow an individual under the age of 21 years to loiter about the premises for which the license is issued.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

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§ 19-2707

An individual may possess an alcoholic beverage in an open container on private property described under § 6–322(a)(1) of this article only if the individual possesses and presents the written consent of the owner of the property.

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§ 19-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 19-2802

(a) The Board may impose a fine not exceeding \$2,500 or suspend a license or both for a violation that is a cause for suspension of a license.

(b) A penalty imposed under this section:

(1) is in addition to and does not limit any other penalty for the same violation; and

(2) is independent of any court action based on the same violation.

(c) Fines collected under this section shall be paid into the general fund of the county.

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Title 20 — Title 20

§ 20-101

(a) In this title:

(1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Frederick County.

(c) “County” means Frederick County.

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§ 20-102

This title applies only in Frederick County.

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§ 20-103

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 20-104

(a) Subject to subsection (b) of this section, to qualify as a restaurant under this title, a restaurant shall have average daily receipts from the sale of food that are at least 40% of the total average daily receipts of the restaurant.

(b) (1) The average daily receipts requirement under subsection (a) of this section expires at 10 p.m.

(2) After 10 p.m., there is no requirement for a restaurant regarding average daily receipts from the sale of food and alcoholic beverages.

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§ 20-201

There is a Board of License Commissioners for Frederick County.

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§ 20-202

(a) The Governor shall appoint three members to the Board.

(b) Each member of the Board shall be:

(1) a registered voter of the county during the member's term of office; and

(2) an individual of good moral character and integrity who reasonably reflects the citizenry of the county.

(c) (1) In this subsection, "direct or indirect interest" means an interest that is proprietary or obtained by a loan, mortgage, or lien or in any other manner.

(2) A member of the Board may not:

(i) have a direct or indirect interest in or on a premises where alcoholic beverages are manufactured or sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture or sale of alcoholic beverages;

(iii) own stock in:

1. a corporation that has a direct or indirect interest in a premises where alcoholic beverages are manufactured or sold; or

2. a business wholly or partly devoted to the manufacture or sale of alcoholic beverages;

(iv) hold any other public office or employment; or

(v) solicit or receive, directly or indirectly, a commission, remuneration, or gift from:

1. a person engaged in the manufacture or sale of alcoholic beverages; or

2. a license holder.

(3) A person who violates this subsection is guilty of a misdemeanor and is subject to a fine not exceeding \$1,000.

(d) (1) The term of a member is 5 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(e) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(f) (1) The Governor may remove a member for incompetence, misconduct, neglect of a duty required by law, or unprofessional or dishonorable conduct.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

(g) (1) In this subsection, "campaign finance entity" has the meaning stated in § 1-101 of the Election Law Article.

(2) A member, a person acting on behalf of the member, a campaign finance entity of the member, or any other campaign finance entity operated in coordination with the member may not solicit, receive, deposit, or use a contribution while the member is serving on the Board.

(3) A campaign finance entity of the member or any other campaign finance entity operated in coordination with the member may not make an expenditure, except to pay a late filing fee or civil penalty imposed under Title 13 of the Election Law Article, while the member is serving on the Board.

(4) A campaign finance entity of the member or any other campaign finance entity operated in coordination with the member shall pay any outstanding obligations before the member begins serving on the Board.

(5) Not later than 48 hours after opening a campaign account through a campaign finance entity, a member who has established an authorized candidate campaign committee shall vacate the member's position on the Board in accordance with § 5–866 of the General Provisions Article.

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§ 20-203

From among its members, the Board shall elect a chair.

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§ 20-204

(a) A majority of the members then serving on the Board is a quorum.

(b) The Board shall meet at least once a month.

(c) (1) (i) The chair of the Board shall receive an annual salary of \$7,000.

(ii) Each other member of the Board shall receive an annual salary of \$6,500.

(2) The chair and other members of the Board shall be reimbursed for reasonable expenses.

(d) (1) With the approval of the governing body of the county, the chair of the Board may employ the clerical assistants necessary to discharge the duties of the Board.

(2) The salary of the clerical assistants shall be set by the governing body of the county and provided for in the county budget.

(3) The restrictions and penalty under § 20–202(c) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities apply to employees of the Board.

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§ 20-205

(a) The Board may appoint:

(1) one chief inspector; and

(2) not more than:

(i) one full–time inspector in addition to the chief alcoholic beverages inspector; or

(ii) two part–time inspectors.

(b) To qualify for appointment as an inspector of any type, an individual shall:

(1) be of high moral character; and

(2) possess a sound reputation for sobriety, honesty, and integrity.

(c) (1) An inspector of any type shall:

(i) receive the compensation set by the governing body of the county and provided for in the county budget;

(ii) be reimbursed for reasonable expenses; and

(iii) receive reimbursement for mileage at the standard rate set by the governing body of the county.

(2) Reimbursement for mileage does not include travel to and from the inspector's home and office.

(d) (1) An inspector of any type:

(i) may issue a civil citation as allowed under § 20–2603 of this title; and

(ii) shall:

1. possess the power of a peace officer in the State arising out of or relating to the enforcement of this article;

2. submit monthly reports in writing to the Board of the inspector's activities, setting forth complaints or violations that the inspector observed or that were reported to the inspector;
3. assist the Board to enforce the alcoholic beverages laws; and
4. have any other duties that the Board requires.

(2) The chief inspector shall determine the hours and assignments of all inspectors.

(e) The restrictions and penalty under § 20–202(c) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities apply to full–time and part–time inspectors.

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§ 20-206

The County Treasurer shall:

- (1) receive all the license fees that the Board collects; and
- (2) from the fees, pay all the salaries and expenses of the Board.

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§ 20-207

The Board may adopt regulations to carry out this article.

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§ 20-301

There is no liquor control board or department of liquor control in the county.

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§ 20-401

(a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 2–201 (“Issuance by Comptroller”);
- (2) § 2–203 (“Class 9 limited distillery license”);
- (3) § 2–204 (“Class 2 rectifying license”);
- (4) § 2–210 (“Class 8 farm brewery license”);
- (5) § 2–211 (“Residency requirement”);
- (6) § 2–212 (“Additional licenses”);
- (7) § 2–213 (“Additional fees”);
- (8) § 2–214 (“Sale or delivery restricted”);
- (9) § 2–215 (“Beer sale on credit to retail dealer prohibited”);
- (10) § 2–216 (“Interaction between manufacturing entities and retailers”);
- (11) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and
- (12) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).

(b) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county:

- (1) § 2–202 (“Class 1 distillery license”), subject to §§ 20–402.1 and 20–408 of this subtitle;
- (2) § 2–205 (“Class 3 winery license”), subject to § 20–403 of this subtitle;
- (3) § 2–206 (“Class 4 limited winery license”), subject to § 20–404 of this subtitle;
- (4) § 2–207 (“Class 5 brewery license”), subject to §§ 20–402.1 and 20–407 of this subtitle;
- (5) § 2–208 (“Class 6 pub–brewery license”), subject to § 20–405 of this subtitle; and

(6) § 2–209 (“Class 7 micro–brewery license”), subject to § 20–406 of this subtitle.

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§ 20-402

A holder of a manufacturer’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 20-403

(a) This section applies to a Class 3 winery license in the county.

(b) A holder of the license may sell wine in any election district of the county.

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§ 20-404

(a) This section applies to a Class 4 limited winery license in the county.

(b) A holder of the license may sell wine in any election district of the county.

(c) A holder of the license may provide tables and chairs on the premises of the plant for the sale, by the glass, of wine and pomace brandy made at the plant to an individual who:

(1) (i) is participating in a guided tour of the plant; or

(ii) is attending a scheduled promotional event or other organized activity at the plant; and

(2) has attained the Maryland legal drinking age.

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§ 20-405

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) Section 2–208(d) of this article does not apply in the county.

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§ 20-406

(a) This section applies to a Class 7 micro–brewery license in the county.

(b) Notwithstanding § 2–209(b) of this article, the license may be issued only to a holder of:

(1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant in the county; or

(2) a Class MEC license that is issued for use on the premises of the Class MEC license if the premises is located in the Ballenger (23rd) election district.

(c) The license holder is not subject to the manufacturing and licensing prohibitions under § 2–209(e) of this article.

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§ 20-407

(a) There is a Class DBR license.

(b) The license may be issued to a holder of a Class 5 brewery license.

(c) The license serves as the on–premises consumption permit required under § 2–207(f) and (g) of this article.

(d) The license holder may sell:

(1) food and nonalcoholic beverages; and

(2) beer brewed at the brewery for on– and off–premises consumption to the extent the license holder is allowed under the license holder’s Class 5 brewery license.

(e) The Board shall adopt regulations to carry out this section and to set the annual license fee.

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§ 20-408

(a) There is a Class DDS permit.

(b) The permit may be issued to a holder of a Class 1 distillery license.

(c) The permit serves as the on–premises consumption permit required under § 2–202(e) and (i) of this article.

(d) The permit holder may sell:

(1) food and nonalcoholic beverages; and

(2) brandy, rum, whiskey, alcohol, and neutral spirits that are distilled, rectified, blended, and bottled at the distillery for on– and off–premises consumption to the extent the permit holder is allowed under the license holder's Class 1 distillery license.

(e) The Board shall adopt regulations to carry out this section and to set the annual permit fee.

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§ 20-501

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

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§ 20-502

Except as provided in § 20–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 20-503

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 20-601

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is \$100.

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§ 20-602

(a) There is a Class B beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on– and off–premises consumption.

(2) (i) This paragraph does not apply to a license holder that held the license on December 31, 1993, or to a person who has a permit for a building that was under construction on that date.

(ii) Except for recreational use premises such as bowling alleys and pool halls, the area normally used as a restaurant for the preparation and consumption of food and beverages on the licensed premises may not occupy less than 80% of the total area of the licensed premises.

(c) The annual license fee is \$130.

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§ 20-603

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on-premises consumption.

(c) The annual license fee is \$50.

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§ 20-604

A Class D beer license may not be issued in the county.

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§ 20-701

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery that contains not more than 22% of alcohol by volume.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is \$50.

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§ 20-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

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§ 20-802

(a) There is a Class A beer and wine license.

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) Except as provided in subsection (d) of this section, the license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fee is \$140.

(d) (1) The Board may issue the license with a cheese and deli shop wine privilege for use in an establishment that has average daily receipts from the sale of cheese, meats, sandwiches, and other products normally associated with delis that are at least 50% of the total average daily receipts of the establishment.

(2) The privilege authorizes the license holder to sell not more than 5 ounces of wine by the glass for on-premises consumption to a customer while the customer:

(i) purchases items at the cheese and deli shop; or

(ii) attends a fund-raising event at the cheese and deli shop for which the Department of Permits and Inspections, if required, has issued a permit.

(3) The holder of the privilege may sell wine for on–premises consumption during normal business hours, but not later than 9 p.m.

(4) The cheese and deli shop for which the privilege is granted is subject to the alcohol awareness training requirements under § 4–505 of this article, subject to § 20–1903 of this title.

(5) The annual fee for the privilege is \$100.

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§ 20-803

(a) There is a Class B beer and wine license.

(b) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on– and off–premises consumption.

(c) (1) This subsection does not apply to:

(i) a license holder licensed on or before December 31, 1993;

(ii) a person who had a permit for a building under construction on December 31, 1993; or

(iii) a recreational establishment, such as a bowling alley or pool hall.

(2) The area of the licensed premises normally used as a restaurant for the preparation and consumption of food and beverages may not occupy less than 80% of the square footage of the premises.

(d) The annual license fee is \$160.

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§ 20-804

(a) There is a Class C beer and wine license.

(b) The license authorizes the license holder to sell beer and wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is \$70.

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§ 20-805

A Class D beer and wine license may not be issued in the county.

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§ 20-901

(a) There is a Class A beer, wine, and liquor license.

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) A license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) (1) The annual license fee is \$650.

(2) A Sunday permit may be issued for an additional annual fee of \$650.

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§ 20-902

- (a) There is a Class B license in the Ballenger (23rd) election district.
- (b) The Board may issue the license for use by a luxury-type restaurant that has:
 - (1) a capital investment of at least \$250,000 for dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and
 - (2) seating for at least 28 individuals.
- (c) The license authorizes the sale of beer, wine, and liquor for on-premises consumption.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 20-2006(d) of this title.
- (e) The annual license fee is \$1,500.
- (f) The Board shall define "luxury-type restaurant" by regulation.

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§ 20-903

- (a) There is a Class B beer, wine, and liquor hotel or motel license.
 - (b) The Board may issue the license for use by a hotel or motel that:
 - (1) is an establishment to accommodate the public by providing services ordinarily found in a hotel or motel;
 - (2) has at least 15 rooms;
 - (3) has a dining room with facilities for preparing and serving full-course meals for at least 28 individuals at one seating; and
 - (4) has a capital investment in the hotel or motel facility of at least \$400,000.
 - (c) (1) The license authorizes the license holder to sell beer, wine, and liquor by the individual drink at any place on the hotel or motel premises.
 - (2) (i) Subject to subparagraph (ii) of this paragraph, the license authorizes the license holder to sell beer, wine, and liquor by the bottle:
 - 1. at any place on the premises for a banquet, party, hospitality room, meeting, or a similar function; and
 - 2. for dinner in the restaurant portion of the premises.
 - (ii) A customer may not remove from the premises any contents of a bottle sold under this paragraph that remains unused.
 - (3) (i) The license authorizes the sale of beer, wine, and liquor by the bottle through room service to a registered patron in a hotel or motel room.
 - (ii) Not more than two bottles may be sold through room service to any one customer in a 24-hour period.
 - (iii) A bottle sold through room service may be removed from the premises by the customer on checking out from the hotel or motel.
- (d) The Board may issue not more than 10 licenses to the same license holder.
- (e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20-2005(b) of this title.
- (f) The annual license fee is \$2,000.

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§ 20-904

- (a) There is a Class B beer, wine, and liquor hotel or restaurant license.
- (b) The Board may issue the license for use by a hotel that:
 - (1) is an establishment for the accommodation of the public providing service ordinarily found in hotels;

(2) contains:

(i) at least 25 rooms;

(ii) a lobby with a registration and mail desk; and

(iii) seating facilities and a dining room that serves full-course meals at least twice daily and that has a regular seating at tables, not including seats at bars or counters, for 28 or more individuals; and

(3) is operated in a facility that:

(i) is valued for State and local assessment and taxation at not less than \$20,000; and

(ii) has personal property valued for State and local assessment and taxation at not less than \$3,000.

(c) (1) Subject to paragraph (2) of this subsection, the Board may issue the license for use by a restaurant that:

(i) serves full-course meals at least twice daily;

(ii) has regular seating at tables, not including seats at bars or counters, for 28 or more individuals;

(iii) is operated in a facility valued for State and local assessment and taxation at not less than \$40,000; and

(iv) has personal property valued for State and local assessment and taxation at not less than \$5,000.

(2) (i) This subsection does not apply to or affect any license holder that had the license on December 31, 1993, or to a person who has a permit for a building that was under construction on that date.

(ii) The area normally used as a restaurant for the preparation and consumption of food and beverages shall occupy at least 80% of the square foot area of the licensed premises, except for premises used for recreation, such as a bowling alley or pool hall.

(3) (i) The license holder may remove tables and chairs to accommodate additional patrons at not more than four special events held in the restaurant in a calendar year.

(ii) A restaurant that removes its tables and chairs for a special event:

1. shall give notice to the Board at least 1 week before the event;

2. shall store the removed tables and chairs in an appropriate location in the restaurant and in a manner that does not block the exits of the restaurant; and

3. may not allow into the restaurant more than the maximum number of occupants that the County Fire Marshal allows.

(d) (1) The license issued for a hotel or restaurant:

(i) authorizes the sale of beer, wine, and liquor for on-premises consumption where meals are prepared and served; and

(ii) prohibits sales for consumption anywhere else, including at a bar or counter.

(2) The license issued for a restaurant authorizes the sale for off-premises consumption of beverages with an alcoholic content of not more than 22%.

(e) The Board may issue not more than 10 licenses to the same license holder.

(f) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20-2005(b) of this title.

(g) The annual license fee is:

(1) \$1,500 for a restaurant; and

(2) \$2,000 for a hotel.

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§ 20-905

(a) There is a Class C beer, wine, and liquor license.

(b) The Board may issue the license for use by:

(1) a nationally chartered fraternal, charitable, or veterans' organization, regardless of how long the organization has been operating; or

(2) any other club that has been operating for at least 3 years before the application for the license is made.

(c) The license authorizes the license holder to sell at retail:

(1) for on-premises consumption, beer, wine, and liquor at a club at the place described in the license; and

(2) for off-premises consumption, collectible bottles of wine or liquor 30 calendar days before a special anniversary or special event.

(d) The annual license fee is \$600.

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§ 20-906

A Class D beer, wine, and liquor license may not be issued in the county.

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§ 20-1001

(a) There is a Class B–A (arena) beer and wine license.

(b) The license authorizes the license holder to sell beer and wine by the drink on the campus of an institution of higher education:

(1) from one or more outlets that the Board approves; and

(2) for on-premises consumption at sporting and nonsporting events held at the institution.

(c) The Board shall adopt regulations concerning the manner of dispensing beer and wine, the hours and days of sale, and the annual license fee.

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§ 20-1002

(a) There is a beauty salon beer and wine license.

(b) The Board may issue the license to a holder of a beauty salon permit under § 5–501 of the Business Occupations and Professions Article.

(c) The license authorizes the license holder to provide no more than 6.5 ounces of wine by the glass or 12 ounces of beer for on-premises consumption by a beauty salon customer:

(1) when the customer is provided a cosmetology service described in § 5–101(n)(1) of the Business Occupations and Professions Article; or

(2) while the customer is attending a fund-raising event at the beauty salon for which the Department of Permits and Inspections, if required, has issued a permit.

(d) The license may not be transferred to another location.

(e) The license holder may provide beer and wine for on-premises consumption during normal business hours but not later than 9 p.m.

(f) The annual license fee is \$100.

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§ 20-1003

(a) There is a Class B–BB (bed and breakfast) beer, wine, and liquor license.

(b) The Board may issue the license for use by an establishment that:

(1) provides services ordinarily found in a bed and breakfast; and

(2) contains at least one room with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time.

(c) (1) Subject to paragraph (2) of this subsection, the license authorizes the sale of beer, wine, and liquor for on-premises consumption to a guest whose name and address appears on the registry that is maintained by the

establishment and who is an occupant of a sleeping room in the establishment.

(2) The license holder may not sell beer, wine, or liquor to an individual who is registered at the establishment only to obtain beer, wine, or liquor.

(d) If an establishment ends operations as a bed and breakfast:

(1) the license is void; and

(2) the license holder shall return the license to the Board.

(e) The license holder may sell beer, wine, and liquor for on-premises consumption during the hours and days of sale that are set out for a Class B beer, wine, and liquor license under § 20-2005 of this title.

(f) The annual license fee is \$500.

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§ 20-1004

(a) There is a Class B-CC (conference center) beer, wine, and liquor license.

(b) (1) The Board may issue the license for an establishment that is equipped with:

(i) at least 150 bedrooms for the accommodation of the public;

(ii) at least one dining area with facilities for preparing and serving regular meals;

(iii) rooms for meetings, displays, banquets, balls, dancing, and live entertainment; and

(iv) a nightclub equipped with a bar and an entertainment or a dancing area.

(2) The total average daily receipts from the renting of meeting rooms and bedrooms and the sale of food in the establishment shall exceed the average daily receipts from the sale of alcoholic beverages.

(c) The license authorizes the sale of beer, wine, and liquor for consumption throughout the licensed premises, both indoors and outdoors, including meeting and banquet rooms, patios, verandas, and green spaces.

(d) The license holder may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(e) The annual license fee is \$2,000.

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§ 20-1005

(a) There is a Class C (country and golf club) license.

(b) The Board may issue the license for use by a country and golf club that maintains a regular or championship golf course with at least nine holes.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail to members and their guests for on-premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 20-2005 of this title.

(e) The annual license fee is \$1,500.

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§ 20-1006

(a) There is a Class B-CI (country inn) beer, wine, and liquor license.

(b) The Board may issue the license for an establishment that:

(1) provides services ordinarily found in a country inn;

(2) contains at least eight rooms with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time; and

(3) has a kitchen facility for guests that is separate from the kitchen facility of the resident management quarters.

- (c) The license holder may sell beer, wine, and liquor when accommodating the public for banquets, parties, meetings, and similar functions.
- (d) The license holder may sell beer, wine, and liquor for on-premises consumption during the hours and days as set out for a Class B beer, wine, and liquor license under § 20-2005 of this title.
- (e) If an establishment ends operations as a country inn:
 - (1) the license is void; and
 - (2) the license holder shall return the license to the Board.
- (f) The annual license fee is \$2,500.

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§ 20-1007

- (a) There is a Class B-DT (dinner theater) beer, wine, and liquor license.
- (b) The Board may issue the license for the use of a dinner theater that:
 - (1) provides live Broadway-style musicals, comedy, or drama to its customers;
 - (2) is open to the public by reservation only; and
 - (3) contains a dining room with facilities for preparing and serving full-course meals for at least 120 individuals at one seating.
- (c) (1) The license authorizes the license holder to sell at retail for on-premises consumption:
 - (i) beer and wine by the drink or bottle; and
 - (ii) liquor by the drink.
 - (2) A license holder may not sell alcoholic beverages:
 - (i) for off-premises consumption; or
 - (ii) at any time except in conjunction with the dinner theater.
- (d) A license holder may sell beer, wine, and liquor beginning 2 hours before a live performance until the end of the performance on Monday through Sunday.
- (e) The annual license fee is \$1,500.

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§ 20-1008

- (a) There is a Class EC (entertainment center) license.
- (b) The Board may issue the license to a person for use in conjunction with:
 - (1) a Class 7 micro-brewery license that the person then obtains from the Executive Director; or
 - (2) a Class B beer, wine, and liquor license that the person has been issued by the Board.
- (c) (1) The Class EC license authorizes the license holder to sell, in an entertainment center for on-premises consumption:
 - (i) malt beverages that are brewed in the license holder's micro-brewery, if the license holder also holds a Class 7 micro-brewery license; or
 - (ii) beer, wine, and liquor, if the license holder also holds a Class B beer, wine, and liquor license.
 - (2) The entertainment center may:
 - (i) contain:
 1. rides and games such as bowling lanes, billiard tables, and go-carts; and
 2. one or more food service facilities, bars, or lounges; and
 - (ii) allow the playing of music and dancing.

(d) The Board may issue not more than 10 licenses to the same license holder.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005 of this title.

(f) The annual Class EC license fee is \$1,500.

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§ 20-1009

(a) There is a Class B–GSF (golf simulator facility) license.

(b) The Board may issue the license for use by a golf simulator facility that:

(1) is open to the public;

(2) has at least five golf simulator bays; and

(3) has accommodations that are predominantly dedicated to golf simulator bays and seating dedicated to the golf simulator bays.

(c) An applicant for the license shall submit to the Board a floor plan or layout of the proposed licensed premises that illustrates that the proposed licensed premises is predominantly dedicated to golf simulator bays and has seating dedicated to the golf simulator bays.

(d) The license holder may sell beer, wine, and liquor for on–premises consumption:

(1) if the license holder offers food on–premises at all times when alcoholic beverages are being sold; and

(2) during normal business hours and in accordance with § 20–2005 of this title.

(e) (1) The license holder’s annual gross sales from:

(i) alcoholic beverages may not exceed 35% of the annual gross sales of the golf simulator facility;

(ii) golf simulator bay rental fees shall be at least 50% of the annual gross sales of the golf simulator facility; and

(iii) food shall be at least 15% of the annual gross sales of the golf simulator facility.

(2) Before the Board may renew the license, the license holder shall provide the Board with an annual gross sales report for alcohol, golf simulator bay rental fees, and food that shows the license holder has met the requirements of paragraph (1) of this subsection.

(f) The annual license fee is \$1,500.

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§ 20-1010

(a) There is a Class C (private business club) beer, wine, and liquor license.

(b) Three officers of the private business club shall apply for the license.

(c) The Board may issue the license for use by a private business club that:

(1) is organized for business and professional persons;

(2) is nonprofit;

(3) has been incorporated since at least 1 year before the application for the license was made;

(4) has at least 75 members;

(5) prepares and serves meals to members and their guests during regular operating hours; and

(6) has made at least \$100,000 in capital expenditures for tenant improvements, equipment, and furnishings used in the private business club.

(d) The license authorizes the license holder to sell beer, wine, and liquor to members and their guests for on–premises consumption.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 20–2005 of this title.

(f) The annual license fee is \$2,000.

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§ 20-1011

(a) There is a Class C (private country club) beer, wine, and liquor license.

(b) Three officers of the private country club shall apply for the license.

(c) The Board may issue the license for use by a private country club that:

(1) is organized for social purposes;

(2) has been incorporated since at least 1 year before the application for the license was made;

(3) has at least 75 members;

(4) prepares and serves meals to members and their guests during regular operating hours;

(5) is in the 14th election district or wherever else is allowed in the county; and

(6) has made at least \$500,000 in capital expenditures for structures, improvements, equipment, and furnishings used in the private country club.

(d) The license authorizes the license holder to sell beer, wine, and liquor to members and their guests for consumption in the structures and on the surrounding grounds of the licensed premises.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20-2005 of this title.

(f) The annual license fee is \$2,000.

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§ 20-1012

(a) There is a special Class C (retirement center) beer, wine, and liquor license.

(b) The Board may issue the retirement center license by converting a special Class C (club) license held on behalf of a retirement center into the retirement center license.

(c) (1) The license authorizes the license holder to sell at retail beer, wine, and liquor to residents and guests at the licensed premises for on-premises consumption.

(2) The license holder may sell for off-premises consumption only special anniversary or special event collectible bottles of wine or liquor not more than 30 calendar days before the special anniversary or event.

(3) (i) Subject to subparagraph (ii) of this paragraph, a civic group or any other organization that rents the premises from the license holder for an event may serve at the event alcoholic beverages that the license holder provides.

(ii) Not more than 25 events described in subparagraph (i) of this paragraph at which alcoholic beverages are served may be held in 1 year.

(iii) The events may be open to the public.

(4) The licensed premises may be expanded to include any building or facility at the retirement center campus, regardless of whether the building or facility exists when the license is issued.

(5) The retirement center campus shall be limited to two areas and the service rooms connected to those two areas.

(d) The annual license fee is \$1,500.

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§ 20-1013

(a) There is a stadium license.

(b) The Board may issue the license to the owner of a professional baseball team franchise, regardless of whether the franchise is a partnership, corporation, or limited liability company.

- (c) The license authorizes the license holder, at the stadium in which the baseball team plays its home games, to sell beer, wine, and liquor:
- (1) in plastic or paper containers on the licensed premises;
 - (2) for on-premises consumption; and
 - (3) to an individual present at an event held in the stadium.
- (d) The license holder may sell alcoholic beverages from the time the stadium opens for the event until the event ends.
- (e) The license holder may not allow an individual to:
- (1) carry any alcoholic beverage onto the licensed premises; or
 - (2) carry any alcoholic beverage from the licensed premises.
- (f) The annual license fee is \$2,500.

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§ 20-1014

- (a) There is a Class C (theater) beer and wine license.
- (b) The president and two other officers of the theater shall sign the application for the license.
- (c) The Board may issue a license for use by a theater with seating.
- (d) The license authorizes the license holder to sell beer and wine for on-premises consumption from 1 hour before to 1 hour after:
- (1) a regular performance; or
 - (2) a fund-raiser performance that benefits the theater.
- (e) The annual license fee is \$100.

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§ 20-1015

- (a) There is a Class C (Weinberg Center/New Spires Arts Stages) beer, wine, and liquor license.
- (b) The manager of the Weinberg Center for the Arts or the New Spires Arts Stages, or another municipal official designated by the Mayor of the City of Frederick, shall sign the application for the license.
- (c) The Board may issue the license for use by the nonprofit Weinberg Center for the Arts at the Center and at the New Spires Arts Stages.
- (d) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail to a customer on the licensed premises.
- (2) Beer, wine, and liquor may be consumed anywhere on the licensed premises.
- (e) The license holder may sell beer, wine, and liquor from 1 hour before to 1 hour after:
- (1) a performance;
 - (2) a fund-raiser that benefits the Weinberg Center for the Arts or the New Spires Arts Stages; or
 - (3) an event hosted by an outside group that has rented either facility.
- (f) The annual license fee is \$325.

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§ 20-1101

- (a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:
- (1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and
 - (2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

- (1) § 4-1104 ("Refillable container permit — Draft beer"), subject to § 20-1104 of this subtitle;
- (2) § 4-1105 ("Refillable container permit — Wine"), subject to § 20-1105 of this subtitle; and
- (3) § 4-1106 ("Nonrefillable container permit — Draft beer"), subject to § 20-1106 of this subtitle.

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§ 20-1102

(a) This section applies to a holder of:

- (1) a Class C per diem beer and wine license; or
- (2) a Class C per diem beer, wine, and liquor license.

(b) A license holder listed under subsection (a) of this section may sell collectible special anniversary or event bottles of wine or liquor for off-premises consumption on the days permitted by the license for the special anniversary or event.

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§ 20-1103

(a) There is a promoter's permit.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the permit for use by a for-profit organization that publicizes, sells tickets for, organizes, operates, produces, or stages an event where alcoholic beverages are sold or served.

(2) The permit holder may not hold an alcoholic beverages license under this article.

(c) The permit authorizes the permit holder to sell beer, wine, and liquor at an event.

(d) The Board may adopt regulations establishing the requirements for conducting an event described in subsection (b) of this section, including health and safety standards to be met by a permit holder.

(e) The permit fee is:

- (1) \$50, if the promoter expects that fewer than 500 individuals will attend;
- (2) \$250, if the promoter expects that from 500 to 1,000 individuals will attend;
- (3) \$600, if the promoter expects that from 1,001 to 3,000 individuals will attend; and
- (4) \$1,000, if the promoter expects that more than 3,000 individuals will attend.

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§ 20-1104

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A or Class B license.

(b) The annual permit fee is \$50.

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§ 20-1105

(a) The Board may issue a refillable container permit for wine to a holder of a Class A or Class B license.

(b) The annual permit fee is \$50.

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§ 20-1106

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license or a Class B license.

(b) (1) Except as provided in paragraph (2) of this subsection, the annual permit fee is \$50.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

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§ 20-1201

(a) There is a local caterer's license.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to the holder of a Class B restaurant or hotel (on-sale) beer, wine, and liquor license.

(2) Before the Board issues or renews the license, the county health department shall approve the food preparation facilities for a catered event.

(c) The license authorizes a holder to:

(1) provide beer, wine, and liquor at a publicly or privately sponsored event that is held off the premises for which the holder's Class B restaurant or hotel (on-sale) beer, wine, and liquor license is issued; and

(2) exercise the privileges of the license only during the hours and on the days authorized for the holder's Class B license.

(d) The license holder shall:

(1) prepare, deliver, and provide food for consumption at the catered event;

(2) provide the service employees to serve alcoholic beverages at the catered event;

(3) ensure that at least one service employee is certified by an alcohol awareness program under § 4-505 of this article and is on the premises at all times during the event; and

(4) ensure after the event that all of the alcoholic beverages:

(i) remain in the possession of the license holder; and

(ii) are returned to the premises for which the Class B restaurant or hotel (on-sale) beer, wine, and liquor license is issued.

(e) The annual license fee is \$1,500.

(f) This section does not require a holder of a Class B restaurant or hotel (on-sale) beer, wine, and liquor license to obtain a local caterer's license for catering on the premises for which the Class B license is issued.

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§ 20-1301

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-1202 ("Per diem licenses");

(2) § 4-1206 ("License to dispose of stock");

(3) § 4-1207 ("Temporary move of licensed premises");

(4) § 4-1208 ("Hours and days of sale"); and

(5) § 4-1209 ("Wine permit for fund-raising event").

(b) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article do not apply in the county:

(1) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine licenses"), which is superseded by § 20-1312 of this subtitle;

(2) § 4-1204 ("Class C per diem beer, wine, and liquor license"), which is superseded by § 20-1313 of this subtitle; and

(3) § 4-1205 ("License fees"), which is superseded by §§ 20-1312 and 20-1313 of this subtitle.

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§ 20-1304

- (a) There is a beer festival license.
- (b) The Board may issue the license to a holder of a retail license, Class 5 brewery license, Class 7 micro-brewery license, or Class 8 farm brewery license.
- (c) The license authorizes the holder to display and sell beer.
- (d) A license holder shall display and sell beer:
 - (1) at retail for on- and off-premises consumption; and
 - (2) during the hours and days designated for the beer festival.
- (e) The Board shall:
 - (1) choose 4 weekends each year for the beer festival that do not fall on the dates chosen for the Cumberland and Shenandoah Valley Wine Festival in Washington County or the Maryland Wine Festival in Carroll County;
 - (2) choose for the festival:
 - (i) a location that is not already licensed; or
 - (ii) subject to subsection (f) of this section, the premises of a holder of a stadium on-sale license; and
 - (3) ensure that the primary focus of the beer festival is the promotion of Maryland beer.
- (f) If a beer festival is held on the premises of a holder of a stadium license, the holder of the stadium license may not sell any alcoholic beverages during the festival.
- (g) A beer festival license holder may hold another license of a different class or nature.
- (h) The license fee is \$15.
- (i) The Board shall adopt regulations to carry out this section.

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§ 20-1305

- (a) In this section, "Festival" means the Frederick County Wine Festival.
- (b) There is a wine festival (WF) license.
- (c) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.
- (d) The license authorizes the holder to display and sell wine that is distributed in the State.
- (e) A license holder shall display and sell wine:
 - (1) at retail for on- and off-premises consumption; and
 - (2) during the hours and days designated for the Festival.
- (f) The Board:
 - (1) may choose two weekends each year for the Festival;
 - (2) shall choose locations that are not already licensed; and
 - (3) shall ensure that the primary focus of the Festival is the promotion of Maryland wine.
- (g) A license holder may hold another license of a different class or nature.
- (h) The license fee is \$20.
- (i) The Board shall adopt regulations to carry out this section.

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§ 20-1306

- (a) (1) There is a Middletown Wine Festival (MWF) license.
- (2) The Burgess and Commissioners of Middletown may not hold more than two 1-day Middletown Wine Festivals each year on the days that the Burgess and Commissioners choose.

- (b) The Board may issue the license to a holder of a Class 3 winery license or a Class 4 limited winery license.
- (c) The license authorizes the holder to display and sell wine at retail for on– and off–premises consumption.
- (d) A license holder shall display and sell wine during the hours and days designated for the Middletown Wine Festival.
- (e) The Burgess and Commissioners of Middletown:
 - (1) each year may choose the days for the Festival; and
 - (2) shall choose locations that are not already licensed.
- (f) A license holder may hold another license of a different class or nature.
- (g) The license fee is \$20.

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§ 20-1309

- (a) There is a 1–day multivenue wine (MVW) license.
- (b) The Board may issue the license to a nonprofit organization.
- (c) (1) The license holder may conduct simultaneous wine events at not more than five venues that are:
 - (i) within walking distance of each other; and
 - (ii) located in districts that allow the consumption of wine.
- (2) Under regulations that the Board adopts, at each wine event, the license holder:
 - (i) may sell wine by the glass for on–premises consumption or by the bottle for off–premises consumption;
 - (ii) may allow the holder of a Class 4 limited winery license to conduct a wine tasting; and
 - (iii) shall prohibit a guest from transporting wine from one venue to another.

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§ 20-1312

- (a) There is a Class C per diem beer and a Class C per diem beer and wine license.
- (b) An applicant may purchase:
 - (1) a Class C per diem beer license or a Class C per diem beer and wine license for each day a license is required; or
 - (2) a Class C multiday beer license or a Class C multiday beer and wine license for all days for which a license is required.
- (c) The days for which licenses under this section may be issued to a single applicant may not exceed 50 in a calendar year.
- (d) The fee is \$10 per day for:
 - (1) a Class C per diem beer license;
 - (2) a Class C per diem beer and wine license;
 - (3) a Class C multiday beer license; or
 - (4) a Class C multiday beer and wine license.

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§ 20-1313

- (a) There is a Class C per diem beer, wine, and liquor license.
- (b) An applicant may purchase:
 - (1) a Class C per diem beer, wine, and liquor license for each day a license is required; or
 - (2) a Class C multiday beer, wine, and liquor license for all days for which a license is required.

(c) The days for which licenses under this subsection may be issued to a single applicant may not exceed 50 in a calendar year.

(d) The fee is \$30 per day for:

- (1) a Class C per diem beer, wine, and liquor license; or
- (2) a Class C multiday beer, wine, and liquor license.

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§ 20-1317

(a) There is a basket of cheer permit.

(b) The Board shall grant the permit at no cost to a holder of a Class C per diem beer and wine license or a Class C per diem beer, wine, and liquor license.

(c) The permit authorizes the permit holder to provide as a prize at a benefit performance a basket of cheer of alcoholic beverages consisting of:

(1) for a holder of a Class C per diem beer and wine license, not more than:

- (i) 288 ounces of beer; and
- (ii) 2.25 liters of wine; and

(2) for a holder of a Class C per diem beer, wine, and liquor license, not more than:

- (i) 288 ounces of beer;
- (ii) 2.25 liters of wine; and
- (iii) 2.25 liters of liquor.

(d) The alcoholic beverages contained in a basket of cheer shall be for off-premises consumption.

(e) A holder of the permit:

- (1) shall obtain the alcoholic beverages contained in a basket of cheer from a holder of a retail license; and
- (2) may raffle off not more than 10 baskets of cheer at each benefit performance.

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§ 20-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-102 ("Applications to be filed with local licensing board");
- (2) § 4-104 ("Application on behalf of corporation or club");
- (3) § 4-105 ("Application on behalf of limited liability company");
- (4) § 4-106 ("Payment of notice expenses");
- (5) § 4-108 ("Application form required by Comptroller");
- (6) § 4-109 ("Required information on application — In general");
- (7) § 4-111 ("Payment of license fees");
- (8) § 4-112 ("Disposition of license fees");
- (9) § 4-113 ("Refund of license fees"); and
- (10) § 4-114 ("Fees for licenses issued for less than 1 year").

(b) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article do not apply in the county:

- (1) § 4-103 ("Application on behalf of partnership"), which is superseded by § 20-1404 of this subtitle; and
- (2) § 4-110 ("Required information on application — Petition of support").

(c) Section 4–107 (“Criminal history records check”) of Division I of this article applies in the county, subject to §§ 20–1402 and 20–1403 of this subtitle.

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§ 20-1402

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

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§ 20-1403

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

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§ 20-1404

(a) (1) A license for the use of a partnership shall be applied for and issued to three individuals.

(2) The three individuals are not required to be partners but shall be authorized in writing to act for the partnership.

(3) One of the three individuals shall be a resident and registered voter of the county at the time the application is filed.

(4) The names of each partner shall be stated on the application.

(b) If a corporation, partnership, or limited liability company is a partner of a partnership on behalf of which an application for a license has been filed, the application shall include:

(1) the name of each owner of more than 33% of the stock in the corporate partner;

(2) the name of each owner of more than 33% of ownership interest of the partnership partner; or

(3) the name of each member with more than a 33% interest in the limited liability company partner.

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§ 20-1405

(a) An applicant for a license shall post a notice that the Board approves in a conspicuous place at the location described in the application for at least 14 days before the application hearing.

(b) The notice shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

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§ 20-1501

(a) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 4–202 (“Authority of local licensing boards”);

(2) § 4–204 (“Prohibition against issuing multiple licenses for same premises”);

(3) § 4–205 (“Chain store, supermarket, or discount house”);

(4) § 4–206 (“Limitations on retail sales floor space”);

(5) § 4–207 (“Licenses issued to minors”);

(6) § 4–209 (“Hearing”);

(7) § 4–210 (“Approval or denial of license application”);

(8) § 4–211 (“License forms; effective date; expiration”);

(9) § 4–212 (“License not property”);

(10) § 4–213 (“Replacement licenses”); and

(11) § 4-214 (“Waiting periods after denial of license applications”).

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:

(1) § 4-203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to Subtitle 13, Part III of this title; and

(2) § 4-208 (“Notice of license application required”), subject to § 20-1502 of this subtitle.

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§ 20-1502

(a) The Board may fulfill the notice requirement of § 4-208 of this article by posting online a completed hearing schedule at least 14 days before the hearing date.

(b) Any application document submitted in accordance with this subtitle is subject to State requirements of the Public Information Act under Title 4 of the General Provisions Article.

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§ 20-1601

(a) (1) For every 4,000 individuals in an election district, the Board may not issue more than one license in each of the following classes:

(i) Class A (off-sale) beer license;

(ii) Class A (off-sale) beer and wine license; and

(iii) Class A (off-sale) beer, wine, and liquor license.

(2) The population of each election district is to be determined by the most recent federal census.

(b) (1) Subject to paragraph (2) of this subsection, in an election district in which the number of licenses in a class that were issued as of June 1, 1949, exceeds the quota specified in subsection (a) of this section, the Board may not issue new licenses in that class.

(2) The Board may issue new licenses in a class when the number of licenses in that class falls below the quota specified in subsection (a) of this section.

(c) This section does not apply to the transfer or renewal of a license.

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§ 20-1602

(a) Except as otherwise provided in this title, the Board may issue any license:

(1) authorized under this title anywhere in the county, regardless of election district; and

(2) for which a public hearing is held.

(b) (1) The Board may issue a Class C beer, wine, and liquor license to:

(i) a religious organization;

(ii) a fraternal organization;

(iii) a civic organization;

(iv) a war veterans' organization; and

(v) a patriotic organization.

(2) A license issued under this subsection may be used only for on-premises consumption.

(3) All net proceeds from the sale of alcoholic beverages by an organization listed in paragraph (1) of this subsection shall be used solely for charitable purposes or otherwise to further the purposes of the organization.

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§ 20-1603

A Class A license may not be issued for, transferred to, used in conjunction with, or used at the location of:

- (1) a chain store;
- (2) a supermarket;
- (3) a discount house; or
- (4) a franchised establishment:
 - (i) that is operated under an agreement between a franchisee and franchisor that permits the franchisee to conduct a business or sell a product or service under a name or mark, in accordance with the methods and procedures set out by the franchisor; and
 - (ii) for which the franchisor assists the franchisee through advertising, promotion, or other services.

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§ 20-1604

The Board may not issue any license with an off-sale privilege for use in a business that is intended to be operated as a drive-through sales facility at which alcoholic beverages are:

- (1) sold at retail; and
- (2) dispensed through a window or door to a purchaser in a motor vehicle for off-premises consumption.

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§ 20-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

- (1) § 4-303 ("Chain store, supermarket, or discount house");
- (2) § 4-304 ("Compliance with Bulk Transfers Act required");
- (3) § 4-305 ("Filing fee and endorsement"); and
- (4) § 4-306 ("Substitution of names of officers on license").

(b) Section 4-302 ("Transfer of place of business; transfer of license and inventory") of Division I of this article applies in the county, subject to § 20-1702 of this subtitle.

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§ 20-1702

The Board may not transfer an off-sale license for use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

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§ 20-1801

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-402 ("Eligibility for renewal; process");
- (2) § 4-403 ("Renewal application");
- (3) § 4-405 ("Contents of renewal application");
- (4) § 4-406 ("Protests");
- (5) § 4-407 ("Denial of renewal application");
- (6) § 4-409 ("Multiple licenses"); and

(7) § 4–410 (“Chain store, supermarket, or discount house”).

(b) The following sections of Title 4, Subtitle 4 (“Renewal of Local Licenses”) of Division I of this article do not apply in the county:

(1) § 4–404 (“Filing period for renewal application”), which is superseded by § 20–1803 of this subtitle; and

(2) § 4–408 (“Issuance of renewed licenses”), which is superseded by § 20–1804 of this subtitle.

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§ 20-1802

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

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§ 20-1803

An application to renew an annual license shall be filed between January 1 and April 15, inclusive.

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§ 20-1804

(a) The Board may issue renewed licenses for the following license year between January 1 and May 1, inclusive.

(b) All renewed licenses shall be dated May 1.

(c) If an expiring license is subject to an order of restriction or suspension, the Board shall issue the corresponding license renewal subject to the same order.

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§ 20-1901

(a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county without exception or variation:

(1) § 4–502 (“Storage of alcoholic beverages”);

(2) § 4–503 (“Solicitations and sales outside of licensed premises”);

(3) § 4–506 (“Evidence of purchaser’s age”); and

(4) § 4–507 (“Retail delivery of alcoholic beverages”).

(b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county:

(1) § 4–504 (“Employment of underage individuals”), subject to § 20–1902 of this subtitle;

(2) § 4–505 (“Alcohol awareness program”), subject to § 20–1903 of this subtitle; and

(3) § 4–508 (“Display of license”), subject to § 20–1904 of this subtitle.

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§ 20-1902

A license holder may employ an individual who is:

(1) at least 18 years old to sell, serve, deliver, or otherwise deal with alcoholic beverages; or

(2) at least 14 years old to perform any task other than to sell, serve, or deliver alcoholic beverages.

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§ 20-1903

(a) (1) The individual certified by an approved alcohol awareness program may be absent from the licensed premises for a personal or business reason or an emergency if:

(i) the personal or business reason or emergency meets standards that the Board sets by regulation; and

(ii) the absence lasts for not more than 2 hours.

(2) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a \$100 fine; and

(2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

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§ 20-1904

A license holder shall frame the license and display the license conspicuously in the licensed premises.

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§ 20-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 20-2002

(a) (1) A holder of a Class A beer license may sell beer on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) (i) The Board may grant a special Sunday opening permit to the license holder.

(ii) The permit authorizes the holder to sell beer for off-premises consumption on Sunday from 6 a.m. to 2 a.m. the following day.

(iii) The annual permit fee is \$100 in addition to the annual fee for the license.

(iv) The permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the license.

(b) A holder of a Class B beer license may sell beer on Monday through Sunday, for on- and off-premises consumption, from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer (on-sale) license may sell beer:

(1) on Monday through Sunday, from 6 a.m. to 2 a.m. the following day; and

(2) for a specific event that the Board has approved, the hours for the event that are set by the Board.

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§ 20-2003

A holder of a Class A wine license may sell wine on Sunday.

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§ 20-2004

(a) (1) A holder of a Class A beer and wine license may sell beer and wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) (i) The Board may grant a special Sunday opening permit to the license holder.

(ii) The permit authorizes the holder to sell beer for off-premises consumption on Sunday from 6 a.m. to 2 a.m. the following day.

(iii) The annual permit fee is \$140 in addition to the annual fee for the license.

(iv) The permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the license.

(b) A holder of a Class B beer and wine license may sell beer and wine on Monday through Sunday, for on- and off-premises consumption, from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer and wine license may sell beer and wine on Monday through Sunday, for on-premises consumption, from 6 a.m. to 2 a.m. the following day.

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§ 20-2005

(a) (1) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) (i) The Board may grant a special Sunday opening permit to the license holder.

(ii) The permit authorizes the holder to sell beer, wine, and liquor for off-premises consumption on Sunday from 6 a.m. to 2 a.m. the following day.

(iii) The annual permit fee is \$650 in addition to the annual fee for the license.

(iv) The permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the license.

(b) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(1) on Monday through Saturday, for on- and off-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday:

(i) for on-premises consumption:

1. from 6 a.m. to 2 a.m. the following day; or

2. for a specific event that the Board has approved, the hours for the event that are set by the Board; and

(ii) for off-premises consumption, from 1 p.m. to 2 a.m. the following day.

(c) A holder of a Class B beer, wine, and liquor license in the Ballenger (23rd) election district may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor for on- and off-premises consumption on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

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§ 20-2101

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 20-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 20-2301

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

(1) § 4–802 (“Expiration of license on death of license holder”);

(2) § 4–804 (“Transfer or reinstatement of license”);

(3) § 4–805 (“Rights of protest, revocation, suspension, and restriction”); and

(4) § 4–806 (“Refund”).

(b) Section 4–803 (“Certificate of permission or renewal license for continuation of business”) of Division I of this article applies in the county, subject to § 20–2302 of this subtitle.

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§ 20-2302

A fee may not be charged for a certificate of permission for the continuation of the business in the name of the personal representative or special administrator for the benefit of the estate of the deceased license holder.

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§ 20-2401

Title 4, Subtitle 9 (“Judicial Review”) of Division I of this article applies in the county without exception or variation.

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§ 20-2402

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

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§ 20-2501

(a) After legal closing hours for licensed premises under §§ 20–2003 through 20–2006 of this title, an unlicensed establishment may not:

(1) serve alcoholic beverages or allow alcoholic beverages to be consumed by a customer from supplies that the customer previously purchased or reserved; or

(2) serve, keep, or allow to be consumed at its location or at a location under its control or possession alcoholic beverages, setups, or other component parts of mixed alcoholic drinks.

(b) The prohibitions against nudity or sexual displays under § 4–605 of this article apply to an establishment under subsection (a) of this section.

(c) A person that violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 20-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 20-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

- (1) § 6–202 ("Inspections");
- (2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");
- (3) § 6–204 ("Power to summon witnesses");
- (4) § 6–205 ("Peace officers");
- (5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");
- (6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");
- (7) § 6–208 ("Regulating possession or consumption of alcohol in public places");
- (8) § 6–209 ("Adoption of standards for authorization of consumption"); and
- (9) § 6–211 ("Fines and forfeitures").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 20–2602 of this subtitle.

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§ 20-2602

(a) The county may:

- (1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and
- (2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or on a highway.

(b) In the City of Frederick, the Mayor and Aldermen may regulate the possession or consumption of alcoholic beverages on public property owned by the City or on a public highway.

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§ 20-2603

An inspector who investigates a license violation may issue a civil citation as provided in § 10–119 of the Criminal Law Article.

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§ 20-2604

(a) The Board may subpoena records pertaining to a licensed establishment.

- (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.
- (2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

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§ 20-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years");
- (2) § 6–305 ("Proof of age for sale of alcoholic beverages");
- (3) § 6–306 ("Defense to prosecution for sale to underage individual");
- (4) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual");
- (5) § 6–308 ("Allowing on-premises consumption of alcoholic beverages not purchased from license holder");

(6) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);

(7) § 6–310 (“Providing free food”);

(8) § 6–311 (“Restrictions on purchases and sales by retail dealer”);

(9) § 6–312 (“Beverage misrepresentation”);

(10) § 6–313 (“Tampering with alcoholic beverage container”);

(11) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);

(12) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);

(13) § 6–316 (“Maximum alcohol content”);

(14) § 6–317 (“Multiple serving purchase required”);

(15) § 6–320 (“Disorderly intoxication”);

(16) § 6–321 (“Consumption of alcoholic beverages in public”);

(17) § 6–322 (“Possession of open container”);

(18) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(19) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(20) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(21) § 6–328 (“Tax evasion”);

(22) § 6–329 (“Destruction of evidence”); and

(23) § 6–330 (“Perjury”).

(b) Section 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”) of Division I of this article applies in the county, subject to § 20–2702 of this subtitle.

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§ 20-2702

Residents and their guests in a continuing care retirement community that holds a Class C (on–sale) beer, wine, and liquor license may consume wine not purchased from the continuing care retirement community if:

(1) the wine is consumed with a meal in the dining room; and

(2) the continuing care retirement community:

(i) is operated by a nonprofit organization for the continuing care retirement of individuals at least 60 years old;

(ii) has been incorporated for at least 1 year;

(iii) has obtained a certificate of registration from the Department of Aging under Title 10, Subtitle 4 of the Human Services Article; and

(iv) prepares and serves meals during regular operating hours to residents and their guests.

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§ 20-2703

(a) A person engaged in the manufacture or sale of alcoholic beverages, an agent or employee of the person, and a license holder may not, directly or indirectly, offer or make a payment or gift to:

(1) a member of the Board;

(2) the chief alcoholic beverages inspector;

(3) a full–time or part–time alcoholic beverages inspector; or

(4) any other employee of the Board.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

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§ 20-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 20-2802

(a) The Board may impose a fine not exceeding \$3,000 for each offense or suspend a license or both for a violation that is cause for suspension of a license.

(b) The Board may reduce a suspension by allowing the license holder to pay an additional fine not exceeding \$1,000 for each week the suspension is reduced.

(c) Fines collected under this section shall be paid into the general fund of the county.

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Title 21 — Title 21

§ 21-101

(a) In this title:

(1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Garrett County.

(c) “County” means Garrett County.

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§ 21-102

This title applies only in Garrett County.

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§ 21-103

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 21-201

(a) There is a Board of License Commissioners for Garrett County.

(b) The Board is a State unit that:

(1) administers this title; and

(2) may issue, deny, revoke, or suspend licenses within the limits set out under this article.

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§ 21-202

(a) (1) The Governor shall appoint three members to the Board.

(2) The appointments shall be made:

(i) if there is a resident Senator elected from the county, with the advice and consent of the Senate; or

- (ii) if there is no resident Senator elected from the county, with confirmation by the House of Delegates.
- (b) (1) Each member of the Board shall be:
 - (i) a resident and voter of the county; and
 - (ii) an individual of high character and integrity and of recognized business capacity.
- (2) An individual who is receiving compensation from the county may not be appointed to the Board.
- (3) (i) Two members of the Board shall be members of the same political party as that of a majority of the members of the Board of County Commissioners.
- (ii) One member of the Board shall be a member of a political party other than the one represented by a majority of the Board of County Commissioners.
- (c) (1) The term of a member is 6 years and begins on June 1.
- (2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.
- (d) (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.
- (2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.
- (2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.
- (3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

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§ 21-203

From among its members, the Board shall elect a chair.

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§ 21-204

- (a) (1) Subject to paragraph (2) of this subsection, the Board shall meet at least once each month.
- (2) The chair may cancel a meeting for lack of an agenda.
- (b) (1) In accordance with § 32.44 of the Garrett County Code of Ordinances, the County Commissioners shall set the salaries of the members of the Board.
- (2) When attending meetings, each member is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (c) The County Commissioners shall provide to the Board:
 - (1) administrative, clerical, and accounting services as needed; and
 - (2) (i) legal counsel through the office of the County Attorney; or
 - (ii) funds for the payment for competent private legal counsel.

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§ 21-205

The Board may adopt regulations to carry out this article.

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§ 21-301

There is no liquor control board or department of liquor control in the county.

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§ 21-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2–201 ("Issuance by Comptroller");
- (2) § 2–205 ("Class 3 winery license");
- (3) § 2–207 ("Class 5 brewery license");
- (4) § 2–209 ("Class 7 micro–brewery license");
- (5) § 2–211 ("Residency requirement");
- (6) § 2–212 ("Additional licenses");
- (7) § 2–213 ("Additional fees");
- (8) § 2–214 ("Sale or delivery restricted");
- (9) § 2–215 ("Beer sale on credit to retail dealer prohibited");
- (10) § 2–216 ("Interaction between manufacturing entities and retailers");
- (11) § 2–217 ("Distribution of alcoholic beverages – Prohibited practices"); and
- (12) § 2–218 ("Restrictive agreements between producers and retailers – Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

- (1) § 2–202 ("Class 1 distillery license"), subject to § 21–403 of this subtitle;
- (2) § 2–203 ("Class 9 limited distillery license"), subject to § 21–403.1 of this subtitle;
- (3) § 2–204 ("Class 2 rectifying license"), subject to § 21–404 of this subtitle;
- (4) § 2–206 ("Class 4 limited winery license"), subject to § 21–405 of this subtitle;
- (5) § 2–208 ("Class 6 pub–brewery license"), subject to § 21–406 of this subtitle; and
- (6) § 2–210 ("Class 8 farm brewery license"), subject to § 21–407 of this subtitle.

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§ 21-402

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license on Monday through Saturday from 6 a.m. to midnight.

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§ 21-403

(a) This section applies to a Class 1 distillery license in the county.

(b) A license holder may open on Sundays to engage in the activities listed in § 2–202(c)(5) of this article only in an election district or a precinct in an election district where the voters, in a referendum authorized by law, have approved Sunday sales at a distillery.

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§ 21-404

(a) This section applies to a Class 2 rectifying license in the county.

(b) A license holder may open on Sundays to engage in the activities listed in § 2–204(b)(4) of this article only in an election district or a precinct in an election district where the voters, in a referendum authorized by law, have approved Sunday sales at a rectifying facility.

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§ 21-405

(a) This section applies to a Class 4 limited winery license in the county.

(b) A license holder may open on Sundays to engage in the activities listed in § 2–206(b)(7) of this article only in an election district or a precinct in an election district where the voters, in a referendum authorized by law, have approved Sunday sales at a winery.

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§ 21-406

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) Section 2–208(d) of this article does not apply in the county.

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§ 21-407

(a) This section applies to a Class 8 farm brewery license in the county.

(b) A license holder may open on Sundays during the hours allowed under § 21–2002(e)(2) of this title to engage in the activities listed in § 2–210(c)(1) of this article only in an election district or a precinct in an election district where the voters, in a referendum authorized by law, have approved Sunday sales at a farm.

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§ 21-501

Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article applies in the county without exception or variation.

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§ 21-502

Except as provided in § 21–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 21-503

(a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 21-601

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) (1) The annual license fees are:

(i) \$150 for a 6–day license; and

(ii) \$175 for a 7–day license.

(2) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

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§ 21-602

- (a) There is a Class B beer license.
- (b) The license authorizes the license holder to sell beer for on– or off–premises consumption:
 - (1) at a hotel, a motel, or an inn that:
 - (i) accommodates the public;
 - (ii) provides services ordinarily found in hotels, motels, or inns;
 - (iii) is equipped with at least 10 bedrooms for public accommodation; and
 - (iv) has a lobby with a registration and mail desk, and seating; or
 - (2) a restaurant that:
 - (i) has seating at tables, not including bars or counters, for at least 20 individuals; and
 - (ii) can prepare and serve full–course meals for at least 20 individuals at one seating.
- (c) (1) The Board may issue the license with or without a catering option.
 - (2) A license holder with a catering option may sell beer for consumption at events that the holder caters off the licensed premises.
 - (3) To exercise the catering option, the license holder:
 - (i) shall provide food if the holder provides beer at a catered event off the licensed premises; and
 - (ii) may exercise the catering option only during the hours and days that are allowed under the license.
- (d) The annual license fees are:
 - (1) \$150 for a 6–day license without a catering option;
 - (2) \$250 for a 6–day license with a catering option;
 - (3) \$175 for a 7–day license without a catering option; and
 - (4) \$275 for a 7–day license with a catering option.
- (e) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

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§ 21-603

A Class C beer license may not be issued in the county.

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§ 21-604

- (a) There is a Class D beer license.
- (b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.
 - (2) A license may not be issued for a drugstore.
- (c) (1) The annual license fees are:
 - (i) \$150 for a 6–day license; and
 - (ii) \$175 for a 7–day license.
- (2) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

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§ 21-701

- (a) There is a Class A wine license in the county.
- (b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) (1) The annual license fees are:

(i) \$50 for a 6–day license; and

(ii) \$60 for a 7–day license.

(2) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

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§ 21-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

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§ 21-802

(a) There is a Class A beer and wine license.

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) (1) The annual license fees are:

(i) \$350 for a 6–day license; and

(ii) \$410 for a 7–day license.

(2) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

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§ 21-803

(a) There is a Class B beer and wine license.

(b) (1) The Board may issue the license for use in:

(i) a hotel, a motel, or an inn that:

1. provides services ordinarily found in a hotel, a motel, or an inn;
2. is equipped with at least 10 bedrooms for public accommodation; and
3. has a lobby with a registration and mail desk and seating facilities; or

(ii) a restaurant that:

1. has seating at tables, not including seats at bars or counters, for at least 20 individuals; and
2. can prepare and serve full–course meals for at least 20 individuals at one seating.

(2) The license authorizes the license holder to sell, at retail, at the place described in the license:

(i) beer and wine for on–premises consumption; and

(ii) beer for off–premises consumption.

(c) (1) The Board may issue the license with a catering option.

(2) In addition to exercising the privileges stated in subsection (b)(2) of this section, a holder of a license with a catering option may sell beer and wine for consumption at events that the license holder caters off the licensed premises.

(3) To exercise the catering option, the license holder shall provide food at the catered event.

(4) The license holder may exercise the catering option only during the hours and days that are allowed under the license.

(d) The annual license fees are:

- (1) \$350 for a 6–day license without a catering option;
- (2) \$475 for a 6–day license with a catering option;
- (3) \$410 for a 7–day license without a catering option; and
- (4) \$535 for a 7–day license with a catering option.

(e) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

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§ 21-804

(a) There is a Class BDR (deluxe restaurant) beer and wine license.

(b) The license may be issued to a holder of:

- (1) any Class B alcoholic beverages license issued by the Board; or
- (2) an equivalent license that the local licensing board of a different jurisdiction issues only for use by a restaurant.

(c) (1) The Board may issue the license for use by a deluxe restaurant, as defined in the regulations of the Board, that:

- (i) has seating for at least 20 individuals; and
- (ii) has a minimum capital investment of \$25,000 for the restaurant facilities, not including the cost of land or buildings.

(2) If the applicant purchases or leases an existing building, the capital investment attributable to the cost of the land and improvements shall be based on the assessed value of the land and improvements in accordance with the records of the State Department of Assessments and Taxation at the time of purchase.

(3) The license authorizes the license holder to sell, at retail, at the place described in the license:

- (i) beer and wine for on–premises consumption; and
- (ii) beer for off–premises consumption.

(d) (1) The Board may issue the license with a catering option.

(2) In addition to exercising the privileges stated in subsection (c)(3) of this section, a holder of a license with a catering option may sell beer and wine for consumption at events that the license holder caters off the licensed premises.

(3) To exercise the catering option, the license holder shall provide food at the catered event.

(4) The license holder may exercise the catering option only during the hours and days that the Board allows.

(e) The annual license fees are:

- (1) \$500 for a 6–day license without a catering option;
- (2) \$625 for a 6–day license with a catering option;
- (3) \$585 for a 7–day license without a catering option; and
- (4) \$710 for a 7–day license with a catering option.

(f) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

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§ 21-805

A Class C beer and wine license may not be issued in the county.

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§ 21-806

(a) There is a Class D beer and wine license.

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on- and off-premises consumption.

(c) (1) The Board may issue the license with a catering option.

(2) In addition to exercising the privileges stated in subsection (b) of this section, a holder of a license with a catering option may sell beer and wine for consumption at events that the license holder caters off the licensed premises.

(3) To exercise the catering option, the license holder shall provide food at the catered event.

(4) The license holder may exercise the catering option only during the hours and days that the Board allows.

(d) The license may not be issued for use by a drugstore.

(e) The annual license fees are:

(1) \$350 for a 6-day license without a catering option;

(2) \$475 for a 6-day license with a catering option;

(3) \$410 for a 7-day license without a catering option; and

(4) \$535 for a 7-day license with a catering option.

(f) The Board shall charge a one-time issuing fee for a new license in an amount equal to the annual license fee.

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§ 21-901

A Class A beer, wine, and liquor license may not be issued in the county.

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§ 21-902

(a) There is a Class B beer, wine, and liquor license.

(b) The Board shall deny an application for a license under this section if the Board determines that the business to be operated under this license will not enhance recreational, business, and economic development in the county.

(c) The Board may issue the license for use by a hotel or motel that:

(1) is an establishment to accommodate the public by providing customary hotel or motel services;

(2) has at least 10 rooms; and

(3) has a lobby with a registration and mail desk and seating facilities.

(d) The Board may issue the license for use by a restaurant that:

(1) has seating at tables, not including seats at bars or counters, for at least 20 individuals; and

(2) can prepare and serve full-course meals for at least 20 individuals at one seating.

(e) The license authorizes the license holder to sell at a hotel, motel, or restaurant at retail at the place described in the license:

(1) beer, wine, and liquor for on-premises consumption; and

(2) beer for off-premises consumption.

(f) (1) The catering option authorizes the license holder to sell beer, wine, and liquor for consumption at events catered by the license holder in the county off the licensed premises.

(2) A license holder providing alcoholic beverages at a catered event off the licensed premises shall also provide food.

(3) The license holder may exercise catering privileges only during hours and days that are authorized under the Class B license.

(g) The annual license fees are:

(1) \$1,500 for a 6-day license without the catering option;

(2) \$2,000 for a 6-day license with the catering option;

- (3) \$1,750 for a 7-day license without the catering option; and
- (4) \$2,250 for a 7-day license with the catering option.
- (h) The Board shall charge a one-time issuing fee for a new license in an amount equal to the annual license fee.

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§ 21-903

- (a) There is a Class BDR (deluxe restaurant) beer, wine, and liquor license.
- (b) The Board may issue the license to a holder of:
 - (1) any Class B alcoholic beverages license issued by the Board; or
 - (2) an equivalent license that the local licensing board of a different jurisdiction issues only for use by a restaurant.
- (c) (1) The Board may issue the license for use by a deluxe restaurant as defined by the Board with:
 - (i) seating at tables, not including seats at bars or counters, for at least 20 individuals; and
 - (ii) a capital investment of at least \$250,000 for the restaurant facilities, not including the cost of land or buildings.
- (2) If an applicant purchases or leases an existing building, the capital investment attributable to the cost of the land and improvements shall be based on the assessed value of the land and improvements in accordance with the records of the State Department of Assessments and Taxation at the time of purchase or lease.
- (3) The license authorizes the license holder to sell, at retail, at the place described in the license:
 - (i) beer, wine, and liquor for on-premises consumption; and
 - (ii) beer for off-premises consumption.
- (d) (1) A license holder of a Class BDR license may acquire a catering option that authorizes the license holder to sell beer, wine, and liquor for consumption at events catered by the license holder in the county off the licensed premises.
- (2) A license holder providing alcoholic beverages at a catered event off the licensed premises shall also provide food.
- (3) The license holder may exercise catering privileges only during hours and days that are authorized under the Class B license.
- (e) The annual license fees are:
 - (1) \$2,250 for a 6-day license without a catering option;
 - (2) \$2,750 for a 6-day license with a catering option;
 - (3) \$2,625 for a 7-day license without a catering option; and
 - (4) \$3,125 for a 7-day license with a catering option.
- (f) The Board shall charge a one-time issuing fee for a new license in an amount equal to the annual license fee.

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§ 21-904

- (a) In this section, "guest" means an individual who is specifically invited by a member of a club or an organization where the member of the club or organization is in attendance.
- (b) There is a Class C (club and organization) beer, wine, and liquor license.
- (c) (1) Before issuing a license, the Board shall determine whether the business to be operated by the prospective license holder is likely to enhance the recreational, business, and economic development of the county.
- (2) If the Board determines that the issuance of a license will not enhance recreational, business, and economic development in the county, the Board shall deny the application for the license.
- (d) The Board may issue the license for use by:
 - (1) a nationally chartered nonprofit organization or club that:

(i) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;

(ii) has been incorporated for at least 5 years immediately before the application for the license is made;

(iii) operates only for the use of its members and guests when accompanied by members; and

(iv) meets in a clubhouse that is used principally for club purposes;

(2) a lodge or chapter of a nonprofit and nationally chartered fraternal organization that:

(i) is composed of inducted members;

(ii) has at least 100 members paying the dues that were required by its national organization in the year immediately before the year for which the license is issued; and

(iii) operates a home or clubhouse:

1. for the use of its members; and

2. that has facilities for preparing and serving food on the premises to members and guests;

(3) a boat or yacht club that:

(i) owns real estate in the county; and

(ii) has at least 150 dues-paying members, at least 50 of whom own a yacht, boat, or other vessel; and

(4) a country club that:

(i) has at least 75 members paying dues of at least \$40 per year per member; and

(ii) maintains at the time of filing the application for the license:

1. a regular or championship golf course of at least nine holes; or

2. a swimming pool that is at least 20 by 40 feet and at least six tennis courts.

(e) The license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license to the members and guests of the clubs and organizations, for on-premises consumption.

(f) (1) This subsection applies only in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales.

(2) The license holder may sell beer, wine, and liquor on Sunday during the hours as set out under § 21-2004(d)(2) of this title.

(g) The annual license fees are:

(1) \$1,500 for a 6-day license; and

(2) \$1,750 for a 7-day license.

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§ 21-905

(a) (1) There is:

(i) a Class D (75% on-sale) beer, wine, and liquor license; and

(ii) a Class D (75% off-sale) beer, wine, and liquor license.

(2) The Board may not issue a license under this section to a grocery store whose primary business is to sell food at retail to the public for off-premises consumption.

(b) The Board shall issue the license for on-premises consumption for use by an establishment whose total beer, wine, and liquor sales are at least 75% on-premises consumption and not more than 25% off-premises consumption.

(c) The Board shall issue the license for off-sale consumption for use by an establishment whose total beer, wine, and liquor sales are at least 75% off-premises consumption and not more than 25% on-premises consumption.

(d) (1) A holder of the license with a catering option may sell beer, wine, and liquor for consumption at events that the holder caters off the licensed premises during the hours and days that the Board allows.

(2) The license holder shall provide food if the license holder provides alcoholic beverages at a catered event off the licensed premises.

(e) The annual license fees are:

(1) \$1,500 for a 6-day (on-sale) license without a catering option;

(2) \$2,000 for a 6-day (on-sale) license with a catering option;

(3) \$3,000 for a 6-day (off-sale) license;

(4) \$1,750 for a 7-day (on-sale) license without a catering option;

(5) \$2,250 for a 7-day (on-sale) license with a catering option; and

(6) \$3,500 for a 7-day (off-sale) license.

(f) The Board shall charge a one-time issuing fee for a new license in an amount equal to the annual license fee.

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§ 21-1001

(a) There is an art establishment license.

(b) (1) The Board may issue the license to a nonprofit organization engaged in:

(i) the display, sale, or demonstration of art by an individual artist or a group of artists; or

(ii) the instruction of participating clients in creating art.

(2) The Board may not issue the license to an organization that displays and sells commercially prepared or mass-produced artistic products.

(c) The license authorizes the holder to sell or serve beer and wine at retail for on-premises consumption.

(d) The license holder may sell or serve beer and wine during the hours and days as set out for beer and wine licenses under § 21-2003(b) of this title.

(e) The license may not be transferred to another location.

(f) A business for which the license is issued is subject to the alcohol awareness training requirements under § 4-505 of this article.

(g) The annual license fee is \$205.

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§ 21-1002

(a) There is a Class B-resort beer license.

(b) The Board may issue the license to a license holder for a complex that has at least two facilities that are:

(1) located on the same contiguous property;

(2) separated by at least 150 feet from the main area of the licensed premises; and

(3) determined by the Board to be hotel, motel, recreational, or restaurant facilities.

(c) The license authorizes the license holder to sell beer for on- or off-premises consumption at a hotel, motel, recreational, or restaurant facility at retail at the place described in the license.

(d) The license holder may sell beer during the hours and days as set out for a Class B beer license under § 21-2002 of this title.

(e) The annual license fees are:

- (1) \$300 for a 6–day license for two facilities;
 - (2) \$150 for each additional facility for a 6–day license;
 - (3) \$350 for a 7–day license for two facilities; and
 - (4) \$175 for each additional facility for a 7–day license.
- (f) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

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§ 21-1101

(a) Section 4–1103 (“Removal of partially consumed bottle of wine from licensed premises”) of Division I of this article applies in the county without exception or variation.

(b) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article apply in the county:

- (1) § 4–1102 (“Corkage — Consuming wine not purchased from license holder on licensed premises”), in addition to § 21–1102 of this subtitle;
- (2) § 4–1104 (“Refillable container permit — Draft beer”), subject to § 21–1104 of this subtitle;
- (3) § 4–1105 (“Refillable container permit — Wine”), subject to § 21–1104.1 of this subtitle; and
- (4) § 4–1106 (“Nonrefillable container permit — Draft beer”), subject to § 21–1104.2 of this subtitle.

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§ 21-1102

Section 4–1102 of this article also applies to an individual in an establishment for which a Class B–B&B (bed and breakfast) license is issued.

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§ 21-1103

- (a) There is a draft beer permit.
- (b) To sell draft beer, a license holder of an establishment for which a license to sell beer has been issued shall obtain a draft beer permit from the Board.
- (c) (1) Except as provided in paragraph (2) of this subsection, the permit fees are:
 - (i) \$75 for the issuing fee; and
 - (ii) \$75 for the annual fee.(2) A holder of a Class B–resort license shall pay:
 - (i) \$150 for the annual fee for two facilities;
 - (ii) \$75 for the annual fee for each additional facility; and
 - (iii) an issuing fee for each new draft beer permit in an amount equal to the annual fee.
- (d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

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§ 21-1104

(a) The Board may issue a refillable container permit for draft beer to a holder of a draft beer permit who also holds any other license except a Class A license or a Class C license.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

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§ 21-1105

- (a) There is a commemorative or special event bottle privilege.
- (b) The Board may grant the privilege to a holder of:
 - (1) a Class C 2-day, 6-day, or 12-day license;
 - (2) a Class C multiple event license; or
 - (3) a license that has a catering option and that is:
 - (i) a Class B beer and wine license or Class B beer, wine, and liquor license;
 - (ii) a Class BDR beer and wine license or Class BDR beer, wine, and liquor license;
 - (iii) a Class B Resort beer, wine, and liquor license;
 - (iv) a Class D beer and wine license; or
 - (v) a Class D beer, wine, and liquor license.
- (c) The privilege authorizes the license holder to sell the alcoholic beverages authorized by the license in commemorative or special event bottles for off-premises consumption if:
 - (1) the privilege is exercised at a catered event or an event held by a holder of a Class C 2-day, 6-day, or 12-day license or a Class C multiple event license;
 - (2) the Board approves the commemorative or special event bottles before the event occurs; and
 - (3) the commemorative or special event bottles are sold only on the hours and days that the Board allows.
- (d) There is no charge for the privilege.

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§ 21-1201

- (a) There is a local caterer's license.
- (b) (1) The Board may issue the license to a person that:
 - (i) has facilities to prepare and deliver food to the site of a catered event;
 - (ii) obtains approval of the facilities from the county Department of Health; and
 - (iii) does not hold any other license that the Board issues.
- (2) A license holder is not required to have a banquet hall.
- (c) The license authorizes a holder to:
 - (1) sell or provide off-sale alcoholic beverages during a catered event; and
 - (2) exercise the privileges of the license only during the hours and on the days that are authorized for a Class B beer, wine, and liquor license.
- (d) The license holder may not:
 - (1) hold a catered event that the license holder sponsors; or
 - (2) provide only alcoholic beverages at a catered event.
- (e) The license holder shall:
 - (1) purchase all alcoholic beverages from a wholesaler or retail dealer licensed to sell alcoholic beverages in the county;
 - (2) contract for and provide food for consumption at the catered event;
 - (3) during the catered event, ensure that at least one individual on the site is certified by an alcohol awareness program under § 4-505 of this article; and
 - (4) at the end of the catered event, return all containers of alcoholic beverages that are not empty to the license holder's principal place of business.
- (f) (1) The issuing fee that is charged for each new license is \$500.

(2) The annual license fee is \$500.

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§ 21-1301

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-1202 ("Per diem licenses");
- (2) § 4-1206 ("License to dispose of stock");
- (3) § 4-1207 ("Temporary move of licensed premises");
- (4) § 4-1208 ("Hours and days of sale"); and
- (5) § 4-1209 ("Wine permit for fund-raising event").

(b) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article do not apply in the county and are superseded by §§ 21-1309, 21-1310, and 21-1312 of this subtitle:

- (1) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine licenses");
- (2) § 4-1204 ("Class C per diem beer, wine, and liquor license"); and
- (3) § 4-1205 ("License fees").

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§ 21-1304

(a) (1) There is a beer festival license.

(2) The Board may issue not more than four beer festival licenses each year.

(3) An applicant for the license shall submit an application on the form that the Board provides.

(b) The Board may issue the license to a holder of:

- (1) a retail license issued by the Board;
- (2) a Class 5 brewery license;
- (3) a Class 6 pub-brewery license;
- (4) a Class 7 micro-brewery license;
- (5) a Class 8 farm brewery license; or
- (6) a person that is eligible to hold a Class C multiple day or multiple event license.

(c) The license authorizes the holder to display and sell beer that is:

- (1) manufactured and processed in any state; and
- (2) distributed in the State when the license application is filed.

(d) A license holder may display and sell beer:

- (1) at retail for on- and off-premises consumption; and
- (2) during the hours and days designated for a beer festival.

(e) The Board shall:

- (1) hold a hearing on a license application;
- (2) publish notice of the license application hearing one time at least 7 days before the hearing;
- (3) choose a fixed period of time for the festival of up to 3 consecutive days, excluding Sunday; and
- (4) choose a location that is not already licensed.

(f) Notwithstanding subsection (e)(1) of this section, a holder of a beer festival license issued for a location at which Sunday sales are allowed under § 21-2002(e) of this title may make Sunday sales beginning at 10 a.m.

(g) Beer displayed and sold shall be:

(1) invoiced to the license holder by a wholesaler or holder of a Class 5 brewery license, Class 6 pub–brewery license, Class 7 micro–brewery license, or Class 8 farm brewery license; and

(2) delivered to the beer festival from the licensed premises of the wholesaler.

(h) A holder of a State wholesaler's license, a Class 5 brewery license, a Class 6 pub–brewery license, a Class 7 micro–brewery license, or a Class 8 farm brewery license may enter into an agreement with the license holder to:

(1) deliver beer not earlier than 2 days before the effective date of the license; and

(2) accept returns not later than 2 days after the expiration date of the license.

(i) A person may hold a beer festival license in addition to another license.

(j) The Board shall set the fee.

(k) The Board shall adopt regulations to carry out this section.

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§ 21-1305

(a) (1) There is a wine festival license.

(2) The Board may issue not more than four wine festival licenses each year.

(3) An applicant for the license shall submit an application on the form that the Board provides.

(b) The Board may issue the license to:

(1) a holder of a retail license, Class 3 winery license, or Class 4 limited winery license; or

(2) a person that is eligible to hold a Class C multiple day or multiple event license.

(c) The license authorizes the holder to display and sell wine that is:

(1) manufactured and processed in any state; and

(2) distributed in the State when the license application is filed.

(d) A license holder shall display and sell wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the wine festival.

(e) The Board shall:

(1) hold a hearing on each license application; and

(2) publish notice of the license application hearing one time at least 7 days before the hearing.

(f) (1) Subject to paragraph (3) of this subsection, each year the Board shall choose up to 3 consecutive days for the wine festival.

(2) The Board shall choose a location that is not already licensed.

(3) A day chosen for the wine festival may not:

(i) be a Sunday; or

(ii) fall on the same weekend as the Maryland Wine Festival in Carroll County.

(g) Notwithstanding subsection (f)(3)(i) of this section, a holder of a wine festival license issued for use in a location where Sunday sales are allowed may make Sunday sales beginning at 10 a.m.

(h) Wine displayed and sold shall be:

(1) invoiced to the license holder by a wholesaler, Class 3 winery, or Class 4 limited winery; and

(2) delivered to the wine festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.

(i) A holder of a State wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder to:

- (1) deliver wine not earlier than 2 days before the effective date of the license; and
- (2) accept returns not later than 5 days after the expiration date of the license.
- (j) The Board shall establish the license fee.
- (k) The Board shall adopt regulations to carry out this section.

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§ 21-1306

- (a) There is a beer and wine tasting license.
- (b) The Board may issue the license to a holder of a beer and wine license or beer, wine, and liquor license.
- (c) The license authorizes the holder to allow the consumption of beer or wine for tasting if:
 - (1) the license holder is authorized to sell the beer or wine;
 - (2) the consumer is not charged for the beer or wine; and
 - (3) the tasting does not occur during the Maryland Wine Festival in Carroll County.
- (d) The Board shall regulate:
 - (1) the quantity of beer or wine served to each individual; and
 - (2) the number of bottles of beer or wine from which this quantity is served.
- (e) In addition to the cost of the beer, wine, and liquor license or the beer and wine license, the Board shall charge:
 - (1) an annual license fee of \$100; and
 - (2) an issuing fee of \$100.

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§ 21-1307

- (a) There is a Class BWLT beer, wine, and liquor tasting license.
- (b) The Board may issue the license to a holder of a beer, wine, and liquor license.
- (c) The license authorizes the holder to allow the on-premises consumption, for tasting, of beer, wine, or liquor.
- (d) The license holder shall notify the Board at least 7 days before a tasting event is held.
- (e) (1) The annual fee for a Class BWLT beer, wine, and liquor tasting license is \$150.
- (2) The annual fee is in addition to:
 - (i) a one-time issuing fee of \$150 for a new Class BWLT beer, wine, and liquor tasting license; and
 - (ii) the annual fee for the underlying beer, wine, and liquor license.
- (f) The Board shall adopt regulations to carry out this section.

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§ 21-1308

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§ 21-1309

- (a) The Board may issue a Class C multiple day beer license, beer and wine license, and beer, wine, and liquor license to a nonprofit organization for the following fees and license types:
 - (1) \$50 for a 2-day license;
 - (2) \$150 for a 6-day license; and
 - (3) \$300 for a 12-day license.
- (b) The license holder may hold another license issued by the Board that is of a different class or nature.

(c) The Board is not required to hold a hearing before issuing a license under this section if a license holder anticipates attendance of fewer than 500 individuals at an event.

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§ 21-1310

- (a) The Board may issue a multiple event license to a nonprofit organization that qualifies for a Class C multiple day license.
- (b) The Board may not issue more than one multiple event license to a nonprofit organization in a license year.
- (c) The license holder may hold another license issued by the Board that is of a different class or nature.
- (d) (1) The Board shall publish a notice for application for the license one time at least 7 days before a license hearing.
- (2) A license holder shall notify the Board in writing at least 7 days before an event for which the license is to be used.
- (e) The nonprofit organization for which a multiple event license is issued shall ensure that at least one server who is certified by an approved alcohol awareness program is on the premises when alcoholic beverages are served.
- (f) The nonprofit organization for which a multiple event license is issued may cater functions on their premises.
- (g) The fee for a Class C multiple event license is:
- (1) \$125 for not more than 5 events per year;
 - (2) \$250 for not more than 12 events per year;
 - (3) \$375 for not more than 18 events per year; and
 - (4) \$500 for not more than 24 events per year.

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§ 21-1311

- (a) This section applies only to the holder of a multiple event license who has an approved licensed premises.
- (b) Alcoholic beverages may be stored between individual licensed events on the licensed premises or in a storage area that the Board approves if the alcoholic beverages:
- (1) are in a specially identified locked and secured location; and
 - (2) are not sold or consumed except during licensed event hours for licensed event purposes.
- (c) (1) A license holder shall keep complete and accurate records of all alcoholic beverages purchased and sold on the licensed premises.
- (2) The records shall be:
- (i) maintained on the licensed premises for 2 years; and
 - (ii) available for inspection by authorized personnel of the Comptroller, the Executive Director, and the Board.
- (3) The records shall include a completed pre- and post-inventory of all alcoholic beverages for each individual event.
- (d) Authorized personnel of the Comptroller, the Executive Director, and the Board may inspect the premises of a license holder as provided under § 6–202 of this article.

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§ 21-1312

A holder of a Class C per diem beer, wine, and liquor license may purchase alcoholic beverages from a wholesaler or a retailer.

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§ 21-1401

(a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–102 (“Applications to be filed with local licensing board”);
- (2) § 4–103 (“Application on behalf of partnership”);
- (3) § 4–104 (“Application on behalf of corporation or club”);
- (4) § 4–105 (“Application on behalf of limited liability company”);
- (5) § 4–106 (“Payment of notice expenses”);
- (6) § 4–108 (“Application form required by Comptroller”);
- (7) § 4–110 (“Required information on application – Petition of support”);
- (8) § 4–113 (“Refund of license fees”); and
- (9) § 4–114 (“Fees for licenses issued for less than 1 year”).

(b) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county:

- (1) § 4–107 (“Criminal history records check”), subject to §§ 21–1402 through 21–1405 of this subtitle;
- (2) § 4–109 (“Required information on application – In general”), subject to § 21–1408 of this subtitle;
- (3) § 4–111 (“Payment of license fees”), subject to § 21–1406 of this subtitle; and
- (4) § 4–112 (“Disposition of license fees”), subject to § 21–1407 of this subtitle.

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§ 21-1402

The requirements for a criminal history records check under § 4–107 of this article, which apply to an applicant for a license, also apply to a shareholder, a member, a partner, an owner, or any other person with an ownership interest in an entity for which a license application is made.

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§ 21-1403

The Board shall keep all criminal history record information in a sealed envelope available only to the members of the Board and their clerks.

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§ 21-1404

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

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§ 21-1405

The Board may set and charge a fee to cover the costs of obtaining the applicant’s fingerprints and the results of the State and national criminal history records check.

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§ 21-1406

The following license holders are exempt from paying an issuing fee for a new license:

- (1) a corporation holding a license that has a 50% or less change of its corporate officers;
- (2) a nonprofit corporation, fraternal and civic organization, or group holding a license, regardless of the percent of change of its corporate officers; and
- (3) a subsequent license holder of a license of a deceased license holder if the subsequent license holder is the spouse or sibling of the deceased license holder.

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§ 21-1407

For licensed premises located within a municipality, the Board shall pay 50% of the license fee or \$500, whichever is less, to the mayor and council of the municipality in which the licensed premises is located.

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§ 21-1408

(a) At the time an application for an alcoholic beverages license is filed, at least one of the applicants shall be a resident of the State.

(b) The license remains valid only for as long as at least one of the applicants remains a resident of the State.

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§ 21-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-205 ("Chain store, supermarket, or discount house");
- (2) § 4-206 ("Limitations on retail sales floor space");
- (3) § 4-207 ("Licenses issued to minors");
- (4) § 4-208 ("Notice of license application required");
- (5) § 4-210 ("Approval or denial of license application");
- (6) § 4-211 ("License forms; effective date; expiration");
- (7) § 4-212 ("License not property"); and
- (8) § 4-214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

- (1) § 4-202 ("Authority of local licensing boards"), subject to § 21-1502 of this subtitle;
- (2) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 21-1503 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;
- (3) § 4-204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 21-1503 of this subtitle;
- (4) § 4-209 ("Hearing"), subject to § 21-1309 of this title; and
- (5) § 4-213 ("Replacement licenses"), subject to § 21-1504 of this subtitle.

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§ 21-1502

The Board may adopt regulations that authorize any holder of a Class B, Class C, or Class D license to sell the alcoholic beverages specified by the license for off-premises consumption.

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§ 21-1503

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 21-1504

(a) The Board may authorize a license holder to install an additional bar or serving counter within a reasonable distance of the main building of the licensed premises.

(b) The Board shall determine what is a reasonable distance for an additional bar or serving counter.

(c) An additional license is not required for an additional bar or serving counter.

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§ 21-1505

The fee for a replacement license is \$10.

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§ 21-1601

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§ 21-1603

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§ 21-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4-302 ("Transfer of place of business; transfer of license and inventory");

(2) § 4-303 ("Chain store, supermarket, or discount house");

(3) § 4-304 ("Compliance with Bulk Transfers Act required"); and

(4) § 4-306 ("Substitution of names of officers on license").

(b) Section 4-305 ("Filing fee and endorsement") of Division I of this article applies in the county, subject to § 21-1702 of this subtitle.

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§ 21-1702

The fee for a transfer of a license is \$200, in addition to the costs of publication and notice.

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§ 21-1801

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-402 ("Eligibility for renewal; process");

(2) § 4-403 ("Renewal application");

(3) § 4-404 ("Filing period for renewal application");

(4) § 4-405 ("Contents of renewal application");

(5) § 4-406 ("Protests");

(6) § 4-407 ("Denial of renewal application");

(7) § 4-409 ("Multiple licenses"); and

(8) § 4-410 ("Chain store, supermarket, or discount house").

(b) Section 4-408 ("Issuance of renewed licenses") of Division I of this article does not apply in the county and is superseded by § 21-1802 of this subtitle.

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§ 21-1802

- (a) The Board may issue renewed licenses annually between June 15 and June 30, inclusive.
- (b) All renewed licenses shall be dated July 1.

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§ 21-1803

The Board may renew a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license originally issued to a holder of an out-of-state alcoholic beverages license.

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§ 21-1804

The requirement for a criminal history records check under § 4-107 of this article may apply to an applicant for a license renewal.

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§ 21-1901

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

- (1) § 4-502 ("Storage of alcoholic beverages");
- (2) § 4-503 ("Solicitations and sales outside of licensed premises");
- (3) § 4-505 ("Alcohol awareness program");
- (4) § 4-506 ("Evidence of purchaser's age"); and
- (5) § 4-508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

- (1) § 4-504 ("Employment of underage individuals"), subject to § 21-1902 of this subtitle; and
- (2) § 4-507 ("Retail delivery of alcoholic beverages"), subject to § 21-1903 of this subtitle.

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§ 21-1902

(a) Except as provided in subsection (b) of this section, a license holder may not employ an individual under the age of 21 years to sell or deliver alcoholic beverages.

(b) A license holder may employ an individual at least 18 years old to:

- (1) serve and sell alcoholic beverages in a restaurant in connection with the serving or selling of a meal;
- (2) serve alcoholic beverages from a service bar to a seated customer; or
- (3) operate a lottery ticket terminal in a premises for which a Class A license has been issued.

(c) A license holder may not employ an individual under the age of 18 years to handle alcoholic beverages.

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§ 21-1903

(a) The Board may issue a delivery option that entitles a license holder or an authorized employee of the license holder to make an off-site retail delivery of alcoholic beverages if:

- (1) the deliverer is at least 21 years old and certified by an approved alcohol awareness program; and
- (2) the deliverer and purchaser endorse a delivery form that the Board approves, certifying that:

- (i) the individual who received the delivery claimed to be at least 21 years old, and the claim was supported by documentary evidence;
 - (ii) the individual who received the delivery knew that it is a criminal offense for alcoholic beverages to be given to an individual under the age of 21 years; and
 - (iii) the deliverer examined the purchaser's identification.
- (b) Each delivery form endorsed under subsection (a)(2) of this section shall be submitted to the Board on or before the 10th day of the month following delivery.
- (c) (1) The annual fee for a delivery option is \$150.
- (2) In addition to an annual fee, the Board shall charge an initial issuing fee of \$150.
- (d) The Board shall adopt regulations to carry out this section.

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§ 21-2001

- (a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.
- (2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 21-2002

- (a) This section does not apply to the hours of sale on December 31 and January 1 set out in § 21-2007 of this subtitle.
- (b) A holder of a Class A beer license may sell beer on Monday through Saturday from 6 a.m. to 2 a.m. the following day.
- (c) A holder of a Class B beer license may sell beer on Monday through Saturday from 6 a.m. to 2 a.m. the following day.
- (d) Reserved.
- (e) A holder of a Class D beer license may sell beer on Monday through Saturday from 6 a.m. to 2 a.m. the following day.
- (f) Sunday sales for a Class A, Class B, or Class D license are allowed from 6 a.m. to midnight in:
- (1) election districts 11 and 15; and
- (2) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this subsection.

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§ 21-2003

- (a) This section does not apply to the hours of sale on December 31 and January 1 set out in § 21-2007 of this subtitle.
- (b) (1) A holder of a Class A beer and wine license may sell beer and wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.
- (2) Sunday sales are allowed from 6 a.m. to midnight in:
- (i) election districts 11 and 15; and
- (ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.
- (c) (1) A holder of a Class B beer and wine license may sell beer and wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.
- (2) Sunday sales are allowed from 6 a.m. to midnight in:
- (i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

(d) Reserved.

(e) (1) A holder of a Class D beer and wine license may sell beer and wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from 6 a.m. to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

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§ 21-2004

(a) This section does not apply to the hours of sale on December 31 and January 1 set out in § 21–2007 of this subtitle.

(b) Reserved.

(c) (1) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from 6 a.m. to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

(d) (1) A holder of a Class BDR (deluxe restaurant) beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from 6 a.m. to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

(e) (1) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from 6 a.m. to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district in which the voters by referendum approve Sunday sales.

(f) (1) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from 6 a.m. to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

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§ 21-2005

(a) Subject to subsection (b) of this section, a holder of a Class E water vessel license operating on State waters in the county may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(b) The Board shall determine when the license holder shall stop selling alcoholic beverages on December 31 and the morning of January 1, regardless of the days of the week on which these dates fall.

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§ 21-2006

(a) This section applies in:

- (1) election districts 11 and 15; and
- (2) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this section.

(b) (1) This section applies only to off-premises sales by:

- (i) a holder of a Class A license;
- (ii) a holder of a Class B license, including a Class B&B license, Class BDR license, and Resort license;
- (iii) a holder of a multiple day or multiple event license; and
- (iv) a holder of a Class D license.

(2) A holder of a license listed in paragraph (1) of this subsection may sell alcoholic beverages for off-premises consumption on a Sunday if the license holder may sell alcoholic beverages for off-premises consumption for the underlying license.

(c) (1) This subsection applies to on-premises sales by:

- (i) a holder of a Class B license, including a Class B&B license, Class BDR license, and Resort license;
- (ii) a holder of a Class C license;
- (iii) a holder of a multiple day or multiple event license; and
- (iv) a holder of a Class D license.

(2) A holder of a license specified in paragraph (1) of this subsection may sell alcoholic beverages for on-premises consumption on Sunday if the license holder is authorized by the underlying license to sell alcoholic beverages for on-premises consumption.

(3) Sunday sales authorized under this subsection are from 6 a.m. to midnight.

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§ 21-2007

The Board shall determine when a license holder shall stop selling alcoholic beverages on December 31 and the morning of January 1, regardless of the days of the week on which these dates fall.

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§ 21-2101

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-602 ("Power of local licensing board"); and
- (2) § 4-603 ("Revocation and suspension procedures").

(b) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county:

- (1) § 4-604 ("Grounds for revocation or suspension"), subject to § 21-2102 of this subtitle;
- (2) § 4-605 ("Nudity and sexual displays"), subject to § 21-2103 of this subtitle; and
- (3) § 4-606 ("Effects of revocation"), subject to § 21-2104 of this subtitle.

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§ 21-2102

(a) In addition to the grounds for suspension in § 4–604 of this article, the Board may suspend a license for a time not exceeding 1 year for:

- (1) the sale of alcoholic beverages to an individual under the age of 21 years; or
- (2) the sale on Sunday of alcoholic beverages in an election district or a precinct of an election district in which Sunday sales have not been authorized by a voter referendum.

(b) The decision of the Board is conclusive.

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§ 21-2103

Notwithstanding the mandatory revocation requirement for local licensing boards under § 4–605(a) of this article, after a finding that an activity listed under § 4–605(b) through (e) of this article has occurred, the Board may decide whether to revoke a license.

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§ 21-2104

In exercising the authority conferred on the Board under § 4–606 of this article, if the Board revokes a license for conviction of the license holder for a violation of this article or the Tax – General Article that relates to the alcoholic beverage tax, the Board may not issue a license until 2 years after the revocation:

- (1) to the same license holder; or
- (2) for the same premises.

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§ 21-2201

(a) Section 4–702(a) (“On death of license holder”) of Division I of this article applies in the county without exception or variation.

(b) The following sections of Title 4, Subtitle 7 (“Expiration of Local Licenses”) of Division I of this article do not apply in the county:

- (1) § 4–702(b) (“After vacation of or eviction from premises”);
- (2) § 4–703 (“Pending or approved transfers or continuation of business”);
- (3) § 4–704 (“License for premises acquired for public use”); and
- (4) § 4–705 (“Postponement to avoid hardship”).

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§ 21-2202

(a) A license expires 6 months after the license holder has closed the business or stopped active alcoholic beverages business operations at the premises for which the license is held unless:

- (1) an application for approval of a transfer to another location or another person under Subtitle 17 of this title has been approved or is pending;
 - (2) an application for a certificate of permission or a renewal license for continuation of business under Subtitle 23 of this title has been approved or is pending; or
 - (3) a written request for a hardship extension under subsection (b) of this section is filed within the 6–month period.
- (b) Except as provided in subsection (d) of this section:
- (1) the license holder or another appropriate interested party may make a written request to the Board to extend the life of the license due to hardship;
 - (2) submission of a request under item (1) of this subsection shall automatically extend the life of the license for 1 year after the date of the closing or stopping of business operations; and

- (3) a hardship extension may not prolong the life of an inactive license beyond the total of:
- (i) 1 year after the date of closing or stopping of alcoholic beverages business operations at the premises for which the license is held; and
 - (ii) any time period during which the license is suspended under subsection (a)(1) or (2) of this section.
- (c) (1) The period for which a license may be considered unexpired:
- (i) begins at the earlier of the closing of the business or stopping of alcoholic beverages business operations; and
 - (ii) may be suspended only by filing an application or request under subsection (a) of this section.
- (2) The expiration period resumes on the last to occur of the following events:
- (i) final action of the Board denying an application described in subsection (a)(1) or (2) of this section;
 - (ii) final judgment of the reviewing court if judicial review of the Board's action on an application or request authorized by subsection (a)(1) or (2) of this section has affirmed the Board's action; or
 - (iii) dismissal of a petition for judicial review of the Board's action.
- (3) If an application or request described in subsection (a) or (b) of this section is withdrawn:
- (i) the period for automatic expiration of the license may not be suspended on the basis of the withdrawn application or request; and
 - (ii) the application or request shall be considered as if it had not been filed.
- (d) If a licensed premises is forced to close because of a casualty loss, the Board, without circuit court approval, may extend the license for not more than 2 years after the closing.

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§ 21-2301

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

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§ 21-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 21-2501

- (a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:
- (1) an establishment open to the public;
 - (2) a place of public entertainment; or
 - (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.
- (b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.
- (c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 21-2502

- (a) Alcoholic beverages may not be brought into an establishment and consumed or transferred if the establishment is a place of adult entertainment of the type prohibited under § 4-605 of this article.
- (b) (1) A person who operates a place of adult entertainment who knowingly allows a violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 for each violation.

(2) Each day of operation in violation of this section is a separate violation.

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§ 21-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

- (1) § 6-202 ("Inspections");
- (2) § 6-203 ("Use of equipment to measure quantity and quality of alcoholic beverages");
- (3) § 6-204 ("Power to summon witnesses");
- (4) § 6-205 ("Peace officers");
- (5) § 6-206 ("Charging document for unlawful sale of alcoholic beverage");
- (6) § 6-207 ("Display of alcoholic beverages as prima facie evidence of sale");
- (7) § 6-208 ("Regulating possession or consumption of alcohol in public places");
- (8) § 6-209 ("Adoption of standards for authorization of consumption"); and
- (9) § 6-211 ("Fines and forfeitures").

(b) Section 6-210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 21-2602 of this subtitle.

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§ 21-2602

The county may:

- (1) adopt an ordinance or a resolution supplementing the prohibition against disorderly intoxication under § 6-320 of this article; and
- (2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

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§ 21-2603

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

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§ 21-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6-305 ("Proof of age for sale of alcoholic beverages");
- (2) § 6-306 ("Defense to prosecution for sale to underage individual");
- (3) § 6-308 ("Allowing on-premises consumption of alcoholic beverages not purchased from license holder");
- (4) § 6-309 ("Allowing on-premises consumption or possession of alcoholic beverages by individual under the age of 21 years");
- (5) § 6-310 ("Providing free food");
- (6) § 6-311 ("Restrictions on purchases and sales by retail dealer");
- (7) § 6-312 ("Beverage misrepresentation");

- (8) § 6–313 (“Tampering with alcoholic beverage container”);
 - (9) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);
 - (10) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);
 - (11) § 6–316 (“Maximum alcohol content”);
 - (12) § 6–317 (“Multiple serving purchase required”);
 - (13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);
 - (14) § 6–320 (“Disorderly intoxication”);
 - (15) § 6–321 (“Consumption of alcoholic beverages in public”);
 - (16) § 6–322 (“Possession of open container”);
 - (17) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);
 - (18) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);
 - (19) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);
 - (20) § 6–328 (“Tax evasion”);
 - (21) § 6–329 (“Destruction of evidence”); and
 - (22) § 6–330 (“Perjury”).
- (b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:
- (1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 21–2702 of this subtitle; and
 - (2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 21–2703 of this subtitle.

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§ 21-2702

- (a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:
- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
 - (2) may not be required to post bail pending trial in any court in the State.
- (b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:
- (1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and
 - (2) the individual was not a resident of the State.
- (c) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 21-2703

- (a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:
- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
 - (2) may not be required to post bail pending trial in any court in the State.
- (b) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 21-2704

A license holder may not allow an individual under the age of 21 years to loiter about the premises for which the license is issued.

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§ 21-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 21-2802

The Board may impose a fine not exceeding \$5,000 or suspend a license for a violation of the alcoholic beverages laws affecting the county.

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Title 22 — Title 22

§ 22-101

(a) In this title:

(1) except as provided in subsection (e) of this section, the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Harford County.

(c) “County” means Harford County.

(d) “Premises” includes all integral parts of the licensed premises, including any building, parking lot, terrace, and grounds.

(e) The definition of “restaurant” under § 1–101 of this article applies in the county, subject to § 22–103 of this subtitle.

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§ 22-102

This title applies only in Harford County.

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§ 22-103

(a) To be considered a restaurant, an establishment shall meet the requirements of this section.

(b) The Board and the County Department of Health shall approve the sanitary facilities, running hot and cold water, equipment for the proper cleaning of dishes and kitchenware, and adequate number of toilets in the establishment.

(c) The establishment shall have one or more signs in front of the establishment that:

(1) designate “restaurant” or food and beverages sold; and

(2) do not advertise any other business.

(d) The establishment shall have sufficient food on the premises at all times for the regular serving of meals.

(e) An establishment that serves food and alcoholic beverages and has gross monthly receipts from the sale of food that average \$1,500 or more may not be required to sell food in excess of one-half of the average monthly receipts from the sale of alcoholic beverages.

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§ 22-104

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 22-201

There is a Board of License Commissioners for Harford County.

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§ 22-202

(a) The County Executive shall appoint five members to the Board in accordance with this section.

(b) (1) (i) At least 60 days before the expiration of a member's term, the County Executive shall submit the name of one nominee to the Harford County Delegation to the Maryland General Assembly, consisting of Harford County Senators and Delegates, for the advice and consent of the Delegation.

(ii) The County Executive shall consider geographical representation in selecting nominees.

(2) Within 7 working days after the Delegation receives the name of the nominee:

(i) the Delegation shall approve or reject the nominee; or

(ii) if the Delegation fails to act, the nominee shall be considered to have been approved.

(3) If the Delegation rejects the nominee, the County Executive shall submit the name of a new nominee to the Delegation within 7 working days after the County Executive receives notice of the rejection.

(4) The County Executive shall continue to submit names of nominees in accordance with paragraphs (2) and (3) of this subsection to the Delegation until a nominee is approved.

(5) The County Executive shall submit the name of the approved nominee to the County Council for its advice and consent.

(c) Each member of the Board:

(1) shall be a resident, voter, and taxpayer of the county;

(2) shall be an individual of high character and integrity and of recognized business capacity; and

(3) notwithstanding any other provision of the Code or local law, shall be subject to Title 5, Subtitle 5, Part I, and Subtitles 6 and 7 of the General Provisions Article regarding financial disclosure, conflicts of interest, and lobbying activities.

(d) (1) Each member of the Board shall provide a penalty bond to the county in an amount to be set by the County Executive and County Council on the condition that the member faithfully performs all of the duties of the office.

(2) The Board shall pay the cost of the bonds.

(e) (1) The term of a member is 3 years and begins on the first Monday in April.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(f) (1) To fill a vacancy other than one resulting from an expired term, the County Executive, as soon as practicable, shall submit the name of one nominee to the Harford County Delegation to the Maryland General Assembly, consisting of Harford County Senators and Delegates, for the advice and consent of the Delegation.

(2) After the name of a nominee is submitted, the procedures under subsection (b)(2) through (5) of this section apply.

(3) A member who is appointed after a term has begun serves only for the rest of the term.

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§ 22-203

From among its members, the Board shall elect a chair.

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§ 22-204

(a) (1) Subject to paragraph (2) of this subsection, the Board shall meet at least 50 times each year.

(2) The chair may cancel a meeting for lack of an agenda.

(b) (1) The chair of the Board shall receive annually \$7,000 and any additional compensation that the County Council considers appropriate.

(2) Each other member of the Board shall receive annually \$6,000 and any additional compensation that the County Council considers appropriate.

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§ 22-205

(a) Before the beginning of each fiscal year, the Board shall submit an annual budget to the County Council and County Executive for review.

(b) Except as provided under § 22–206(b) of this subtitle, the budget is not subject to approval by the County Council or County Executive.

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§ 22-206

(a) The Board may employ a secretary and clerical and other assistants as are necessary.

(b) (1) The Board shall set the compensation of all employees of the Board, subject to the approval of the County Executive and County Council.

(2) The Board shall require fidelity bonds of employees of the Board to protect the county.

(3) The County Council shall review the adequacy of the fidelity bonds that the Board requires of the employees.

(c) Notwithstanding any other law, an employee of the Board:

(1) is subject to provisions regarding conflicts of interest and lobbying activities in Title 5, Subtitle 5, Part I, and Subtitle 7 of the General Provisions Article; but

(2) may not be required to file the financial disclosure statement required by § 5–601 of the General Provisions Article.

(d) (1) The Board shall appoint a general manager.

(2) The general manager serves under the control and supervision of the Board as the secretary–treasurer and chief business administrative officer of the Board.

(3) An individual is not eligible to be the general manager while a member of the Board.

(4) The general manager may be discharged only:

(i) for cause involving dishonesty, incompetence, or immoral conduct; and

(ii) after given an opportunity before the Board for a hearing.

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§ 22-207

(a) (1) Subject to paragraph (2) of this subsection, the Board shall employ one full–time chief inspector and as many other inspectors as the Board determines are required.

(2) The Sheriff, a deputy sheriff, or a municipal peace officer in the county may not be appointed or serve as the chief inspector or as an inspector.

(b) (1) When appointed, the chief inspector shall have had investigative experience as:

(i) a police officer;

(ii) an inspector for a governmental unit; or

(iii) an investigator for a private agency.

(2) With the approval of the Board, the chief inspector may contract with or hire an independent accounting firm to audit the books and accounts of any license holder.

(3) (i) After appointment, the chief inspector may be discharged only for cause involving dishonesty, incompetence, or immoral conduct, subject to subparagraph (ii) of this paragraph.

(ii) Before a chief inspector is discharged, the chief inspector shall be given a list of the charges against the chief inspector and an opportunity to reply to the charges in a public hearing in person or by counsel.

(c) The Board may establish reasonable compensation for the chief inspector and any other inspector and, when warranted by their respective duties, change their compensation.

(d) Inspectors may:

(1) serve a summons under § 22–2604 of this title; and

(2) issue civil citations as provided in § 22–2605 of this title.

(e) This section does not relieve the peace officers specified in § 6–205 of this article from the responsibility to enforce this article in the county.

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§ 22-208

(a) Except as provided in subsection (b) of this section, after deduction of a proportionate share of the expenses to administer and enforce this title, including the salaries of the members and employees of the Board, the Board shall pay the net proceeds of fees received from the issuance of licenses:

(1) outside of Aberdeen, Bel Air, and Havre de Grace, to the Treasurer to be credited to the general fund of the county; and

(2) in Aberdeen, Bel Air, and Havre de Grace, to the treasurers of the respective municipalities to pay the interest and redeem the principal of any bonded indebtedness of the municipality.

(b) (1) In this subsection, "Reserve Account" means the Reserve Account of the Board.

(2) There is a Reserve Account of the Board.

(3) The purpose of the Reserve Account is to ensure that issuance and renewal of licenses, licensing enforcement, and other services that the Board provides will continue to be met in the face of unanticipated financial events or circumstances.

(4) A designee of the Board shall administer the Reserve Account.

(5) The Reserve Account is a special, nonlapsing account.

(6) The Board shall hold the Reserve Account separately and account for the Reserve Account.

(7) The Reserve Account consists of:

(i) money distributed to the Board from license fees;

(ii) fines imposed for a violation of this article in Harford County as provided in § 22–2606 of this title;

(iii) except for bonds forfeited under § 22–2103 of this title, recognizances forfeited for a violation of this article in Harford County as provided in § 22–2606 of this title;

(iv) interest or other income earned from the investment of any portion of the Reserve Account; and

(v) any other money from any other source accepted for the benefit of the Reserve Account.

(8) Each year, the amount payable into the Reserve Account may not be more than 20% of the aggregate net proceeds received by the Board.

(9) Expenditures from the Reserve Account may occur if the Board determines that appropriations for the current year exceed expected revenues.

(10) The Reserve Account may not exceed \$100,000 at any time.

(c) The expenditure of license fees collected by the Board to administer and enforce county alcoholic beverages laws is a matter within the discretion of the Board and in accordance with this subtitle.

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§ 22-209

- (a) The Board may adopt regulations to carry out this article.
- (b) (1) The Board shall hold public hearings on all proposed alterations of its regulations.
- (2) At least 2 consecutive weeks before the scheduled public hearings, the Board shall:
- (i) advertise the public hearings in at least one newspaper of general circulation published in the county; or
 - (ii) post notice of the public hearings online.

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§ 22-301

There is no liquor control board or department of liquor control in the county.

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§ 22-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-201 ("Issuance by Comptroller");
 - (2) § 2-202 ("Class 1 distillery license");
 - (3) § 2-203 ("Class 9 limited distillery license");
 - (4) § 2-204 ("Class 2 rectifying license");
 - (5) § 2-205 ("Class 3 winery license");
 - (6) § 2-206 ("Class 4 limited winery license");
 - (7) § 2-208 ("Class 6 pub-brewery license");
 - (8) § 2-209 ("Class 7 micro-brewery license");
 - (9) § 2-210 ("Class 8 farm brewery license");
 - (10) § 2-211 ("Residency requirement");
 - (11) § 2-212 ("Additional licenses");
 - (12) § 2-213 ("Additional fees");
 - (13) § 2-214 ("Sale or delivery restricted");
 - (14) § 2-215 ("Beer sale on credit to retail dealer prohibited");
 - (15) § 2-216 ("Interaction between manufacturing entities and retailers");
 - (16) § 2-217 ("Distribution of alcoholic beverages — Prohibited practices"); and
 - (17) § 2-218 ("Restrictive agreements between producers and retailers — Prohibited").
- (b) Section 2-207 ("Class 5 brewery license") of Division I of this article applies in the county, subject to § 22-403 of this subtitle.

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§ 22-402

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 22-403

- (a) There is a Class DBR license.
- (b) (1) The license may be issued to a holder of a Class 5 brewery license.

- (2) The Board may issue a maximum number of two licenses to the same person.
- (c) (1) The license serves as the on–premises consumption permit and the license equivalent to a Class D license specified under § 2–207(e)(1) of this article.
- (2) The license holder is not required to sell food, but is required to provide prepackaged snacks.
- (3) The license holder may sell beer brewed at the brewery for on–premises and off–premises consumption to the extent the license holder is allowed under the license holder’s Class 5 brewery license.
- (d) The value of the equipment used on the premises may be used toward meeting any minimum capital investment requirement imposed on a holder of the license.
- (e) The hours of sale are as provided for a Class D beer, wine, and liquor license under Subtitle 20 of this title.
- (f) The annual license fee is \$500.

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§ 22-501

Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article applies in the county without exception or variation.

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§ 22-502

Except as provided in § 22–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 22-503

- (a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.
- (b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 22-601

A Class A beer license may not be issued in the county.

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§ 22-602

A Class B beer license may not be issued in the county.

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§ 22-603

A Class C beer license may not be issued in the county.

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§ 22-604

A Class D beer license may not be issued in the county.

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§ 22-701

- (a) There is a Class A wine license in the county.
- (b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery that contains not more than 23% of alcohol by volume.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is \$100.

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§ 22-801

The wine that may be sold under a beer and wine license may not contain more than 23% of alcohol by volume.

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§ 22-802

(a) There is:

(1) a Class A beer and wine 6-day license; and

(2) a Class A beer and wine 7-day license.

(b) The Board may issue the license only to a proprietor of a retail store selling food, drugs, or other similar commodities.

(c) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder:

(i) shall sell the beer and wine in a sealed package or container; and

(ii) may sell beer in individual bottles or cans and wine in split bottles.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(d) The annual license fees are:

(1) \$625 for a 6-day license; and

(2) \$850 for a 7-day license.

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§ 22-803

(a) There is:

(1) a Class B-1 beer and wine 6-day license; and

(2) a Class B-1 beer and wine 7-day license.

(b) (1) The Board may issue the license for use by a restaurant.

(2) Except as provided in paragraph (3) of this subsection, the license authorizes the license holder to sell beer and wine at a restaurant, at retail, at the place described in the license, for on-premises consumption.

(3) (i) The holder of a license issued before July 1, 1984, may sell beer and wine for on- and off-premises consumption.

(ii) The license holder may sell wine in split bottles.

(iii) Beer sold in bottles or cans exceeding 12 ounces in weight or size for off-premises consumption may be sold in a quantity of less than six.

(iv) If beer is sold in a containerized package, the package shall hold at least six bottles or containers.

(c) (1) A Class B-1 temporary (on-sale) license may be issued to an applicant who seeks after 6 months to obtain a Class B beer, wine, and liquor license.

(2) The Class B-1 license shall be revoked after the 6-month period has expired if the license holder has not met all requirements for a Class B beer, wine, and liquor license.

(d) The license holder shall comply with the food sale requirements under § 22–103 of this title only for the purpose of meeting the requirements of § 22–902 of this title necessary to apply for a license.

(e) The annual license fees are:

(1) \$350 for a 6–day license; and

(2) \$500 for a 7–day license.

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§ 22-804

(a) There is:

(1) a Class B–2 beer and wine 6–day license; and

(2) a Class B–2 beer and wine 7–day license.

(b) (1) The Board may issue the license for use by a restaurant that:

(i) was operating for 1 year before an application for the license was made; and

(ii) is equipped and stocked for the continued regular sale of food to customers and guests, as determined by the Board.

(2) The license holder need not meet the food sale requirements set forth in § 22–103 of this title.

(c) (1) Except as provided in paragraph (2) of this subsection, the license authorizes the license holder to sell beer and wine at a restaurant, at retail, at the place described in the license, for on–premises consumption.

(2) (i) The holder of a license issued before July 1, 1984, may sell beer and wine for on– and off–premises consumption.

(ii) The license holder may sell wine in split bottles.

(iii) Beer sold in bottles or cans exceeding 12 ounces in weight or size for off–premises consumption may be sold in a quantity of less than six.

(iv) If beer is sold in a containerized package, the package shall hold at least six bottles or containers.

(d) The annual license fees are:

(1) \$500 for a 6–day license; and

(2) \$700 for a 7–day license.

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§ 22-805

(a) There is a Class B Cafe beer and wine license.

(b) (1) The Board may issue the license for use by a cafe if:

(i) the Board determines that the cafe has adequate tables, chairs, food, and facilities for preparing and serving meals;

(ii) the average gross monthly receipts from the sale of cooked or prepared food served at the cafe and other items approved by the Board exceed 50% of the average monthly receipts from the sale of beer and wine sold for on–premises consumption; and

(iii) not more than 10% of the total square footage of the cafe is dedicated to the public display of beer and wine that are offered for sale.

(2) The Board shall set a maximum and a minimum seating capacity for the cafe.

(3) The license:

(i) authorizes the license holder to sell beer and wine 7 days a week at a cafe, at retail, at the place described in the license, for on– and off–premises consumption;

(ii) has a wine tasting privilege for on–premises consumption for every day of the year; and

(iii) may be used for off–premises catering.

(c) The Board shall set the maximum number of cafe licenses that it may issue under this section.

(d) The annual license fee is \$1,575.

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§ 22-806

(a) There is:

(1) a Class C–1 beer and wine 6–day license; and

(2) a Class C–1 beer and wine 7–day license.

(b) (1) The Board may issue the license for use by a nonprofit association or corporation that:

(i) is organized for patriotic or war veterans purposes; and

(ii) has held regular meetings at an established headquarters for 1 year before the application for the license was made.

(2) The license authorizes the license holder to sell beer and wine to a member of a nonprofit association or corporation and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fees are:

(1) \$150 for a 6–day license; and

(2) \$225 for a 7–day license.

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§ 22-807

(a) There is:

(1) a Class C–2 beer and wine 6–day license; and

(2) a Class C–2 beer and wine 7–day license.

(b) (1) The Board may issue the license for use by a nonprofit association or corporation that:

(i) is organized for fraternal purposes; and

(ii) has held regular meetings at an established headquarters for 1 year before the application for the license was made.

(2) The license authorizes the license holder to sell beer and wine to a member of a nonprofit association or corporation and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fees are:

(1) \$350 for a 6–day license; and

(2) \$425 for a 7–day license.

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§ 22-808

(a) There is:

(1) a Class C–3 beer and wine 6–day license; and

(2) a Class C–3 beer and wine 7–day license.

(b) (1) The Board may issue the license for use by a nonprofit association or corporation that:

(i) is organized for athletic, educational, or social purposes; and

(ii) has held regular meetings at an established headquarters for 1 year before the application for the license was made.

(2) The license authorizes the license holder to sell beer and wine to a member of a nonprofit association or corporation and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fees are:

(1) \$450 for a 6–day license; and

(2) \$525 for a 7–day license.

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§ 22-809

- (a) There is a Class CC (community college) beer and wine license.
- (b) The Board may issue the license to officers of a community college for use on enclosed parts of the community college campus that are:
- (1) owned by the community college; and
 - (2) used and equipped by the community college to promote or host events, including artistic, cultural, or civic exhibits, meetings, festivals, shows, or other entertainment productions.
- (c) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on-premises consumption to:
- (1) individuals who attend an event that is open to the public; and
 - (2) members of a club, a society, or an association and their guests who attend an event that is held for that group.
- (d) (1) The license holder may not sell beer and wine on the community college campus at:
- (i) a student sporting event; or
 - (ii) an event that is sponsored by students.
- (2) The license holder may sell beer and wine at events that are held on the community college campus for a maximum of 25 days per year.
- (e) After an event is over, the license holder may not allow alcoholic beverages to be consumed on the licensed premises from midnight to noon the following day.
- (f) A license holder may not allow an individual to carry alcoholic beverages onto or from the licensed premises, except a wholesaler of beer or wine who conducts business regarding an event for which a license has been issued under this section.
- (g) The annual license fee is \$1,500.

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§ 22-810

A Class D beer and wine license may not be issued in the county.

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§ 22-901

- (a) There is:
- (1) a Class A–1 off-sale beer, wine, and liquor 7-day license; and
 - (2) a Class A–2 off-sale beer, wine, and liquor 6-day license.
- (b) (1) A license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.
- (2) The license holder:
- (i) shall sell the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises; but
 - (ii) may sell wine in split bottles and beer in individual bottles and cans.
- (3) If the majority of the retail sales on the licensed premises are for items other than beer, wine, and liquor, the license holder shall provide a separate outside entrance for the use of beer, wine, and liquor customers.
- (4) If the business of the licensed premises consists predominantly of selling other types of retail items, such as drugs or groceries:

- (i) the beer, wine, and liquor shall be displayed and purchased in an area separate and distinct from that for the other retail items; and
- (ii) the Board may require a partition to separate the beer, wine, and liquor from the other types of retail items.
- (c) A license holder shall continually maintain a minimum stock of \$8,000 wholesale value in beer, wine, and liquor.
- (d) A license under this section may not be issued for a drugstore unless the applicant:
 - (1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;
 - (2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or
 - (3) has been engaged in the retail drug business for at least 3 years.
- (e) The annual license fees are:
 - (1) \$1,470 for a 7-day Class A-1 license; and
 - (2) \$980 for a 6-day Class A-2 license.

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§ 22-902

- (a) There is:
 - (1) a Class B beer, wine, and liquor 6-day license; and
 - (2) a Class B beer, wine, and liquor 7-day license.
- (b) The Board may issue the license to a license holder for use by:
 - (1) a hotel that:
 - (i) accommodates the public and provides service ordinarily found in hotels; and
 - (ii) has:
 - 1. at least 25 rooms;
 - 2. a lobby with a registration and mail desk; and
 - 3. a dining room that serves full-course meals at least twice daily; or
 - (2) a restaurant that:
 - (i) serves full-course meals at least twice daily on each day it is open;
 - (ii) has regular seating at tables, not including seats at bars or counters, for at least 60 individuals; and
 - (iii) has had a greater daily average in receipts from food sales than from beer, wine, and liquor sales during the 6 months immediately before the application for the license was made.
- (c) (1) The license authorizes the license holder to sell beer, wine, and liquor, including at a bar or counter in a hotel, at retail at the place described in the license, for on-premises consumption.
- (2) A holder of a license issued before July 1, 1984, also may sell:
 - (i) beer and wine for off-premises consumption, including:
 - 1. subject to paragraph (3) of this subsection, beer in individual bottles and cans; and
 - 2. wine in split bottles; and
 - (ii) liquor, if the license holder was granted an off-sale liquor option.
- (3) Beer may be sold for off-premises consumption in:
 - (i) bottles or cans exceeding 12 ounces in weight or size, if the beer is sold in a quantity of less than six; or
 - (ii) a containerized package, if the package holds at least six bottles or containers.

(d) (1) A license holder with an option authorizing the sale of liquor for off-premises consumption may exercise that option in an area that:

(i) is described in the license application;

(ii) may not exceed 20% of the area normally used in the operation of the restaurant, not including additions or extensions; and

(iii) unless sales are conducted only from behind a bar, is separate and distinct from the restaurant seating area.

(2) If the license application indicates that sales of beer, wine, and liquor for off-premises consumption will be more extensive than from behind a bar, the applicant shall provide a separate outside entrance for purchasers of alcoholic beverages for off-premises consumption.

(3) To meet food sale requirements, receipts for sales of liquor for off-premises consumption may not be included in the calculation of sales.

(e) (1) Subject to paragraph (2) of this subsection, if a restaurant holding a Class B beer, wine, and liquor license is located within a freestanding establishment containing bowling lanes associated with the restaurant, the license holder may sell and allow customers to carry or consume alcoholic beverages within any place in the bowling alley or restaurant.

(2) The additional privilege under this subsection is available between 6 p.m. and the normal closing time for the license.

(3) This subsection:

(i) only confers additional privileges on licenses for restaurants that are associated with bowling alleys; but

(ii) does not create a separate class of license for bowling alleys.

(f) A license holder with an off-sale option shall continually maintain a minimum stock of \$8,000 wholesale value in beer, wine, and liquor.

(g) (1) The annual license fees for a 6-day license are:

(i) \$2,260 for a hotel; and

(ii) \$1,720 for a restaurant.

(2) The annual license fees for a 7-day license are:

(i) \$2,685 for a hotel; and

(ii) \$2,145 for a restaurant.

(3) The annual license fees for an option to sell liquor for off-premises consumption are:

(i) \$350 for a 6-day restaurant; and

(ii) \$450 for a 7-day restaurant.

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§ 22-903

(a) There is a Class B cafe beer, wine, and liquor license.

(b) (1) The license authorizes the holder to sell:

(i) beer and wine for on- and off-premises consumption; and

(ii) liquor for on-premises consumption.

(2) The license is a 7-day license with an on-premises wine tasting privilege for every day of the year.

(3) The license may be used for off-premises catering.

(c) The Board shall set:

(1) the maximum number of cafe licenses that it may issue under this section; and

(2) the maximum and minimum seating capacity for each cafe license it issues.

(d) The license may be used only if:

- (1) the Board determines that the establishment has adequate tables, chairs, food, and facilities for preparing and serving meals;
- (2) the average gross monthly receipts from the sale of cooked or prepared food served at the establishment and other items approved by the Board exceed 50% of the average monthly receipts from the sale of beer, wine, and liquor sold for on-premises consumption; and
- (3) not more than 10% of the total square footage of the establishment is dedicated to the public display of beer and wine that is offered for sale.
- (e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 22-2004(b) of this title.
- (f) The annual license fee is \$3,000.

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§ 22-904

(a) There is:

- (1) a Class B-3 restaurant/hotel 6-day license; and
- (2) a Class B-3 restaurant/hotel 7-day license.

(b) The Board may issue a Class B-3 license to a person who:

- (1) has been operating a restaurant or hotel under a Class B beer, wine, and liquor license for 1 year before the application for the Class B-3 license;
 - (2) accounts for at least 25% of the business at the restaurant or hotel from the sale of food; and
 - (3) in the judgment of the Board, has equipped and stocked the restaurant or hotel for the continued regular sale of food to customers and guests.
- (c) (1) The Board may issue a license under this subsection for use in a restaurant or hotel at retail at the place described in the license.
- (2) Except as provided in paragraph (3) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, including at a restaurant and a bar or counter in a hotel, for on-premises consumption.

(3) A holder of a license issued before July 1, 1984, may sell:

- (i) beer, wine, and liquor for on-premises consumption;
- (ii) beer and wine for off-premises consumption, including:
 - 1. subject to paragraph (4) of this subsection, beer in individual bottles and cans; and
 - 2. wine in split bottles; and

(iii) liquor, if the license holder has been granted a liquor option.

(4) Beer may be sold for off-premises consumption in:

- (i) bottles or cans exceeding 12 ounces in weight or size, if the beer is sold in a quantity of less than six; or
- (ii) a containerized package, if the package holds at least six bottles or containers.

(d) (1) A license holder with an option authorizing the sale of liquor for off-premises consumption may exercise that option in an area that:

- (i) is described in the license application;
- (ii) may not exceed 20% of the area normally used in the operation of the restaurant, not including additions or extensions; and
- (iii) unless sales are conducted only from behind a bar, is separate and distinct from the restaurant seating area.

(2) If the license application indicates that sales of beer, wine, and liquor for off-premises consumption will be more extensive than from behind a bar, the applicant shall provide a separate outside entrance for purchasers of alcoholic

beverages for off-premises consumption.

(3) To meet food sale requirements, receipts for sales of liquor for off-premises consumption may not be included in the calculation of sales.

(e) A license holder with an off-sale liquor option shall continually maintain a minimum stock of \$8,000 wholesale value in beer, wine, and liquor.

(f) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 22-2004(c) of this title.

(g) (1) The annual license fees for a 6-day license are:

(i) \$2,620 for a hotel; and

(ii) \$2,050 for a restaurant.

(2) The annual license fees for a 7-day license are:

(i) \$3,045 for a hotel; and

(ii) \$2,435 for a restaurant.

(3) The annual license fees for an option to sell liquor for off-premises consumption are:

(i) \$350 for a 6-day restaurant; and

(ii) \$450 for a 7-day restaurant.

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§ 22-905

(a) There is:

(1) a Class BFD (fine dining) beer, wine, and liquor 6-day license; and

(2) a Class BFD (fine dining) beer, wine, and liquor 7-day license.

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption.

(2) A license holder shall:

(i) serve only full-course dinners at least 5 days a week;

(ii) open the restaurant for business not later than 5 p.m.; and

(iii) comply with the requirements of § 22-103 of this title.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 22-2004(d) of this title.

(d) The Board shall adopt regulations to carry out this section.

(e) The annual license fees are:

(1) \$2,500 for a 6-day license; and

(2) \$2,900 for a 7-day license.

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§ 22-906

(a) There is a Class BNR (newly opened restaurant) beer, wine, and liquor license.

(b) The Board may decide:

(1) the number of licenses to be issued; and

(2) to whom the licenses shall be issued.

(c) The Board may issue the license for use by a newly opened restaurant that:

(1) has a minimum capital investment of \$250,000 for new dining room facilities and newly installed kitchen equipment, not including the cost of land, buildings, or a lease;

- (2) serves full-course meals at least twice daily;
- (3) has regular seating at tables, not including seats at bars or counters, for at least 60 individuals; and
- (4) meets other standards set out in the regulations of the Board.
- (d) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption from Monday through Sunday from 8 a.m. to 2 a.m. the following day.
- (e) The annual license fee is \$3,000.

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§ 22-907

(a) There is:

- (1) a 6-day Class C-1 (organization or club) beer, wine, and liquor license; and
- (2) a 7-day Class C-1 (organization or club) beer, wine, and liquor license.

(b) The Board may issue the 6-day license or the 7-day license for use by a war veterans' organization that:

- (1) is a nationally chartered nonprofit organization or club;
- (2) has been incorporated for at least 5 years immediately preceding filing of the application for the license;
- (3) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;
- (4) operates only for the use of members of the war veterans' organization and guests accompanied by members; and
- (5) meets in a clubhouse that is principally used for club purposes.

(c) (1) The 6-day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Saturday at a club at the place described in the license, for on-premises consumption by members and guests.

(2) The 7-day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Sunday at a club at the place described in the license, for on-premises consumption by members and guests.

(3) (i) The 6-day license and the 7-day license authorize the license holder to sell or provide beer, wine, and liquor for on-premises consumption by:

- 1. nonmembers of the club that have rented or leased an area of the licensed premises for entertainment, a conference, or a social event; and
- 2. guests who attend the event.

(ii) The license holder shall:

- 1. contract to provide food for consumption at the event described in subparagraph (i) of this paragraph; or
- 2. ensure that food will be available for consumption at the event described in subparagraph (i) of this paragraph.

(iii) This paragraph does not prohibit a club from obtaining a Class C per diem license.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 22-2004(f) of this title.

(e) (1) The annual fees for the 6-day license, depending on the size of the membership of the war veterans' organization, are:

- (i) \$350, for a membership of 50 to 99;
- (ii) \$600, for a membership of 100 to 250;
- (iii) \$850, for a membership of 251 to 450; and
- (iv) \$1,000, for a membership of at least 451.

(2) The annual fees for the 7-day license, depending on the size of the membership of the war veterans' organization, are:

- (i) \$450, for a membership of 50 to 99;

- (ii) \$700, for a membership of 100 to 250;
- (iii) \$950, for a membership of 251 to 450; and
- (iv) \$1,100, for a membership of at least 451.

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§ 22-908

(a) There is:

- (1) a 6-day Class C-2 (organization or club) beer, wine, and liquor license; and
- (2) a 7-day Class C-2 (organization or club) beer, wine, and liquor license.

(b) The Board may issue the 6-day license or the 7-day license for use by a fraternal organization that:

- (1) is a lodge or chapter of a nationally chartered fraternal organization;
- (2) is composed of inducted members;
- (3) operates a clubhouse or building:

(i) for the use of its members; and

(ii) that has facilities for preparing and serving food on the premises to members and guests; and

(4) has at least 100 members paying the dues that were required by its national organization in the year immediately preceding the year for which the license was applied for or issued, as determined by the Board.

(c) (1) The 6-day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Saturday at a club at the place described in the license, for on-premises consumption by members and guests.

(2) The 7-day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Sunday at a club at the place described in the license, for on-premises consumption by members and guests.

(3) (i) The 6-day license and the 7-day license authorize the license holder to sell or provide beer, wine, and liquor for on-premises consumption by:

- 1. nonmembers of the club that have rented or leased an area of the licensed premises for entertainment, a conference, or a social event; and
- 2. guests who attend the event.

(ii) The license holder shall:

- 1. contract to provide food for consumption at the event described in subparagraph (i) of this paragraph; or
- 2. ensure that food will be available for consumption at the event described in subparagraph (i) of this paragraph.

(iii) This paragraph does not prohibit a club from obtaining a Class C per diem license.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 22-2005(f) of this title.

(e) (1) The annual fees for the 6-day license, depending on the size of the membership of the fraternal organization, are:

- (i) \$800, for a membership of 100 to 250;
- (ii) \$1,050, for a membership of 251 to 450; and
- (iii) \$1,200, for a membership of at least 451.

(2) The annual fees for the 7-day license, depending on the size of the membership of the fraternal organization, are:

- (i) \$900, for a membership of 100 to 250;
- (ii) \$1,150, for a membership of 251 to 450; and
- (iii) \$1,300, for a membership of at least 451.

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§ 22-909

(a) There is:

(1) a 6-day Class C-3 (country club, social organization, topiary garden, or yacht or boat club) beer, wine, and liquor license; and

(2) a 7-day Class C-3 (country club, social organization, topiary garden, or yacht or boat club) beer, wine, and liquor license.

(b) The Board may issue the 6-day license or the 7-day license for use by:

(1) a country club that:

(i) may be operated for profit or not for profit;

(ii) has at least 75 members paying dues of at least \$50 per year per member; and

(iii) maintains a regular or championship golf course of at least nine holes or a swimming pool that is at least 20 by 40 feet;

(2) a social organization that:

(i) may be operated for profit or not for profit;

(ii) has at least 100 members paying dues of at least \$200 per year per member;

(iii) has at least 51% of its membership consisting of:

1. active members of the armed forces of the United States;

2. veterans of the armed forces of the United States;

3. active or retired first responders; and

4. the spouses and children of the eligible members under items 1 through 3 of this item;

(iv) is secured by electronic means and is accessible only to members and their guests over the age of 21;

(v) requires each server of alcoholic beverages at the social organization to hold a certificate of completion from an approved alcohol awareness program as described in § 4-505 of this article;

(vi) has parking facilities to accommodate the vehicles of members and their guests;

(vii) is zoned for business or commercial use; and

(viii) maintains a list of all active members available for review by the Board of License Commissioners;

(3) a topiary garden that:

(i) operates a public museum and garden for the members of the topiary garden and the public as guests of the members;

(ii) is open to the public for at least 6 days a week for at least 6 hours a day during at least 5 months each year; and

(iii) has food preparation facilities on the premises for the convenience of guests; or

(4) a yacht or boat club that:

(i) may be operated for profit or not for profit;

(ii) owns real property in the county; and

(iii) has at least 150 dues-paying members, of whom at least 50 own a yacht, boat, or other vessel.

(c) (1) The 6-day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Saturday at a club at the place described in the license, for on-premises consumption by members and guests.

(2) The 7-day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Sunday at a club at the place described in the license, for on-premises consumption by members and guests.

(3) (i) The 6-day license and the 7-day license authorize the license holder to sell or provide beer, wine, and liquor for on-premises consumption by:

1. nonmembers of the club that have rented or leased an area of the licensed premises for entertainment, a conference, or a social event; and

2. guests who attend the event.

(ii) The license holder shall:

1. contract to provide food for consumption at the event described in subparagraph (i) of this paragraph; or
 2. ensure that food will be available for consumption at the event described in subparagraph (i) of this paragraph.
- (iii) This paragraph does not prohibit a club from obtaining a Class C per diem license.
- (d) (1) Subject to paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor during the hours and days as set out under § 22–2004(f) of this title.
- (2) A social organization granted a license under this section may sell beer, wine, and liquor on Monday through Sunday, from 4 p.m. to 11 p.m.
- (e) (1) The annual fee for the 6–day license is \$1,300.
- (2) The annual fee for the 7–day license is \$1,400.

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§ 22-910

- (a) There is:
- (1) a Class D beer, wine, and liquor (on–sale) 7–day license; and
 - (2) a Class D beer, wine, and liquor (on– and off–sale) 7–day license.
- (b) (1) The Board may issue a Class D license to a current Class B license holder that applies for the license.
- (2) The applicant shall surrender to the Board the applicant's Class B license on the issuance of the Class D license.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for:
- (1) on–premises consumption, if an on–sale license; or
 - (2) on– and off–premises consumption, if an on–sale and off–sale license.
- (d) The Board may determine the number of licenses to be issued.
- (e) The license may not be issued for use by a drugstore.
- (f) The Board shall adopt regulations to carry out this section.
- (g) The annual license fees are:
- (1) \$3,000 for an on–sale license; and
 - (2) \$4,000 for an on– and off–sale license.

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§ 22-1001

- (a) In this section, “assisted living program” has the meaning stated in § 19–1801 of the Health – General Article.
- (b) There is a Class ALP (assisted living program) beer, wine, and liquor license.
- (c) (1) The Board may issue the license to a manager of an assisted living program that:
- (i) is licensed by the Department of Human Services under § 19–1804.1 of the Health – General Article; and
 - (ii) may be operated under a management agreement.
- (2) The Board may issue a maximum of five Class ALP licenses to a person.
- (d) The license authorizes the license holder to:
- (1) provide beer and wine for on–premises consumption by a resident or a guest of a resident of the assisted living program; and
 - (2) (i) store liquor that has been purchased by a resident in a secure locker that is accessible only to individuals at least 21 years old;
 - (ii) prepare mixed drinks using liquor that has been purchased by a resident and mixers provided by the resident or license holder; and

(iii) serve liquor that has been purchased by a resident, or a mixed drink that is prepared using a resident's liquor, to a resident or guest of a resident for on-premises consumption.

(e) The license holder may provide or serve beer, wine, and liquor for on-premises consumption on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(f) (1) The license holder shall require each individual who serves beer, wine, or liquor on the premises to hold a certificate of completion from an approved alcohol awareness program as described in § 4–505 of this article.

(2) An employee of the assisted living program who is at least 18 years old may serve alcoholic beverages or assist in preparing mixed drinks.

(g) The annual license fee is \$3,500.

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§ 22-1002

(a) There is a Class CCFA (continuing care facility for the aged) beer, wine, and liquor license.

(b) The Board may issue the license to the officers of a continuing care facility for the aged that:

(1) provides continuing care as defined under § 10–401 of the Human Services Article;

(2) is licensed as a related institution under Title 19, Subtitle 3 of the Health – General Article;

(3) is certified by the Department of Aging; and

(4) is exempt from federal income tax under § 501(c)(3) of the Internal Revenue Code.

(c) The license authorizes the license holder to sell beer, wine, and liquor on the licensed premises for on-premises consumption.

(d) The license holder may sell beer, wine, and liquor for on-premises consumption during the hours and days as set out for a Class C beer, wine, and liquor license under § 22–2004 of this title.

(e) The annual license fee is \$5,000.

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§ 22-1003

(a) There is a Class GC (golf course) beer, wine, and liquor license.

(b) The Board may issue the license to the owner or operator of a golf course that:

(1) is open to the public;

(2) is operated for profit; and

(3) has a minimum of 18 holes.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for consumption on the land and in the buildings, including the clubhouse, used for golfing purposes.

(2) A patron need not be seated to be served.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 22–2004 of this title.

(e) The annual license fee is \$3,500.

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§ 22-1004

(a) There is:

(1) a 6–day Class HC (health club) beer and wine license; and

(2) a 7–day Class HC (health club) beer and wine license.

(b) The Board may issue the 6–day or the 7–day license to a person who:

- (1) sells health club services, as defined in § 14–12B–01 of the Commercial Law Article;
 - (2) has a health club facility that offers:
 - (i) an indoor or outdoor swimming pool; or
 - (ii) pickleball courts;
 - (3) has at least 150 members who pay dues; and
 - (4) owns or leases real property in the county for use as a for–profit or nonprofit health club facility.
- (c) (1) The 6–day license authorizes the license holder to sell beer and wine from Monday through Saturday in a bar area at a swimming pool or an indoor lounge or both.
- (2) The 7–day license authorizes the license holder to sell beer and wine from Monday through Sunday in a bar area at a swimming pool or an indoor lounge or both.
- (d) The 6–day license holder and the 7–day license holder may sell beer and wine for on–premises consumption from 1 p.m. to 9 p.m.
- (e) The license holder shall purchase beer and wine from an authorized and licensed wholesaler.
- (f) The license holder shall provide prepackaged food or snacks at all times when beer and wine are sold.
- (g) (1) The annual fee for the 6–day license is \$1,300.
- (2) The annual fee for the 7–day license is \$1,400.
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§ 22-1005

- (a) In this section, “guest” means an individual whose name and address appear on the registry that the inn maintains.
- (b) There is a Class B (inn) beer, wine, and liquor license.
- (c) The Board may issue the license to a license holder who is approved by the appropriate local governmental unit to operate an inn that:
- (1) has at least 11 rooms or suites, each with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time;
 - (2) has a seated dining capacity of a sufficient size to accommodate overnight guests and dinner patrons who participate in regular meals and special dinner events on the premises of the establishment as authorized under subsection (d) of this section; and
 - (3) has a kitchen facility that has been approved by the local governmental unit.
- (d) The license authorizes the license holder to:
- (1) sell beer, wine, and liquor for on–premises consumption by a guest in conjunction with a meal;
 - (2) with the prior approval of the Board, serve beer, wine, and liquor to guests and dinner patrons on a patio, a deck, a terrace, the grounds, or any other outdoor area that is an integral part of the premises;
 - (3) allow a guest to have beer, wine, and liquor delivered to the guest in a sealed package by the inn, if the guest is in a building that is:
 - (i) considered part of the inn operation; and
 - (ii) located in the same mail unit number as the inn or is not more than one–eighth of a mile from the inn;
 - (4) hold a special dinner event on the premises of the establishment; and
 - (5) allow an individual who is not a guest to patronize the establishment for a regular or special dinner meal.
- (e) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption during catered events at the inn if:
- (1) the license holder is under contract to cater the event;
 - (2) the license holder caters the event; and

(3) food is served at the catered event.

(f) A holder of a Class B (inn) license that was issued after March 6, 2006, may sell beer and wine from the dining room to guests for off-premises consumption if the holder previously held a Class B (restaurant) license allowing sales of beer and wine for off-premises consumption.

(g) The license holder may sell beer, wine, and liquor to guests for on-premises consumption during the hours and days as set out for a Class B beer, wine, and liquor license under § 22-2004 of this title.

(h) The license does not authorize the sale of beer, wine, and liquor to an individual who:

(1) is not a guest or a patron of the dining facility of the inn; or

(2) is registered as a guest at the inn only to obtain beer, wine, and liquor.

(i) (1) An inn may not be operated only to sell or provide beer, wine, and liquor.

(2) If an inn ends operations as an inn:

(i) the license is void; and

(ii) the license holder shall return the license to the Board.

(3) Beer, wine, and liquor in open containers may not be transferred, carried, taken, or delivered to, from, or between the inn and other buildings that are considered part of the inn.

(j) The Board shall adopt regulations to:

(1) carry out this section; and

(2) ensure that the primary purpose of the license is to allow the license holder to operate an inn.

(k) The annual license fee is:

(1) \$2,500 for an inn that has at least 11 but not more than 24 rooms or suites; and

(2) \$3,295 for an inn that has at least 25 rooms or suites.

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§ 22-1006

(a) (1) In this section the following words have the meanings indicated.

(2) "Concession manager" means a person that provides and supervises under contract the comprehensive management of all food and beverage concession sales on the licensed premises.

(3) "Licensed premises" includes the stadium facility and stadium parking lots.

(b) There is a stadium beer, wine, and liquor license.

(c) The Board may issue the license for a stadium to the owner, lessee, or concession manager of a professional baseball stadium.

(d) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption.

(2) The license holder may sell, serve, or allow the consumption of beer, wine, and liquor on the stadium parking lots only with the prior written approval of the Board.

(e) (1) Subject to paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(2) During a baseball game, a holder of a stadium license may not sell beer, wine, or liquor:

(i) after the beginning of the eighth inning; or

(ii) during a doubleheader game, after the beginning of the sixth inning of the second game.

(f) (1) An individual who serves beer, wine, and liquor on the licensed premises shall hold a certificate from an alcohol awareness program that the Board approves.

(2) (i) Subject to subparagraph (ii) of this paragraph, an individual may serve beer, wine, and liquor during a baseball game.

(ii) An individual may serve beer, wine, and liquor in a glass container only on the club level, in an area in the stadium designated by the license holder to hold a special event, or in a dining area where patrons are seated.

(3) (i) This paragraph does not apply to wine and liquor served on the club level, in an area in the stadium designated by the license holder to hold a special event, or in a dining area where patrons are seated.

(ii) An individual may dispense wine and liquor during a baseball game only from a stationary structure that is in the stadium and equipped with a motor vehicle driver's license scanner.

(4) A license holder may not allow a roving vendor to dispense wine and liquor.

(5) A license holder may not allow a person to carry beer, wine, and liquor onto or off of the licensed premises.

(g) The annual license fee is \$7,000.

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§ 22-1101

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4-1104 ("Refillable container permit — Draft beer"), subject to § 22-1102 of this subtitle;

(2) § 4-1105 ("Refillable container permit — Wine"), subject to § 22-1103 of this subtitle; and

(3) § 4-1106 ("Nonrefillable container permit — Draft beer"), subject to § 22-1104 of this subtitle.

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§ 22-1102

(a) The Board may issue a refillable container permit for draft beer to a holder of:

(1) a Class A-1 license;

(2) a Class A-2 license;

(3) a Class B license that has off-sale privileges; or

(4) a Class D license.

(b) The annual permit fee is \$50.

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§ 22-1103

(a) The Board may issue a refillable container permit for wine to a holder of:

(1) a Class A-1 license;

(2) a Class A-2 license;

(3) a Class B license that has off-sale privileges; or

(4) a Class D license.

(b) The annual permit fee is \$50.

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§ 22-1104

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of:

- (1) a Class A–1 license;
 - (2) a Class A–2 license;
 - (3) a Class B license that has off–sale privileges; or
 - (4) a Class D license.
- (b) (1) Except as provided in paragraph (2) of this subsection, the annual permit fee is \$50.
- (2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

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§ 22-1201

- (a) There is a Class H caterer’s beer, wine, and liquor license.
- (b) The Board may issue the license to a person that owns, leases, or operates an establishment that has:
- (1) one or more banquet rooms suitable for public events; and
 - (2) food preparation facilities on the premises.
- (c) The license authorizes a holder to:
- (1) sell or provide all alcoholic beverages at retail for consumption on the premises of the catering establishment during an event; and
 - (2) (i) contract with a sponsor of a public or private event to provide food and alcoholic beverages; or
 - (ii) enter into an exclusive lease with a volunteer fire company for a banquet facility that the volunteer fire company owns.
- (d) The license holder may:
- (1) contract with the sponsor or volunteer fire company under subsection (c)(2) of this section to allow patrons to bring their own alcoholic beverages onto the premises of the license holder for consumption at a catered event;
 - (2) contract to provide alcoholic beverages at a catered event held off the premises of the license holder if:
 - (i) the license holder also contracts to provide food for consumption at the event; and
 - (ii) the event is held in the county; and
 - (3) once during a calendar year on a date that the holder selects, provide food and sell or provide alcoholic beverages for on–premises consumption at an event that the license holder sponsors.
- (e) The annual license fee is \$1,500.
- (f) A holder of a Class B hotel or restaurant beer, wine, and liquor license that provides catering services on or off the premises for which the license is issued:
- (1) is not required to obtain a Class H license; but
 - (2) is subject to subsection (d)(2) of this section.

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§ 22-1301

- (a) The following sections of Title 4, Subtitle 12 (“Temporary Licenses”) of Division I of this article apply in the county without exception or variation:
- (1) § 4–1202 (“Per diem licenses”);
 - (2) § 4–1203 (“Class C per diem beer and Class C per diem beer and wine licenses”);
 - (3) § 4–1204 (“Class C per diem beer, wine, and liquor license”);
 - (4) § 4–1206 (“License to dispose of stock”);
 - (5) § 4–1207 (“Temporary move of licensed premises”);
 - (6) § 4–1208 (“Hours and days of sale”); and
 - (7) § 4–1209 (“Wine permit for fund–raising event”).

(b) Section 4–1205 (“License fees”) of Division I of this article does not apply in the county and is superseded by § 22–1309.1 of this subtitle.

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§ 22-1305

(a) There is a beer and wine tasting (BWT) license.

(b) The Board may issue the license to a holder of a Class A beer and wine (BW) license.

(c) (1) The license authorizes the holder to allow the on–premises consumption of beer and wine for tasting.

(2) The license may be issued for a maximum of:

(i) any 26 days in a licensing period;

(ii) any 52 days in a licensing period; or

(iii) an entire licensing period.

(3) If a license holder is issued a license for any 26 days in a licensing period or any 52 days in a licensing period, the license holder must notify the Board at least 7 days before exercising the privileges of the license.

(d) An individual may consume beer or wine covered by the license in a quantity of not more than 1 ounce from each offering of beer or wine.

(e) The license fee is:

(1) \$100 for a 26–day license;

(2) \$150 for a 52–day license; and

(3) \$225 for a 1–year license.

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§ 22-1306

(a) There is a cordial, beer, wine, and liquor tasting license.

(b) The Board may issue the license to a holder of a Class A1 beer, wine, and liquor (BWL) license.

(c) (1) The license authorizes the holder to allow the on–premises consumption of cordials, beer, wine, and liquor for tasting.

(2) The license may be issued for a maximum of:

(i) any 26 days in a licensing period;

(ii) any 52 days in a licensing period; or

(iii) an entire licensing period.

(3) If a license holder is issued a license for any 26 days in a licensing period or any 52 days in a licensing period, the license holder must notify the Board at least 7 days before exercising the privileges of the license.

(d) An individual may consume cordials, beer, wine, or liquor covered by the license in a quantity of not more than:

(1) 0.5 ounce from each offering of a cordial;

(2) 1 ounce from each offering of beer or wine; and

(3) 0.5 ounce from each offering of liquor.

(e) The license fee is:

(1) \$125 for a 26–day license;

(2) \$200 for a 52–day license; and

(3) \$400 for a 1–year license.

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§ 22-1309

(a) (1) A simple majority of the total number of the members of the Board may act to approve or deny an application for a per diem license:

- (i) in a formal meeting, with a quorum present; or
- (ii) in accordance with paragraph (2) of this subsection, through oral or written contact by any method by the chair with each member of the Board.

(2) The chair shall make a written record under paragraph (1)(ii) of this subsection of how each member and the chair voted.

(b) The Board may not require the publication of an application for a per diem license as a prerequisite to the issuing of the license.

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§ 22-1311

(a) The Board may issue to a fire department a multiple event beer and wine license.

(b) (1) The license holder may sell or provide beer and wine for on-premises consumption:

- (i) at an entertainment event held by the fire department; or
- (ii) by a person who has rented or leased an area of the licensed premises for an event and guests who attend the event.

(2) The license holder shall:

- (i) contract to provide food for consumption at the event described in paragraph (1)(ii) of this subsection; or
- (ii) ensure that food will be available for consumption at the event described in paragraph (1)(ii) of this subsection.

(3) This section does not prohibit a fire department from obtaining a Class C per diem license.

(c) (1) The license shall be in the form that the Board requires.

(2) The applicant shall sign the license.

(d) (1) The Board may not:

- (i) issue for a fire department a multiple event beer and wine license more than one time in any year; or
- (ii) authorize a multiple event beer and wine license for more than 40 days in a calendar year.

(2) A license holder shall notify the Board in writing at least 7 days before each event for which the license is to be used.

(e) The annual license fees are:

- (1) \$150 for not more than 10 events per year;
- (2) \$300 for not more than 20 events per year;
- (3) \$450 for not more than 30 events per year; and
- (4) \$600 for not more than 40 events per year.

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§ 22-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-102 ("Applications to be filed with local licensing board");
- (2) § 4-103 ("Application on behalf of partnership");
- (3) § 4-106 ("Payment of notice expenses");
- (4) § 4-108 ("Application form required by Comptroller");
- (5) § 4-109 ("Required information on application — In general");
- (6) § 4-111 ("Payment of license fees");

(7) § 4–112 (“Disposition of license fees”); and

(8) § 4–114 (“Fees for licenses issued for less than 1 year”).

(b) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article do not apply in the county:

(1) § 4–104 (“Application on behalf of corporation or club”), which is superseded by § 22–1405 of this subtitle;

(2) § 4–105 (“Application on behalf of limited liability company”), which is superseded by § 22–1405 of this subtitle; and

(3) § 4–110 (“Required information on application — Petition of support”).

(c) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county:

(1) § 4–107 (“Criminal history records check”):

(i) in addition to § 22–1403 of this subtitle; and

(ii) subject to § 22–1404 of this subtitle; and

(2) § 4–113 (“Refund of license fees”), subject to § 22–1406 of this subtitle.

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§ 22-1402

(a) (1) To be issued a license for the applicant’s individual use, the applicant shall be a resident of the county at the time the application is filed.

(2) The license holder is required to remain a resident of the county for as long as the license is in effect.

(b) An applicant under this section is not required to be a registered voter.

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§ 22-1403

(a) The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

(b) The Board may obtain criminal history record information on license applicants and their agents from the county police, including the county sheriff’s department and all municipal police departments in the county.

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§ 22-1404

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

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§ 22-1405

(a) (1) Except as provided in subsection (c) of this section, a license for the use of a corporation, an unincorporated entity, or a limited liability company shall be applied for by and issued to, as individuals:

(i) three officers holding a financial interest in the corporation; or

(ii) three authorized persons holding a financial interest in the limited liability company.

(2) One of the three individual applicants who apply for a license shall be a resident of the county.

(3) The license shall be in effect so long as the resident applicant remains a resident of the county.

(4) For a license issued after July 1, 1984, the resident applicant:

(i) 1. for a Class A beer and wine license or a Class A–1 or Class A–2 beer, wine, and liquor license, shall own at least 25% of the total corporation, unincorporated entity, or limited liability company;

2. for any type of license other than one specified in item 1 or 3 of this item, shall own at least 10% of the total corporation, unincorporated entity, or limited liability company; or

3. for a Class C–1, Class C–2, or Class C–3 license, may own any amount or no amount of the total corporation, unincorporated entity, or limited liability company;

(ii) shall serve as manager or supervisor; and

(iii) shall be physically present on the premises for a substantial amount of time on a daily basis.

(5) An application for a license shall:

(i) state the name and address of:

1. the corporation or unincorporated entity and each officer who holds a financial interest in the corporation or unincorporated entity; or

2. the limited liability company and each authorized person who holds a financial interest in the limited liability company; and

(ii) be signed by:

1. the president or vice president of a corporation or an unincorporated entity and the three officers to whom the license is issued; or

2. the three authorized persons of a limited liability company to whom the license is issued.

(6) If there are fewer than three officers or directors of a corporation or an unincorporated entity or fewer than three authorized persons of a limited liability company, each officer, director, or authorized person holding a financial interest in the corporation, unincorporated entity, or limited liability company shall apply for the license.

(7) If a close corporation does not have officers or directors, one or more resident stockholders who own more than 50% of the stock together may apply for the license.

(b) (1) In this section, “owner”:

(i) means a person who has a real, provable financial interest in the business; and

(ii) includes a stockholder or managerial employee of the actual owner.

(2) Stock ownership requirements established under subsection (a) of this section do not apply to an applicant for a Class B hotel or restaurant beer, wine, and liquor license or a Class BNR beer, wine, and liquor license in which:

(i) a majority of the stock is owned or controlled either directly or indirectly by one or more corporations and is authorized for sale by the United States Securities and Exchange Commission;

(ii) at least one license holder is a resident applicant of the business conducted on the licensed premises who is responsible for the day–to–day operation of the business; and

(iii) each license holder is a named officer of the corporation.

(3) The residency requirements established under subsection (a) of this section remain in effect for a Class B hotel or restaurant beer, wine, and liquor license or a Class BNR beer, wine, and liquor license for as long as the license is in effect.

(c) (1) A Class ALP (assisted living program) beer, wine, and liquor license shall be applied for by and issued to the manager of the assisted living program.

(2) The pecuniary interest requirements established under subsection (a) of this section, including stock ownership and limited liability company membership interests, do not apply to an applicant for a Class ALP (assisted living program) beer, wine, and liquor license.

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§ 22-1406

A license holder is entitled to a refund of the unearned portion of the license fee if the license holder voluntarily surrenders the license.

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§ 22-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-205 ("Chain store, supermarket, or discount house");
- (2) § 4-206 ("Limitations on retail sales floor space");
- (3) § 4-207 ("Licenses issued to minors");
- (4) § 4-209 ("Hearing");
- (5) § 4-213 ("Replacement licenses"); and
- (6) § 4-214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

- (1) § 4-202 ("Authority of local licensing boards"), subject to § 22-1502 of this subtitle;
- (2) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to §§ 22-1503 and 22-1504 of this subtitle and Subtitle 13, Part III, Subtitle 16, Part II, and § 22-1005.2 of this title;
- (3) § 4-204 ("Prohibition against issuing multiple licenses for same premises"), subject to §§ 22-1503 and 22-1504 of this subtitle and Subtitle 13, Part III of this title;
- (4) § 4-208 ("Notice of license application required"), subject to § 22-1505 of this subtitle;
- (5) § 4-210 ("Approval or denial of license application"), subject to §§ 22-1506 and 22-1507 of this subtitle;
- (6) § 4-211 ("License forms; effective date; expiration"), subject to § 22-1508 of this subtitle; and
- (7) § 4-212 ("License not property"), in addition to § 22-1509 of this subtitle.

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§ 22-1502

(a) In addition to food cooked or prepared on the licensed premises, a license holder may sell other goods that the Board specifies, including nonalcoholic drinks and food prepared off the licensed premises.

(b) The Board shall print a list of the saleable goods under subsection (a) of this section and provide a copy to each license holder when the license is issued.

(c) If the Board makes a change to the list, the Board shall immediately mail a copy of the revised list to each license holder.

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§ 22-1503

(a) (1) Except as otherwise provided in this title, a person may not have interest in more than one license.

(2) Paragraph (1) of this subsection applies whether the license is held or controlled by direct or indirect ownership, by franchise operation, by stock ownership, by interlocking directors or interlocking stock ownership, or in any other manner, directly or indirectly.

(b) Under subsection (a) of this section, an indirect ownership interest is presumed to exist between any combination of individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons if any of the following conditions exist between them:

- (1) a common parent company;
- (2) a franchise agreement;
- (3) a licensing agreement;
- (4) a concession agreement;
- (5) dual membership in a chain of businesses commonly owned and operated;

(6) a sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries; or

(7) a sharing of a common trade name, trademark, logo, or theme, or mode of operation identifiable by the public.

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§ 22-1504

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 22-1505

(a) Before holding a hearing for an application for a license, the Board shall:

(1) publish notice of the application two times in 2 successive weeks in one newspaper of general circulation published in the county; or

(2) post notice of the application hearing online at least 14 days before the application hearing date.

(b) (1) For a hearing for an application for a new license or an upgrade to an existing license, the Board shall post a notice in a conspicuous location on the exterior of the location described in the application.

(2) The notice shall be on a sign that measures at least 12 by 18 inches and include:

(i) the class of license for which application is made;

(ii) the name of the applicant; and

(iii) the date, time, and location for the application hearing.

(3) The notice shall remain posted for 20 days before the hearing.

(c) (1) The Board shall publish its decision on an application for a new license, an upgrade of an existing license, or a change of location of an existing license:

(i) in one newspaper of general circulation published in the county; or

(ii) on the Board's website.

(2) The decision shall state the name of the license holder, the type of license, and the location of the premises.

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§ 22-1506

The Board may not issue a license to a person or an agent of the person who has been convicted in a federal or State court of:

(1) a felony; or

(2) a violation of the laws governing:

(i) the manufacture or sale of alcoholic beverages;

(ii) maintaining or operating a brothel; or

(iii) gaming.

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§ 22-1507

Before the Board issues a license, the Board shall consider and determine as suitable:

(1) the moral character and financial responsibility of the applicant;

(2) the general fitness of the applicant to uphold the public trust; and

(3) the appropriateness of the location described in the application, taking into consideration:

(i) the number of existing licenses; and

(ii) any objections from property owners living in the immediate neighborhood of the location described in the application.

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§ 22-1508

(a) A license shall describe the location of the licensed premises.

(b) (1) Subject to paragraph (2) of this subsection, the decision of the Board becomes effective 5 days after the date of publication of the decision.

(2) The Board may waive the 5-day period if no written or oral objection is raised to the Board's decision by the end of the application hearing.

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§ 22-1509

A license is not subject to:

(1) a writ of execution by a judgment creditor of a license holder;

(2) a distraint for rent; or

(3) sale or transfer, unless the license accompanies the business for which the license was issued.

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§ 22-1601

(a) For every 4,750 individuals in the county, as specified by the Maryland Department of Health, the Board may not issue more than:

(1) one Class A (off-sale) license;

(2) one Class A-1 (off-sale) license; or

(3) one Class A-2 (off-sale) license.

(b) If the number of licenses in a class exceeds the quota specified in subsection (a) of this section, the Board may not issue a new license of that class unless the number of licenses of that class is reduced by revocation or surrender, creating a vacancy under the particular quota specified.

(c) This section does not apply to the transfer, conversion, or renewal of a license.

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§ 22-1602

(a) This section does not apply to:

(1) a license in effect on July 1, 1975, or the issuance or transfer of a Class B (on-sale) beer, wine, and liquor license for use on any premises licensed on July 1, 1975;

(2) a license in effect on July 1, 1977;

(3) the renewal, transfer, or upgrading of a license, unless the license is transferred to a new location; and

(4) the issuance of:

(i) a 1-day license that is to be used on the premises of a place of worship or school;

(ii) a Class HC (health club) license;

(iii) a Class GC (golf course) license;

(iv) a Class CCFA (continuing care facility) license;

(v) a Class ALP (assisted living program) license; and

(vi) a gift basket permit.

(b) (1) (i) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Board may not issue a license for an establishment that is within 300 feet of a place of worship.

(ii) The distance from the establishment to the place of worship is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the place of worship.

(2) Paragraph (1) of this subsection does not apply to the issuance of:

(i) a 1-day license for use in a building;

(ii) a license issued to a hotel, motel, restaurant, club, caterer, brewery, or distillery in a municipality; and

(iii) a Class H beer, wine, and liquor license issued to a caterer for use in a banquet facility in an establishment if:

1. the construction of the establishment was completed after July 1, 1991; and

2. the establishment is used for emergency operations by a volunteer fire company.

(c) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may waive the distance restrictions from a place of worship and issue a license on a case-by-case basis.

(2) Before the Board decides whether to waive the distance restrictions from a place of worship under paragraph (1) of this subsection:

(i) a public hearing shall be held by the governing body of:

1. if the establishment is located in a municipality, the municipality where the establishment is located; or

2. if the establishment is located outside the boundaries of a municipality, the county;

(ii) the governing body shall make a recommendation to the Board regarding whether the distance restrictions should be waived; and

(iii) after receiving a recommendation:

1. in favor of the waiver, the Board shall hold a public hearing; or

2. to deny a waiver, the Board shall deny the waiver.

(3) In making a decision whether to waive the distance restrictions from a place of worship, the Board shall consider:

(i) comments received from members and leaders of the place of worship; and

(ii) comments made at the public hearing held by the Board.

(d) (1) (i) Except as provided in paragraph (2) of this subsection, the Board may not issue a license to a business establishment that is within 1,000 feet of a public or private school building.

(ii) The distance from the establishment to the public or private school is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the school.

(2) The Board may issue a license to a business establishment in Harford County and in a municipality in Harford County if the business establishment is not located within 300 feet of a public or private school.

(3) A decision of the County Board of Education to locate a public school building within 1,000 feet of the premises of a license holder may not be the basis to revoke or deny the renewal, transfer, or upgrading of the license.

(e) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may waive the distance restrictions from a public or private school building and issue a Class B (on-sale) restaurant license or a Class B cafe license on a case-by-case basis.

(2) Before the Board decides whether to waive the distance restrictions from a public or private school building under paragraph (1) of this subsection:

(i) a public hearing shall be held by the governing body of:

1. if the restaurant is located in a municipality, the municipality where the restaurant is located; or

2. if the restaurant is located outside the boundaries of a municipality, the county where the restaurant is located;

(ii) the governing body shall make a recommendation to the Board regarding whether the distance restrictions should be waived; and

(iii) after receiving the recommendation, the Board shall hold a public hearing.

(3) In making a decision whether to waive the distance restrictions from a public or private school building, the Board shall take into consideration:

(i) the recommendation from the governing body;

(ii) comments received from parents whose children attend the public or private school; and

(iii) comments made at the public hearing held by the Board.

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§ 22-1603

(a) (1) Except as provided in paragraph (2) of this subsection, any license with an off-sale privilege may not be issued for or transferred to:

(i) a chain store;

(ii) a supermarket;

(iii) a discount house; or

(iv) a franchisor, franchisee, or concessionaire of an establishment listed in this paragraph.

(2) Paragraph (1) of this subsection does not apply to the renewal of a license.

(b) An establishment that on July 1, 1976, held a license with an off-sale privilege may continue to hold the license or apply to upgrade to a Class A-1 or Class A-2 license.

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§ 22-1604

The Board may not issue any license with an off-sale privilege for use in a business that is intended to be operated as a drive-through sales facility at which alcoholic beverages are:

(1) sold at retail; and

(2) dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

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§ 22-1607

(a) Except as provided in subsection (b) of this section, the Board may issue a maximum number of nine Class B licenses to the same person.

(b) (1) The Board may issue one Class GSF (golf simulator facility) license under § 22-1003.2 of this title to the holder of one or more Class B licenses.

(2) A Class GSF (golf simulator facility) license issued under paragraph (1) of this subsection shall be included in the total number of licenses that may be issued to the same person under subsection (a) of this section.

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§ 22-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4-303 ("Chain store, supermarket, or discount house");

(2) § 4-304 ("Compliance with Bulk Transfers Act required"); and

(3) § 4-306 ("Substitution of names of officers on license").

(b) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4-302 ("Transfer of place of business; transfer of license and inventory"), subject to §§ 22-1703 and 22-1704 of this subtitle; and

(2) § 4–305 (“Filing fees and endorsement”), subject to § 22–1705 of this subtitle.

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§ 22-1702

(a) On receipt of an application for a transfer of a license, the Board shall:

- (1) schedule a public hearing; and
- (2) post a notice of the hearing in a conspicuous place on the exterior of the premises described in the application.

(b) The notice required under subsection (a) of this section shall:

- (1) be on a sign measuring not less than 12 by 18 inches;
- (2) specify the class of license subject to the application, name of the applicant, and time, date, and place of the hearing; and
- (3) remain posted for at least 20 days before the hearing.

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§ 22-1703

(a) The Board shall transfer a license that is issued for use in a business if:

- (1) the business is sold to a different owner; and
- (2) the new owner qualifies as a license holder.

(b) (1) This subsection applies to the resident applicant of a licensed establishment for which a license was transferred after July 1, 1984, on behalf of a corporation, an unincorporated entity, or a limited liability company.

(2) The resident applicant:

- (i) 1. if the transferred license is a Class A beer and wine license or a Class A–1 or Class A–2 beer, wine, and liquor license, shall own at least 25% of the total corporation, unincorporated entity, or limited liability company;
2. if the transferred license is any type of license other than one specified in item 1 or 3 of this item, shall own at least 10% of the total business; or
3. for a Class C–1, Class C–2, or Class C–3 license, may own any amount or no amount of the total corporation, unincorporated entity, or limited liability company;
- (ii) shall serve as manager or supervisor; and
- (iii) shall be physically present on the premises a substantial amount of time on a daily basis.

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§ 22-1704

The Board may not transfer the location or ownership of:

- (1) a license for use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption; or
- (2) an off-sale license with the privilege of operating the premises as a drive-through purchase facility.

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§ 22-1705

(a) The Board may charge a fee for the transfer of a license that may not exceed the administration cost for processing the transfer.

(b) If a license is transferred before its expiration date, the Board shall allow the transferee to operate under the license until the license expiration date without additional charge.

(c) If a license is transferred on its expiration date, the charge for the transfer is the same as the fee for the issuance of the license.

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§ 22-1801

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-402 ("Eligibility for renewal; process");
- (2) § 4-403 ("Renewal application");
- (3) § 4-406 ("Protests");
- (4) § 4-407 ("Denial of renewal application");
- (5) § 4-408 ("Issuance of renewed licenses");
- (6) § 4-409 ("Multiple licenses"); and
- (7) § 4-410 ("Chain store, supermarket, or discount house").

(b) Section 4-404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 22-1802 of this subtitle.

(c) Section 4-405 ("Contents of renewal application") of Division I of this article applies in the county, subject to § 22-1803 of this subtitle.

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§ 22-1802

(a) An application to renew an annual license shall be filed between February 1 and April 1, inclusive.

(b) The Board may consider a license renewal application received after April 1 for 30 days before it takes final action on the application.

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§ 22-1803

An application for a license renewal shall be in the form the Board adopts by regulation.

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§ 22-1804

The requirement for a criminal history records check under § 4-107 of this article does not apply to applicants for license renewal.

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§ 22-1901

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

- (1) § 4-502 ("Storage of alcoholic beverages");
- (2) § 4-503 ("Solicitations and sales outside of licensed premises");
- (3) § 4-506 ("Evidence of purchaser's age");
- (4) § 4-507 ("Retail delivery of alcoholic beverages"); and
- (5) § 4-508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

- (1) § 4-504 ("Employment of underage individuals"), subject to § 22-1902 of this subtitle; and
- (2) § 4-505 ("Alcohol awareness program"), subject to § 22-1903 of this subtitle.

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§ 22-1902

(a) A license holder may not:

- (1) employ or allow an individual under the age of 18 years to sell or serve alcoholic beverages; or
- (2) except as provided in subsection (b) of this section, employ an individual under the age of 21 years to act as a bartender or to serve alcoholic beverages at a permanent full-service bar.

(b) An individual at least 18 years old may act as a bartender or serve alcoholic beverages at a permanent full-service bar if the individual is the son or daughter of the owner of the licensed premises.

(c) A license holder may employ:

- (1) an individual at least 18 years old to serve alcoholic beverages while acting as a server; or
- (2) an individual at least 16 years old to act as a bartender's assistant who:
 - (i) may replace ice, remove trash, or perform similar tasks that do not involve alcoholic beverages; but
 - (ii) may not engage in the distribution or sale of alcoholic beverages.

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§ 22-1903

(a) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall be:

- (1) certified by an approved alcohol awareness program; and
- (2) present on the licensed premises during the hours in which alcoholic beverages may be sold.

(b) A license holder who violates this section is subject to:

- (1) for the first offense, a \$100 fine; and
- (2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

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§ 22-1904

(a) A holder of a license with an on-sale privilege shall:

- (1) keep complete and accurate books of account of daily receipts and expenditures in the form that the Board requires; and
- (2) procure vouchers or purchase slips for all alcoholic beverages, food, and other items bought for sale.

(b) An on-sale license holder shall:

- (1) keep the records required under subsection (a) of this section at the location designated in the license or another location in the county; and
- (2) on at least 5 days' notice, make the records available for inspection by the Board or a designee of the Board.

(c) (1) If a report required by this section or an investigation by the Board, a Board officer, or any other person indicates that a holder of a license with an on-sale privilege is violating this title, the Board shall summon the license holder and conduct a hearing.

(2) If the charges at the hearing are sustained, the Board:

- (i) shall impose a fine of not less than \$250 and not more than \$2,000; and
- (ii) may suspend or revoke the license holder's license immediately.

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§ 22-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 22-2003

(a) A holder of a Class A beer and wine license may sell beer and wine on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer and wine license may sell beer and wine on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer and wine license may sell beer and wine on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(d) Reserved.

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§ 22-2004

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(c) A holder of a Class B–3 beer, wine, and liquor license may sell beer, wine, and liquor:

(1) for a 6–day license, on Monday through Saturday, from 8 a.m. to 2 a.m. the following day; and

(2) for a 7–day license, on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(d) (1) Subject to paragraph (2) of this subsection, a holder of a Class BFD (fine dining) on–sale beer, wine, and liquor license may sell beer, wine, and liquor:

(i) for a 6–day license, on Monday through Saturday, from 8 a.m. to 2 a.m. the following day; and

(ii) for a 7–day license, on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(2) The restaurant for which a Class BFD license is issued shall open for business not later than 5 p.m.

(e) A holder of a Class BNR on–sale beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(f) (1) This subsection applies to Class C–1, C–2, and C–3 (on–sale) organization or club beer, wine, and liquor licenses.

(2) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor:

(i) for a 6–day license, on Monday through Saturday, from 8 a.m. to 2 a.m. the following day; and

(ii) for a 7–day license, on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(g) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

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§ 22-2005

This title does not require a holder of a license that allows the sale of alcoholic beverages for on–premises consumption to close the licensed premises until 2 a.m. on January 1.

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§ 22-2006

A license holder may not:

(1) allow alcoholic beverages to be consumed on the license holder's premises between 2:15 a.m. and 8 a.m. the same day; or

(2) allow an alcoholic beverage glass, bottle, or container to remain on a table or serving counter after 2:30 a.m.

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§ 22-2101

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-602 ("Power of local licensing board");

(2) § 4-603 ("Revocation and suspension procedures");

(3) § 4-605 ("Nudity and sexual displays"); and

(4) § 4-606 ("Effects of revocation").

(b) Section 4-604 ("Grounds for revocation or suspension") of Division I of this article applies in the county, subject to § 22-2102 of this subtitle.

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§ 22-2102

(a) The Board and general manager shall have frequent inspections made of the premises of all license holders.

(b) The Board may impose the penalties in § 22-2706 of this title if, after a public hearing, the Board finds that:

(1) a license holder or an agent or employee of the license holder:

(i) has violated this article or regulations adopted under this article;

(ii) has failed to observe in good faith the purposes of this article; or

(iii) has not maintained the premises in a clean and sanitary manner;

(2) on the licensed premises there is:

(i) illegal gambling;

(ii) an illegal gambling device; or

(iii) an alcoholic beverage not authorized to be sold under the appropriate license; or

(3) the license holder has been convicted in federal or State court of a felony.

(c) (1) The Board shall report its findings within 14 calendar days after the hearing or, if earlier, at the next regularly scheduled meeting of the Board.

(2) The Board shall report cases of potential criminal wrongdoing to the State's Attorney and the Sheriff for prosecution.

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§ 22-2103

(a) (1) Subject to paragraph (2) of this subsection, the Board may not issue a license to an applicant if the license has been previously denied, suspended, or revoked unless:

(i) 1. the applicant executes a surety bond of \$1,000 to the State;

2. the Board approves the surety; and

3. the surety bond is conditioned on the faithful observance of the laws governing alcoholic beverages in the State; or

(ii) the Board:

1. accepts \$1,000 in cash; and

2. deposits the cash and records the deposit.

(2) The Board may waive a required surety bond or cash deposit.

(b) The bond shall secure the payment of all costs, fines, and penalties imposed on the applicant on a charging document for a violation of alcoholic beverages laws in the county.

(c) (1) The applicant shall deposit an approved bond with the Board.

(2) The Board shall record the bond in a book kept for that purpose.

(3) The record or a certified copy of the record is evidence of the bond.

(d) The Board may stop requiring a license holder to post bond if the Board finds that the license holder has complied with the terms of a bond for 1 calendar year.

(e) (1) The Board may petition for forfeiture of the bond in circuit court if:

(i) the Board determines that the license holder has failed to observe the terms of the bond; and

(ii) sufficient notice is given to the license holder.

(2) If the circuit court declares the bond forfeited, the bond shall be payable to the Board.

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§ 22-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 22-2202

The Board may authorize the closing of a licensed premises for not more than 9 months if:

(1) the Board determines that the licensed premises is seasonally operated; and

(2) the license holder submits a written request to the Board at least 30 days before:

(i) the anticipated date of closing; and

(ii) the anticipated date of reopening.

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§ 22-2301

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

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§ 22-2401

(a) The following sections of Title 4, Subtitle 9 ("Judicial Review") of Division I of this article apply in the county without exception or variation:

(1) § 4–902 ("Judicial review of decision of local licensing board");

(2) § 4–903 ("Petitioners");

(3) § 4–904 ("Stay of local board's petition");

(4) § 4–906 ("Representation of local licensing board");

(5) § 4–907 ("Affirmations, modifications, and reversals"); and

(6) § 4–908 ("Appeals to Appellate Court of Maryland and Supreme Court of Maryland").

(b) Section 4–905 ("Scope of judicial review") of Division I of this article applies in the county, subject to § 22–2403 of this subtitle.

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§ 22-2402

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

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§ 22-2403

The Board may choose to:

- (1) have an action for judicial review tried before a jury; and
- (2) if the Board has suspended or revoked a license, allow the license holder to operate pending the outcome of the judicial review.

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§ 22-2501

(a) Except as provided in subsection (b) of this section and otherwise provided in this article, a person may not knowingly allow the consumption, possession, or transfer of alcoholic beverages in an establishment that is a restaurant, tavern, hotel, club, dance studio, disco, or place of public entertainment if:

- (1) the establishment is not licensed by the Board;
- (2) the person possesses or controls the establishment as owner, lessee, or user; and
- (3) the establishment is:
 - (i) open to the public or licensed by the State; or
 - (ii) licensed by the State or a county unit other than the Board.

(b) (1) The prohibition under subsection (a) of this section does not apply to:

- (i) the room of a registered guest in a hotel, motel, or hospice; or
- (ii) the property of:
 1. a volunteer fire company;
 2. a catering establishment;
 3. a community or civic association;
 4. a swim club;
 5. a social, civic, nonprofit, charitable, fraternal, patriotic, educational, or public service organization; or
 6. a religious institution that has been in existence for at least 3 years.

(2) The Board may exempt a place similar to one listed in paragraph (1) of this subsection on a case-by-case basis.

(3) The Board shall adopt regulations to administer this subsection.

(c) An owner, a manager, or an employee of an establishment subject to the prohibitions of this section who knowingly allows the prohibited consumption in violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

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§ 22-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

- (1) an establishment open to the public;
- (2) a place of public entertainment; or
- (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 22-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

- (1) § 6–202 ("Inspections");
- (2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");
- (3) § 6–205 ("Peace officers");
- (4) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");
- (5) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");
- (6) § 6–208 ("Regulating possession or consumption of alcohol in public places"); and
- (7) § 6–209 ("Adoption of standards for authorization of consumption").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 22–2602 of this subtitle.

(c) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county:

- (1) § 6–204 ("Power to summon witnesses"), in addition to § 22–2604 of this subtitle; and
- (2) § 6–211 ("Fines and forfeitures"), subject to § 22–2606 of this subtitle.

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§ 22-2602

The county may:

- (1) adopt an ordinance or a resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and
- (2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

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§ 22-2603

(a) If the Board or an inspector of the Board receives a complaint or information about a violation of this title by a license holder, the Board shall order an inspector to investigate.

(b) If the investigation shows that the complaint or information is supported by evidence, the Board shall handle the case in accordance with § 22–2102 of this title.

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§ 22-2604

In addition to the sheriff who may serve a summons under § 6–204 of this article, an inspector that the Board employs may serve a summons.

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§ 22-2605

An inspector who investigates a license violation may issue a civil citation as provided in § 10–119 of the Criminal Law Article.

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§ 22-2606

Each fine imposed or recognizance forfeited for a violation of this article that was committed in the county shall be payable to the Board.

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§ 22-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6–305 ("Proof of age for sale of alcoholic beverages");
- (2) § 6–306 ("Defense to prosecution for sale to underage individual");
- (3) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual");
- (4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");
- (5) § 6–310 ("Providing free food");
- (6) § 6–311 ("Restrictions on purchases and sales by retail dealer");
- (7) § 6–312 ("Beverage misrepresentation");
- (8) § 6–313 ("Tampering with alcoholic beverage container");
- (9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");
- (10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");
- (11) § 6–316 ("Maximum alcohol content");
- (12) § 6–317 ("Multiple serving purchase required");
- (13) § 6–320 ("Disorderly intoxication");
- (14) § 6–321 ("Consumption of alcoholic beverages in public");
- (15) § 6–323 ("Possession or use of Alcohol Without Liquid machine");
- (16) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");
- (17) § 6–327 ("Unlicensed out–of–state sale of alcoholic beverages");
- (18) § 6–328 ("Tax evasion");
- (19) § 6–329 ("Destruction of evidence"); and
- (20) § 6–330 ("Perjury").

(b) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

- (1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 22–2702 of this subtitle;
- (2) §§ 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder") and 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder"), subject to § 22–2703 of this subtitle; and
- (3) § 6–322 ("Possession of open container"), subject to § 22–2704 of this subtitle.

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§ 22-2702

A license holder may not be found guilty of a violation of § 6–304 of this article if the license holder establishes to the satisfaction of the finder of fact that the license holder used due caution to establish that the individual was not under the age of 21 years.

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§ 22-2703

A person may possess alcoholic beverages on the premises of a license holder if:

- (1) the alcoholic beverages are owned by a member of a club licensed for the sale of beer and wine or beer, wine, and liquor and are consumed on the premises;
- (2) the alcoholic beverages:
 - (i) have been brought on the premises of an on-sale restaurant for consumption and use in a private dining room at a private gathering; and
 - (ii) have not been provided by the license holder of the restaurant; or
- (3) a dance or social event is:
 - (i) held on the premises of an establishment of a holder of a Class C license; and
 - (ii) 1. advertised as being bring your own (BYO); or
 - 2. sponsored by a member of the club or by a guest that a club member sponsors.

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§ 22-2704

An individual may possess an alcoholic beverage in an open container on private property described under § 6-322(a)(1) of this article only if the individual possesses and presents the written consent of the owner of the property.

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§ 22-2705

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

- (1) for a first offense, a fine not exceeding \$50; and
- (2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

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§ 22-2706

(a) A license holder who operates a pool or billiard parlor on the licensed premises may not allow an individual under the age of 18 years, unless accompanied by a parent, to enter into or loiter about the part of the premises devoted to the playing of pool or billiards.

(b) After a public hearing, if the Board determines that a license holder or an agent or employee of the license holder has violated this section, the Board may impose:

- (1) for a first offense within the licensing period:
 - (i) a fine not exceeding \$2,000; or
 - (ii) suspension or revocation of the license; or
- (2) for a subsequent offense within the same licensing period as the first offense:
 - (i) a fine not exceeding \$2,000; and
 - (ii) suspension or revocation of the license.

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§ 22-2801

(a) Section 6-402(b) (“General penalty — Imposition of penalty”) of Division I of this article applies in the county without exception or variation.

(b) Section 6–402(a) (“General penalty — In general”) of Division I of this article does not apply in the county and is superseded by § 22–2802 of this subtitle.

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§ 22-2802

(a) A person who violates this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both unless another penalty is specified.

(b) (1) After a person is convicted for the illegal sale, offer of sale, or possession of alcoholic beverages, the Sheriff or other law enforcement officer in the county shall seize the alcoholic beverages and deliver them to the Board.

(2) The Board shall sell the alcoholic beverages and pay the proceeds to the County Treasurer.

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Title 23 — Title 23

§ 23-101

(a) In this title:

(1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Howard County.

(c) “County” means Howard County.

(d) “Light wine” means wine that contains not more than 15.5% of alcohol by volume.

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§ 23-102

This title applies only in Howard County.

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§ 23-103

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 23-201

In this subtitle, “Hearing Board” means the Appointed Alcoholic Beverage Hearing Board established under § 23–204 of this subtitle.

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§ 23-202

There is a Board of License Commissioners for Howard County.

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§ 23-203

(a) The County Council sits as the Board of License Commissioners.

(b) A member of the Board of License Commissioners is subject to the public ethics laws of the county.

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§ 23-204

There is an Appointed Alcoholic Beverage Hearing Board in the county.

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§ 23-205

(a) (1) The County Executive shall appoint five members to the Hearing Board subject to confirmation by the County Council in accordance with this section.

(2) One member shall be from each councilmanic district.

(3) Not more than three members may be registered with the same political party.

(4) (i) Each political party that polled at least 25% of the total vote cast for all candidates for the office of County Executive in the most recent general election shall have at least one representative on the Hearing Board.

(ii) If a political party that polled at least 25% of the total vote cast for all candidates for the office of County Executive in the most recent general election does not have at least one representative on the Hearing Board, the next vacancy on the Hearing Board shall be filled with an individual registered with that party.

(b) (1) Each member of the County Council shall nominate to the County Executive three qualified individuals who live in the district of the member of the County Council.

(2) The County Executive shall appoint to the Hearing Board one individual from the list of nominees that each member of the County Council submits.

(3) The County Council by resolution shall confirm the appointment of Hearing Board members.

(c) To qualify for appointment as a Hearing Board member, an individual shall be:

(1) of good moral character and integrity;

(2) a registered voter of the county immediately prior to the appointment; and

(3) at least 21 years old.

(d) (1) A Hearing Board member:

(i) may not hold another public office or be employed by the county government;

(ii) shall be a registered voter of the county during the Hearing Board member's term of office; and

(iii) is subject to the public ethics laws of the county.

(2) Except as provided in paragraph (3) of this subsection, a Hearing Board member may not have a direct or indirect interest in:

(i) a premises where alcoholic beverages are manufactured or sold; or

(ii) a business wholly or partly devoted to the manufacture or sale of alcoholic beverages.

(3) A Hearing Board member may be a holder of a 1-day or 2-day license.

(e) (1) The term of a Hearing Board member is 5 years.

(2) The terms of the Hearing Board members are staggered as required by the terms provided for Hearing Board members on July 1, 2016.

(3) A Hearing Board member whose term has expired and who has served 8 or more consecutive years on the Hearing Board is not eligible for immediate reappointment to the Hearing Board.

(f) A Hearing Board member who is appointed to fill a vacancy shall serve the remainder of the unexpired term and until a successor is appointed and qualifies.

(g) The County Council may remove a Hearing Board member for:

(1) incompetence;

(2) misconduct;

(3) unprofessional conduct;

(4) dishonorable conduct;

- (5) neglect of a duty required by law;
- (6) failure to meet the qualifications of subsection (c) of this section; or
- (7) a violation of subsection (d)(2) of this section.

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§ 23-206

From among its members, the Hearing Board shall elect a chair.

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§ 23-207

- (a) (1) A majority of the members then serving on the Hearing Board is a quorum.
- (2) A majority of the authorized membership of the Hearing Board is needed to take action.
- (b) The Hearing Board shall meet at least once each month.
- (c) (1) The compensation of the Hearing Board members for the performance of their duties shall be the amount set by the County Council.
- (2) The compensation for members of the Board of License Commissioners for the performance of their duties shall be:
 - (i) for the chair, \$55 per meeting attended, not to exceed \$1,300 in a fiscal year regardless of the number of meetings attended; and
 - (ii) for each other member of the Board of License Commissioners, \$50 per meeting attended, not to exceed \$1,200 in a fiscal year regardless of the number of meetings attended.
- (d) (1) Personnel needed to carry out the duties of the Hearing Board and the Board of License Commissioners shall be:
 - (i) included in the staff of the County Council; and
 - (ii) supervised by the County Council Administrator.
- (2) (i) The County Police Department shall employ inspectors to assist the Hearing Board and the Board of License Commissioners in carrying out their responsibilities and in enforcing the law.
- (ii) An inspector who investigates a license violation may issue a civil citation as provided in § 10–119 of the Criminal Law Article.
- (iii) The Chief of the County Police Department shall have final selection authority over the hiring of the inspectors.
- (3) An employee of the Hearing Board or the Board of License Commissioners is subject to the public ethics laws of the county.
- (e) (1) The Hearing Board and the Board of License Commissioners shall submit an annual budget request to the County Council not later than January 15 in each year for the ensuing fiscal year.
- (2) The budget request shall include:
 - (i) salaries for the Hearing Board chair and other Hearing Board members;
 - (ii) compensation of personnel assigned to the Hearing Board; and
 - (iii) expenses for office supplies, equipment, and services to carry out the responsibilities of the Hearing Board.
- (3) (i) The County Council shall:
 - 1. review the budget request; and
 - 2. submit a budget for the Hearing Board and the Board of License Commissioners to the County Executive in the amount that the County Council determines is adequate to support the duties and responsibilities of the Hearing Board and the Board of License Commissioners.
- (ii) The County Executive shall include the budget for the Hearing Board and the Board of License Commissioners as submitted by the County Council in the county budget that is prepared in accordance with Article VI of the Howard County Charter.

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§ 23-208

(a) Except as provided in subsection (c) of this section, the Board of License Commissioners shall delegate to the Hearing Board the authority to hold hearings and decide cases involving a license holder.

(b) The Hearing Board shall give the Board of License Commissioners regular and prompt notice of the filing of each:

- (1) application for a license or change in license; and
- (2) petition alleging that a violation of an alcoholic beverages law has occurred.

(c) After giving notice to the Hearing Board and the applicant or license holder, the Board of License Commissioners may exercise original jurisdiction for and hear a case that is before the Hearing Board if the Board of License Commissioners determines that exercising original jurisdiction is desirable and in the public interest.

(d) (1) After the Hearing Board proposes a decision regarding a case before it, a party, another participant in the matter, or another person who would be aggrieved by the decision may request that the Board of License Commissioners hold a hearing and make a final decision.

(2) A person that makes a request to the Board of License Commissioners under this subsection shall:

- (i) make the request in writing;
- (ii) include a copy of the proposed decision and order of the Hearing Board;
- (iii) state the reasons why the person believes that the proposed decision or order is wrong; and
- (iv) send a copy of the request and accompanying materials to all other parties to the case.

(3) If a request is submitted to the Board of License Commissioners, the proposed decision of the Hearing Board is stayed until resolution of the case by the Board of License Commissioners.

(4) After a request for a hearing is submitted to the Board of License Commissioners, any other party to the proceeding may submit to the Board of License Commissioners a response stating why the proposed decision and order by the Hearing Board should be upheld.

(e) (1) After the deadline to file a response to a request for a hearing, the Board of License Commissioners shall:

- (i) schedule a public meeting to decide whether to hear the case; and
- (ii) notify the parties of the meeting date.

(2) The proposed decision of the Hearing Board becomes final if:

- (i) a request for a hearing is not submitted to the Board of License Commissioners on or before the deadline for a request; or
- (ii) the Board decides not to hear the case.

(3) After deciding to hear a case, the Board of License Commissioners shall:

- (i) schedule a de novo hearing at which the Board of License Commissioners may hear witnesses; and
- (ii) notify the parties of the hearing date.

(4) After the close of the hearing record, the Board of License Commissioners shall issue a final decision to the parties.

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§ 23-209

(a) The Board of License Commissioners or the Hearing Board may issue licenses.

(b) The county shall:

- (1) pay from the license fee receipts the salaries and expenses of the Board of License Commissioners; and
- (2) devote the balance of the receipts to the general purposes of the county.

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§ 23-210

(a) The Hearing Board shall:

- (1) propose regulations to enable it to carry out its duties, including the issuance of licenses; and
- (2) submit the proposed regulations to the Board of License Commissioners for approval.

(b) The Board of License Commissioners may adopt regulations to carry out this article.

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§ 23-301

There is no liquor control board or department of liquor control in the county.

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§ 23-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2–201 ("Issuance by Comptroller");
- (2) § 2–202 ("Class 1 distillery license");
- (3) § 2–203 ("Class 9 limited distillery license");
- (4) § 2–204 ("Class 2 rectifying license");
- (5) § 2–205 ("Class 3 winery license");
- (6) § 2–206 ("Class 4 limited winery license");
- (7) § 2–207 ("Class 5 brewery license");
- (8) § 2–210 ("Class 8 farm brewery license");
- (9) § 2–211 ("Residency requirement");
- (10) § 2–212 ("Additional licenses");
- (11) § 2–213 ("Additional fees");
- (12) § 2–214 ("Sale or delivery restricted");
- (13) § 2–216 ("Interaction between manufacturing entities and retailers");
- (14) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and
- (15) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article do not apply in the county:

- (1) § 2–208 ("Class 6 pub–brewery license"); and
- (2) § 2–215 ("Beer sale on credit to retail dealer prohibited").

(c) Section 2–209 ("Class 7 micro–brewery license") of Division I of this article applies in the county, subject to § 23–403 of this subtitle.

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§ 23-402

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 23-403

- (a) The licensed premises for which a Class 7 micro–brewery license is issued may be separate from the restaurant premises for which a Class B beer, wine, and liquor license is issued, but shall be under the same roof.
- (b) The Executive Director may issue the Class 7 micro–brewery license not more than 36 months before the restaurant is complete and the Class B beer, wine, and liquor (on–sale) license is issued.
- (c) If the restaurant does not obtain a Class B beer, wine, and liquor (on–sale) license within 36 months after opening, the Class 7 micro–brewery license is revoked immediately.
- (d) A Class 7 micro–brewery license holder may hold a Class 8 farm brewery license for a premises located in the county.

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§ 23-501

(a) The following sections of Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 2–301 (“Licenses issued by Comptroller”);
 - (2) § 2–302 (“Class 1 beer, wine, and liquor wholesaler’s license”);
 - (3) § 2–303 (“Class 2 wine and liquor wholesaler’s license”);
 - (4) § 2–304 (“Class 3 beer and wine wholesaler’s license”);
 - (5) § 2–305 (“Class 4 beer wholesaler’s license”);
 - (6) § 2–306 (“Class 5 wine wholesaler’s license”);
 - (7) § 2–307 (“Class 6 limited wine wholesaler’s license”);
 - (8) § 2–308 (“Class 7 limited beer wholesaler’s license”);
 - (9) § 2–309 (“Sale and delivery of beer or wine from wholesaler’s vehicle”);
 - (10) § 2–310 (“Sale and delivery to retail license holder”);
 - (11) § 2–311 (“Additional wholesaler’s licenses”);
 - (12) § 2–312 (“Direct importation of alcoholic beverages”);
 - (13) § 2–313 (“Sale or delivery restricted to holder of license or permit”);
 - (14) § 2–315 (“Interaction between wholesaling entities and retailers”);
 - (15) § 2–316 (“Distribution of alcoholic beverages — Prohibited practices”); and
 - (16) § 2–317 (“Restrictive agreements between wholesalers and retailers — Prohibited”).
- (b) Section 2–314 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article does not apply in the county.

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§ 23-502

Except as provided in § 23–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 23-503

- (a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.
- (b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 23-601

- (a) There is a Class A beer license.

- (b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.
- (2) The license holder shall sell the beer in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.
- (c) The annual license fee is \$150.

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§ 23-602

- (a) There is a Class B beer license.
- (b) The license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on- and off-premises consumption.
- (c) The annual license fee is \$150.

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§ 23-603

- (a) There is a Class C beer license.
- (b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on-premises consumption.
- (2) A license may be issued only to a club:
 - (i) that is composed exclusively of members who served in the armed forces of the United States;
 - (ii) that is affiliated with a national organization;
 - (iii) that has at least 75 members who paid dues as required by its national organization in the year immediately preceding the year for which the license is issued;
 - (iv) with at least 75% of its membership consisting of individuals who have resided in the county for at least 2 years immediately preceding the date of the application for the license; and
 - (v) that has maintained a post in the county for at least 3 years immediately preceding the date of the application.
- (c) The annual license fee is \$25.

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§ 23-604

- (a) There is a Class D beer license.
- (b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on- and off-premises consumption.
- (2) A license may not be issued for a drugstore.
- (c) The annual license fee is \$150.

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§ 23-701

- (a) There is a Class A light wine license in the county.
- (b) The license may be issued to a holder of a Class 4 limited winery license.
- (c) (1) The license authorizes the license holder to sell at retail at the place described in the license light wine produced at the winery.
- (2) Light wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (d) The annual license fee is \$50.

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§ 23-801

- (a) There is a Class A beer and light wine license.
- (b) (1) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license.
- (2) The license holder shall sell the beer and light wine in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or light wine is sold.
- (c) The annual license fee is \$175.

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§ 23-802

- (a) There is a Class B beer and light wine license.
- (b) (1) The Board may issue the license for use by a hotel or restaurant.
- (2) The license authorizes the license holder to sell beer and light wine at a hotel or restaurant, at retail, at the place described in the license, for on- and off-premises consumption.
- (c) The annual license fee is \$175.

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§ 23-803

- (a) There is a Class C beer and wine 6-day license.
- (b) (1) The Board may issue the license for use by a club that has held regular meetings at an established headquarters for 1 year before the application for the license is made.
- (2) The license authorizes the license holder to sell beer and wine to a member of a club and guests of members, at retail, at the place described in the license, for on-premises consumption.
- (c) The annual license fee is \$150.
- (d) The holder of the license may purchase a Sunday permit for an additional annual fee of \$75.

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§ 23-804

- (a) There is a Class D beer and light wine license.
- (b) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license, for on- and off-premises consumption.
- (c) The license may not be issued for use by a drugstore.
- (d) The annual license fee is \$175.

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§ 23-901

- (a) There are:
 - (1) a Class A-1 beer, wine, and liquor 7-day license; and
 - (2) a Class A-2 beer, wine, and liquor 6-day license.
- (b) (1) A license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.
- (2) The license holder shall sell the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (c) A license under this section may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fees are:

(1) \$900 for a Class A–1, 7–day license; and

(2) \$700 for a Class A–2, 6–day license.

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§ 23-902

(a) There is a Class B beer, wine, and liquor license.

(b) The Board may issue the license to the owner of a hotel that:

(1) is in a building at least three stories tall that was originally constructed for hotel purposes;

(2) has a capital investment of at least \$500,000; and

(3) contains:

(i) at least one passenger elevator;

(ii) at least 100 rooms to accommodate the public; and

(iii) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating.

(c) The license authorizes the license holder to sell at a hotel or restaurant at the place described in the license:

(1) beer, wine, and liquor at retail for on–premises consumption; and

(2) beer, wine, and liquor in sealed containers for off–premises consumption only to a person who has purchased prepared food from the licensed premises.

(d) (1) The license holder may not display or provide shelving for beer, wine, or liquor for off–premises sales in areas of the establishment that are accessible to the public.

(2) Off–sale alcoholic beverages receipts collected under the license shall be included in the calculation of average daily receipts from the sale of alcoholic beverages in a restaurant under § 1–101 of this article.

(3) The license holder may sell beer, wine, and liquor for off–premises consumption only when the licensed premises is open for business as a hotel or restaurant.

(e) The Board may limit the quantity of alcoholic beverages sold in a single transaction for off–premises consumption under the license.

(f) The Executive Director may issue one Class 8 farm brewery license and one Class 7 micro–brewery license to a license holder that holds not more than five Class B and six Class BLX beer, wine, and liquor licenses.

(g) The annual license fee is \$1,000.

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§ 23-903

(a) There is a Class BLX beer, wine, and liquor license.

(b) The Board may issue the license to:

(1) a holder of:

(i) a Class B (on–sale) beer, wine, and liquor license; or

(ii) a Class BLX beer, wine, and liquor license; or

(2) an applicant that does not hold another alcoholic beverages license.

- (c) (1) The Board may issue the license only for use in a restaurant:
 - (i) that has a minimum capital investment of \$750,000 for restaurant facilities, not including the cost of land or buildings;
 - (ii) for which construction began on or after July 1, 1992; and
 - (iii) that has seating for at least 125 individuals.
- (2) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 23-2004(c) of this title.
- (e) The annual license fee is \$2,000.

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§ 23-904

- (a) There is a 7-day Class C beer, wine, and liquor license.
- (b) The license authorizes the license holder to sell beer, wine, and liquor at retail for on-premises consumption at the place described in the license.
- (c) The Board shall determine the annual license fee.

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§ 23-905

- (a) There is:
 - (1) a Class D beer, wine, and liquor (on-sale) 6-day license;
 - (2) a Class D beer, wine, and liquor (on-sale) 7-day license;
 - (3) a Class D beer, wine, and liquor (on- and off-sale) 6-day license; and
 - (4) a Class D beer, wine, and liquor (on- and off-sale) 7-day license.
- (b) (1) An on-sale license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on-premises consumption.
- (2) An on- and off-sale license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on- and off-premises consumption.
- (c) The license may not be issued for use by a drugstore.
- (d) (1) Before the initial issuance of a license under subsection (a)(4) of this section, the owner shall attest in a sworn statement that gross receipts from food sales will be at least equal to 20% of the gross receipts from the sale of food and alcoholic beverages.
- (2) Before each renewal of a license issued under subsection (a)(4) of this section, the owner shall attest in a sworn statement that the gross receipts from food sales for the 12-month period immediately preceding the application for renewal were at least equal to 20% of the gross receipts from the sale of food and alcoholic beverages.
- (e) The annual license fees are:
 - (1) \$600 for a 6-day (on-sale) license;
 - (2) \$1,000 for a 7-day (on-sale) license;
 - (3) \$800 for a 6-day (on- and off-sale) license; and
 - (4) \$1,000 for a 7-day (on- and off-sale) license.

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§ 23-1001

- (a) There is a Class C (conference center) beer, wine, and liquor license.

(b) The Board may issue the license for use by a conference center or to its owner, whether or not operated for profit, that has:

(1) at least 7,000 square feet of conference area; and

(2) accommodations, equipment, and facilities designed for holding meetings, seminars, and conferences.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 23–2004 of this title.

(e) The annual license fee is \$700.

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§ 23-1002

(a) There is a Class C (continuing care retirement community) beer, wine, and liquor license.

(b) The Board may issue the license for use by a continuing care retirement community that:

(1) has obtained a certificate of registration from the Department of Aging under Title 10, Subtitle 4 of the Human Services Article; and

(2) operates only for the use of its residents and guests of the community.

(c) The license authorizes the license holder to sell beer, wine, and liquor to a resident or a guest of the community for on-premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 23–2004 of this title.

(e) The annual license fee is \$250.

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§ 23-1003

(a) There is a Class C (country club) license.

(b) The Board may issue the license for use by a country club or to its owner, whether or not operated for profit, that has:

(1) an annual limited membership; and

(2) when the license is issued, a regular or championship golf course of 18 holes adjacent to the establishment for which a license is sought and other club facilities.

(c) The license authorizes the license holder to sell beer, wine, and liquor at the place described in the license for on-premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 23–2004 of this title.

(e) The annual license fee is \$1,500.

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§ 23-1004

(a) There is:

(1) a Class GC (golf course) beer and light wine license; and

(2) a Class GC (golf course) beer, wine, and liquor license.

(b) The Board may issue the license to an organization that owns or manages a golf course with at least 18 holes.

(c) (1) The license authorizes the license holder to sell the alcoholic beverages specified on the license for on-premises consumption.

(2) The Board may place conditions on the location of sales and consumption, including:

- (i) prohibiting the sale and consumption of liquor on specified areas of premises with a Class GC (golf course) beer, wine, and liquor license; and
- (ii) allowing the sale and consumption of only beer and light wine on specified areas of the premises with a Class GC (golf course) beer, wine, and liquor license.
- (3) If the Board determines that circumstances warrant, the Board may restrict the sale of alcoholic beverages to beer and light wine on premises for which a Class GC (golf course) beer, wine, and liquor license is issued.
- (d) (1) Except as provided in paragraph (2) of this subsection:
 - (i) the holder of a Class GC (golf course) beer and light wine license may sell beer and light wine on Monday through Sunday, from 6:30 a.m. to 2 a.m. the following day; and
 - (ii) the holder of a Class GC (golf course) beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6:30 a.m. to 2 a.m. the following day.
- (2) The Board may reduce the hours and days of sale for all or part of the licensed premises.
- (e) The annual license fee is:
 - (1) \$350 for a Class GC (golf course) beer and light wine license; and
 - (2) \$1,500 for a Class GC (golf course) beer, wine, and liquor license.

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§ 23-1005

- (a) There is a Class C (police officers' local affiliate) license.
- (b) (1) The Board may issue the license for use by a local affiliate of an international organization of police officers that:
 - (i) has at least 100 dues paying members; and
 - (ii) charges each member at least \$15 a month in dues.
- (2) The local affiliate shall operate the clubhouse where the license is in effect only for its own members and their guests.
- (c) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption to members of the local affiliate and guests accompanied by members.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 23-2004 of this title.
- (e) The annual license fee is \$500.

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§ 23-1006

- (a) There is a racetrack license.
- (b) The Board may issue the license to the owner of a regularly licensed racing establishment, whether an individual, an association of individuals, or a corporation.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at one or more locations on the premises of the license holder's racing park.
- (d) The license fee is \$1,000 for each calendar year, payable to the County Director of Finance.

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§ 23-1007

- (a) There is a Class C (veterans' club) license.
- (b) (1) The Board may issue the license for use by a club that:
 - (i) is composed exclusively of members who served in the armed forces of the United States;
 - (ii) is affiliated with a national organization; and

(iii) has at least 75 members who have paid the dues required by its national organization in the year immediately preceding the year for which the license is sought.

(2) For the license to be issued:

(i) at least 75% of the members of the club shall have resided in the county for at least 2 years immediately preceding the date of application for the license; and

(ii) the club shall have maintained a post in the county for at least 3 years preceding the date of the application.

(c) The license authorizes the license holder to sell at retail at the place described in the license beer, wine, and liquor to members of the club and guests accompanied by members for on-premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 23-2004 of this title.

(e) The annual license fee is \$250.

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§ 23-1101

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4-1104 ("Refillable container permit — Draft beer"), subject to § 23-1102 of this subtitle;

(2) § 4-1105 ("Refillable container permit — Wine"), subject to § 23-1103 of this subtitle; and

(3) § 4-1106 ("Nonrefillable container permit — Draft beer"), subject to § 23-1104 of this subtitle.

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§ 23-1102

(a) The Board may issue a refillable container permit for draft beer to a holder of any class of license except a Class C license and a Class GC license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) There is no fee for the permit.

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§ 23-1103

(a) The Board may issue a refillable container permit for wine to a holder of any class of license except a Class C license and a Class GC license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) There is no fee for the permit.

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§ 23-1104

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of any class of license except a Class C license and a Class GC license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) There is no fee for the permit.

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§ 23-1301

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-1202 ("Per diem licenses");
- (2) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine licenses");
- (3) § 4-1204 ("Class C per diem beer, wine, and liquor license");
- (4) § 4-1206 ("License to dispose of stock");
- (5) § 4-1207 ("Temporary move of licensed premises");
- (6) § 4-1208 ("Hours and days of sale"); and
- (7) § 4-1209 ("Wine permit for fund-raising event").

(b) Section 4-1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 23-1312 of this subtitle.

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§ 23-1304

(a) There is a beer festival license.

(b) The Board may issue the license to a holder of a retail license, a Class 5 brewery license, a Class 7 micro-brewery license, or a Class 8 farm brewery license.

(c) The license authorizes the holder to display and sell beer.

(d) A license holder shall display and sell beer:

- (1) at retail for on- and off-premises consumption; and
- (2) during the hours and days designated for the beer festival.

(e) The Board shall:

- (1) choose 1 weekend each year for the festival;
- (2) choose a location that is not already licensed; and
- (3) ensure that the primary focus of the festival is the promotion of Maryland beer.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is \$50 for a 1-day or 2-day festival.

(h) The Board shall adopt regulations to carry out this section.

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§ 23-1305

(a) There is a wine festival (WF) license.

(b) The Board may issue the license to a holder of a retail license that authorizes the holder to sell wine, a Class 3 winery license, or a Class 4 limited winery license.

(c) The license authorizes the holder to display and sell wine that is produced and processed in the State.

(d) A license holder shall display and sell wine:

- (1) at retail for on- and off-premises consumption; and
- (2) during the hours and days designated for the wine festival.

(e) (1) Subject to paragraph (3) of this subsection, the Board shall choose 1 weekend each year for the wine festival.

(2) The Board shall choose a location that is not already licensed.

(3) The weekend chosen for the wine festival may not conflict with the dates chosen for the:

- (i) Anne Arundel County Beer and Wine Festival;
- (ii) Baltimore County Wine Festival;
- (iii) Cumberland and Shenandoah Valley Wine Festival in Washington County; or
- (iv) Maryland Wine Festival in Carroll County.

(f) The license fee is \$15.

(g) The Board shall adopt regulations to carry out this section.

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§ 23-1306

(a) There is a wine sampling (WS) license.

(b) The Board may issue the license to a nonprofit organization.

(c) (1) The license authorizes the on-premises consumption of wine for sampling:

(i) on premises for which a Class B license has been issued with authorization of the holder of the license for the premises; or

(ii) at a location that is not already licensed.

(2) The license holder may carry wine onto the premises for wine sampling with the authorization of the owner or holder of the Class B license.

(d) The nonprofit organization shall apply for the license at least 15 days before the license is issued.

(e) The Board may issue not more than 12 licenses in a license year to a single nonprofit organization.

(f) The license holder may serve a quantity of not more than 2 ounces from each offering to an individual.

(g) The license fee is \$15 per day.

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§ 23-1307

(a) There is a beer and wine tasting (BWT) license.

(b) The Board may issue the license to a holder of a Class A beer, wine, and liquor (BWL) license or Class A beer and wine (BW) license.

(c) The license authorizes the holder to allow the on-premises consumption, for tasting, of:

(1) beer; or

(2) wine containing not more than 15.5% of alcohol by volume.

(d) A license holder may serve:

(1) wine in a quantity of not more than 2 ounces from each offering and not more than 8 ounces from all offerings to an individual in a day; or

(2) beer in a quantity of not more than 6 ounces from each offering and not more than 16 ounces from all offerings to an individual in a day.

(e) In addition to the fee of any other alcoholic beverages license, the annual license fee is \$100.

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§ 23-1308

(a) There is a beer, wine, and liquor tasting (BWLTL) license.

(b) The Board may issue the license to a holder of a Class A beer, wine, and liquor (BWL) license.

(c) The license authorizes the holder to allow the on-premises consumption, for tasting, of:

(1) beer;

(2) wine containing not more than 15.5% of alcohol by volume; or

(3) liquor.

(d) A license holder may serve:

(1) wine in a quantity of not more than 2 ounces from each offering and not more than 8 ounces from all offerings to an individual in a day;

(2) beer in a quantity of not more than 6 ounces from each offering and not more than 16 ounces from all offerings to an individual in a day; or

(3) liquor in a quantity of not more than 1/2 ounce from each offering and not more than 2 ounces from all offerings to an individual in a day.

(e) In addition to any other alcoholic beverages license fee, the annual license fee is \$100.

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§ 23-1309

(a) In this section, “educational event” means an event at which a speaker provides instruction on how to develop a foundation of alcoholic beverages knowledge, including:

(1) styles of beer, wine, and liquor;

(2) methods of tasting beer, wine, and liquor;

(3) pairing food and beer, wine, and liquor; and

(4) serving, storing, and buying beer, wine, and liquor.

(b) The Board may issue:

(1) an educational event beer and wine tasting (BWT) license; and

(2) an educational event beer, wine, and liquor tasting (BWLTL) license.

(c) (1) An educational event BWT license may be issued to a holder of:

(i) a Class A beer and wine license; or

(ii) a Class A beer, wine, and liquor license.

(2) An educational event BWLTL license may be issued to a holder of a Class A beer, wine, and liquor license.

(d) (1) An educational event BWT license authorizes the on–premises consumption, for tasting or sampling, of:

(i) beer; or

(ii) wine containing not more than 15.5% of alcohol by volume.

(2) An educational event BWLTL license:

(i) has the privileges of a BWT license set out in paragraph (1) of this subsection; and

(ii) authorizes the on–premises consumption, for tasting or sampling, of liquor.

(3) (i) An educational event BWT license and educational event BWLTL license authorize the license holder to provide alcoholic beverages from the license holder’s inventory to a consumer who has preregistered for an educational event.

(ii) The alcoholic beverages may be provided at a prorated charge that covers the cost of the educational event, including alcoholic beverages, snacks, and a speaker.

(e) (1) A holder of an educational event BWT license may not serve:

(i) wine in a quantity of more than 1 ounce from any individual brand and more than 6 ounces in the aggregate to any one individual in a single day; or

(ii) beer in a quantity of more than 2 ounces from any individual brand and more than 6 ounces in the aggregate to any one individual in a single day.

(2) A holder of an educational event BWLTL license:

- (i) is subject to the prohibitions set out in paragraph (1) of this subsection; and
 - (ii) may not serve liquor in a quantity of more than 1/2 ounce from any individual brand and not more than 3 ounces in the aggregate to any one individual in a single day.
- (f) In addition to the fee for any other license, the annual fees are:
- (1) \$100 for an educational event BWT license; and
 - (2) \$100 for an educational event BWLT license.

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§ 23-1312

The fee for a Class C per diem beer license, a Class C per diem beer and light wine license, and a Class C beer, wine, and liquor license is \$15 per day.

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§ 23-1313

- (a) In this section, "entertainment venue" means a facility that is used as a cinema, theater, amphitheater, concert hall, or sports stadium.
- (b) There is a Class C per diem entertainment venue beer, wine, and liquor license.
- (c) The Board may issue the Class C per diem license to the holder of a Class C beer, wine, and liquor license for use in an entertainment venue that measures at least 200,000 square feet.
- (d) (1) The Class C per diem license authorizes the license holder to sell beer, wine, and liquor on an immediately adjacent licensed premises for consumption on the premises of the holder of the per diem license and on the adjacent licensed premises.
- (2) License holders are responsible for:
- (i) all sale and consumption under their control or on their premises; and
 - (ii) compliance with all applicable provisions of this article and local laws and regulations.
- (e) The Board may not issue the per diem license unless the property owner of the adjacent licensed premises provides the Board with a statement authorizing the use of the licensed premises.
- (f) The license holder may sell beer, wine, and liquor Monday through Sunday from 10 a.m. to 11 p.m.
- (g) The Board shall determine the license fee.

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§ 23-1314

- (a) In this section, "entertainment venue" means a facility that is used as a cinema, theater, amphitheater, concert hall, or sports stadium.
- (b) There is a Class D per diem entertainment venue beer, wine, and liquor license.
- (c) The Board may issue the Class D per diem license to the holder of a Class D beer, wine, and liquor license for use in an entertainment venue that measures at least 200,000 square feet.
- (d) (1) The Class D per diem license authorizes the license holder to sell beer, wine, and liquor on an immediately adjacent licensed premises for consumption on the premises of the holder of the per diem license and on the adjacent licensed premises.
- (2) License holders are responsible for:
- (i) all sale and consumption under their control or on their premises; and
 - (ii) compliance with all applicable provisions of this article and local laws and regulations.
- (e) The Board may not issue the per diem license unless the property owner of the adjacent licensed premises provides the Board with a statement authorizing the use of the licensed premises.

(f) The license holder may sell beer, wine, and liquor Monday through Sunday from 10 a.m. to 11 p.m.

(g) The Board shall determine the license fee.

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§ 23-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–102 ("Applications to be filed with local licensing board");

(2) § 4–106 ("Payment of notice expenses");

(3) § 4–108 ("Application form required by Comptroller");

(4) § 4–111 ("Payment of license fees");

(5) § 4–112 ("Disposition of license fees");

(6) § 4–113 ("Refund of license fees"); and

(7) § 4–114 ("Fees for licenses issued for less than 1 year").

(b) Section 4–110 ("Required information on application — Petition for support") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:

(1) § 4–103 ("Application on behalf of partnership"), subject to § 23–1403.1 of this subtitle;

(2) § 4–104 ("Application on behalf of corporation or club"), subject to § 23–1404 of this subtitle;

(3) § 4–105 ("Application on behalf of limited liability company"), subject to § 23–1404 of this subtitle;

(4) § 4–107 ("Criminal history records check"), subject to §§ 23–1402, 23–1403, and 23–1408 of this subtitle; and

(5) § 4–109 ("Required information on application — In general"), subject to §§ 23–1403.1, 23–1404, and 23–1407 of this subtitle.

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§ 23-1402

(a) The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

(b) The Board may obtain criminal history record information on license applicants and their agents from county police.

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§ 23-1403

The Board shall destroy the criminal history record information obtained under § 4–107 of this article or § 23–1805 of this title on completion of the application process.

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§ 23-1404

(a) Except as provided in subsections (c) and (d) of this section, at least one of the applicants for a new license for a corporation or limited liability company shall certify that as long as the applicant is the holder of the license, the applicant shall:

(1) own at least 10% of the stock in the corporation or interest in the limited liability company; or

(2) (i) serve as the manager or supervisor of the corporation or limited liability company; and

(ii) be physically present on a full-time basis at the licensed premises of the corporation or limited liability company to conduct the daily business involving transactions concerning alcoholic beverages sales.

(b) Except as provided in subsection (c) of this section, applicants for a license for a corporation or limited liability company shall submit:

(1) an executed copy of the articles of incorporation or articles of organization; and

(2) a schedule that states:

(i) the name, address, and percentage of stock held by each stockholder holding at least 5% of the stock of a corporation; or

(ii) the name, address, and percentage of interest held by each member holding at least 5% interest in a limited liability company.

(c) (1) (i) The stock or interest requirements established under subsection (a) of this section do not apply to a corporation or limited liability company in which:

1. the stock of the corporation or interest in the limited liability company is authorized for sale by the United States Securities and Exchange Commission; or

2. a majority of the stock of the corporation or interest in the limited liability company is owned or controlled directly or indirectly by one or more corporations or limited liability companies whose stock or interest is authorized for sale by the United States Securities and Exchange Commission.

(ii) A corporation or limited liability company provided for in subparagraph (i) of this paragraph shall maintain one applicant as a manager or supervisor physically present on a full-time basis at the licensed premises to conduct the daily business involving transactions concerning alcoholic beverages sales.

(2) The schedule requirement established under subsection (b) of this section does not apply to:

(i) a corporation whose stock is authorized for sale by the United States Securities and Exchange Commission; or

(ii) a limited liability company whose interest is authorized for sale by the United States Securities and Exchange Commission.

(d) (1) The requirements under subsection (a) of this section do not apply to an application for or renewal of a Class C (continuing care retirement community) beer, wine, and liquor license by a nonprofit organization if the manager or supervisor of the continuing care retirement community:

(i) is identified on the application;

(ii) receives alcohol awareness training from an approved alcohol awareness training program; and

(iii) is physically present at the continuing care retirement community on a full-time basis.

(2) A continuing care retirement community license shall be issued to:

(i) a manager or supervisor; and

(ii) two officers, one of whom shall be a resident of the State at the time the application is filed.

(e) An individual who is a resident of the State meets the residency requirements under §§ 4–104 and 4–105 of this article.

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§ 23-1405

(a) An applicant for a license in the county shall include on the application:

(1) a statement whether the applicant is a natural-born citizen or a naturalized citizen; or

(2) if the applicant is not a natural-born citizen or a naturalized citizen, information or documentation required by the Board to show proof of immigration status.

(b) The Board may obtain information from the Social Security Administration and the Department of Homeland Security – Immigration and Customs to verify the citizenship or immigration status of the applicant.

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§ 23-1407

- (a) At least one of the applicants for a license shall be a resident of the State.
- (b) In the determination of the Board, each applicant shall:
 - (1) be of good character; and
 - (2) include the following information with the application:
 - (i) a statement that the applicant is at least 18 years old; and
 - (ii) a checklist and police consent form.
- (c) The Board may waive the residency requirement for an applicant if the applicant:
 - (1) is the purchaser of a business already in operation; or
 - (2) has owned the premises for which a license is sought for at least 2 years immediately preceding the filing of the application.

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§ 23-1408

The Board shall make criminal history record information in its possession available only to members, clerks, administrators, and inspectors of the Board and to members, clerks, administrators, and inspectors of the County Alcoholic Beverage Hearing Board.

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§ 23-1501

- (a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:
 - (1) § 4-205 ("Chain store, supermarket, or discount house");
 - (2) § 4-206 ("Limitations on retail sales floor space");
 - (3) § 4-207 ("Licenses issued to minors");
 - (4) § 4-209 ("Hearing");
 - (5) § 4-211 ("License forms; effective date; expiration"); and
 - (6) § 4-213 ("Replacement licenses").
- (b) (1) Section 4-208 ("Notice of license application required") of Division I of this article does not apply in the county and is superseded by § 23-1505 of this subtitle.
- (2) Section 4-214 ("Waiting periods after denial of license applications") of Division I of this article does not apply in the county and is superseded by § 23-1507 of this subtitle.
- (c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:
 - (1) § 4-202 ("Authority of local licensing boards"), subject to § 23-1502 of this subtitle;
 - (2) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 23-1504 of this subtitle;
 - (3) § 4-204 ("Prohibition against issuing multiple licenses for same premises"), subject to Subtitle 13, Part III and Subtitle 16, Part II of this title;
 - (4) § 4-210 ("Approval or denial of license application"), subject to § 23-1509 of this subtitle; and
 - (5) § 4-212 ("License not property"), in addition to § 23-1506 of this subtitle.

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§ 23-1502

The Board may not issue a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license to a person that holds an out-of-state alcoholic beverages license.

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§ 23-1503

In determining whether to approve an application for any new Class A license, the Hearing Board shall include in its written decision findings as to:

- (1) each of the factors set forth under § 4–210(a) of this article; and
- (2) the consideration of the avoidance of the overconcentration of licenses in neighborhoods, particularly neighborhoods of poverty, as required under § 23–1509 of this subtitle.

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§ 23-1504

Unless otherwise expressly authorized by this article, a person may not have an interest in more than one license issued by the Board, regardless of whether that interest is held or controlled by direct or indirect ownership, stock ownership, interlocking directors or interlocking stock ownership, or any other direct or indirect manner.

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§ 23-1505

(a) The applicant shall post a hearing notice for at least 15 days before the hearing on an application for:

- (1) a new license;
- (2) a change in the class of a license;
- (3) an extension of the licensed premises;
- (4) except as provided in subsection (e) of this section, a change of resident agent;
- (5) a transfer of a license; or
- (6) a transfer of location.

(b) (1) The applicant shall:

- (i) post the hearing notice required in subsection (a) of this section at the location described in the application;
- (ii) take a photograph of the hearing notice posted in accordance with subparagraph (i) of this paragraph; and
- (iii) send the photograph of the hearing notice to the Board before the hearing on the application.

(2) The hearing notice required in subsection (a) of this section shall include:

- (i) the name of the applicant;
- (ii) the type of license for which the application is made;
- (iii) the location described in the application; and
- (iv) the date, time, and place set by the Board for a hearing on the application.

(c) (1) The Board shall post a hearing notice on the Board's website for at least 15 days before the hearing on an application.

(2) The hearing notice required in paragraph (1) of this subsection shall include:

- (i) the name of the applicant;
- (ii) the type of license for which the application is made;
- (iii) the location described in the application; and
- (iv) the date, time, and place set by the Board for a hearing on the application.

(d) (1) The Board shall provide the hearing notice required in subsection (c) of this section to the Howard County Office of Public Information at least 15 days before the hearing on an application.

(2) The Howard County Office of Public Information shall post the hearing notice in the same manner as other public meeting notices.

- (e) (1) A hearing on an application for a change of resident agent is not required if the applicant:
- (i) is seeking to be a resident agent for the same license for which the applicant is a license holder; and
 - (ii) has previously appeared and been approved at a nonviolation hearing for the same license before the Board of License Commissioners or the Appointed Alcoholic Beverage Hearing Board.
- (2) The Board may hold a hearing under paragraph (1) of this subsection if the Board determines there is good cause for the hearing.

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§ 23-1506

A license is not:

- (1) subject to a writ of execution by a judgment creditor of a license holder; or
- (2) subject to a distraint for rent.

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§ 23-1507

- (a) If a license application is denied, another license application from the same applicant or for the same location may not be considered for 1 year after the denial.
- (b) If a subsequent license application by the same applicant or for the same location is denied within a 2-year period after the first denial, another application may not be considered from that applicant or for that location until the 2-year period expires.

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§ 23-1508

- (a) The Board may give tentative approval to issuing a license for an establishment that is not completed, based on the plans and specifications that accompany the application.
- (b) The Board may give final approval of a license application under this section on completion of the establishment in accordance with the plans and specifications.

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§ 23-1509

Before the Board or the Hearing Board issues a license, the Board or the Hearing Board shall give particular consideration to the avoidance of the overconcentration of licenses in neighborhoods, particularly neighborhoods of poverty.

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§ 23-1601

- (a) This section does not apply to a Class A license issued for use in an existing shopping center or in a proposed shopping center development for which a building permit has been issued that contains 200,000 or more square feet of commercial retail space.
- (b) (1) The Board may issue up to six Class A licenses in each election district in the county.
- (2) Notwithstanding paragraph (1) of this subsection, the Board may issue more than six Class A licenses in an election district, provided that the total number of Class A licenses in any election district does not exceed one Class A license of any type for every 4,000 residents of the election district, as determined by the latest federal census.

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§ 23-1602

(a) (1) Subject to subsection (b) of this section, the Board may not issue:

- (i) a Class B license for a restaurant that is within 400 feet of the nearest point of a public school building; or

- (ii) any other license for an establishment that is within 500 feet of the nearest point of a public school building.
- (2) A decision of the County Board of Education to locate a public school building within 500 feet of the premises of a license holder may not be the basis to revoke or deny the renewal or transfer of the license.
- (b) For a license issued on or before June 30, 1971, the Board may renew the license or approve the transfer of the license to a new license holder for the same establishment and type of license.

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§ 23-1603

The Board may not issue any license with an off-sale privilege for use in a business that is intended to be operated as a drive-through sales facility at which alcoholic beverages are:

- (1) sold at retail; and
- (2) dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

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§ 23-1606

(a) (1) Subject to subsections (b) and (c) of this section, the Board may issue to an individual or for the use of a person one of the following groups of licenses but not both:

- (i) one Class D (on- and off-sale) beer, wine, and liquor license, five Class B (on-sale) beer, wine, and liquor licenses, and six Class BLX (luxury restaurant)(on-sale) beer, wine, and liquor licenses; or
- (ii) one Class D (on- and off-sale) beer, wine, and liquor license and eight Class BLX (luxury restaurant)(on-sale) beer, wine, and liquor licenses.

(2) The licenses specified in paragraph (1) of this subsection are for separate premises.

(b) A person may not have a direct or indirect interest in any combination of more than one Class D and nine Class B and Class BLX licenses.

(c) For purposes of this section, an indirect interest is presumed to exist between two persons if both:

- (1) have a common parent company;
- (2) are linked by a franchise agreement, licensing agreement, or a concession agreement;
- (3) are part of a chain of businesses commonly owned and operated;
- (4) share:
 - (i) directors, stockholders, partners, or members; or
 - (ii) directors, stockholders, partners, or members of parents or subsidiaries;
- (5) share, directly or indirectly, profit from the sale of alcoholic beverages; or
- (6) share a common trade name, trademark, logo, or theme, or mode of operation identifiable by the public.

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§ 23-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

- (1) § 4-303 ("Chain store, supermarket, or discount house");
- (2) § 4-304 ("Compliance with Bulk Transfers Act required"); and
- (3) § 4-305 ("Filing fees and endorsement").

(b) Section 4-306 ("Substitution of names of officers on license") of Division I of this article does not apply in the county and is superseded by § 23-1705 of this subtitle.

(c) Section 4-302 ("Transfer of place of business; transfer of license and inventory") of Division I of this article applies in the county, subject to § 23-1702 of this subtitle.

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§ 23-1702

The Board may not allow the transfer of a license unless all State and local personal property taxes owed by the transferor are paid.

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§ 23-1703

(a) Except as provided in subsection (c) of this section, at least one of the applicants for the transfer of a license for a corporation or limited liability company shall certify that as long as the applicant is the holder of the license, the applicant shall:

- (1) own at least 10% of the stock in the corporation or interest in the limited liability company; or
- (2) (i) serve as the manager or supervisor of the corporation or limited liability company; and
(ii) be physically present on a full-time basis at the licensed premises of the corporation or limited liability company to conduct the daily business involving transactions concerning alcoholic beverages sales.

(b) Except as provided in subsection (c) of this section, applicants for a license for a corporation or limited liability company shall submit:

- (1) an executed copy of the articles of incorporation or articles of organization; and
- (2) a schedule that states:
 - (i) the name, address, and percentage of stock held by each stockholder holding at least 5% of the stock of a corporation; or
 - (ii) the name, address, and percentage of interest held by each member holding at least 5% interest in a limited liability company.

(c) (1) (i) The stock or interest requirements established under subsection (a) of this section do not apply to a corporation or limited liability company in which:

1. the stock of the corporation or interest in the limited liability company is authorized for sale by the United States Securities and Exchange Commission; or
2. a majority of the stock of the corporation or interest in the limited liability company is owned or controlled directly or indirectly by one or more corporations or limited liability companies whose stock or interest is authorized for sale by the United States Securities and Exchange Commission.

(ii) A corporation or limited liability company provided for in subparagraph (i) of this paragraph shall maintain one applicant as a manager or supervisor physically present on a full-time basis at the licensed premises to conduct the daily business involving transactions concerning alcoholic beverages sales.

(2) The schedule requirement established under subsection (b) of this section does not apply to:

- (i) a corporation whose stock is authorized for sale by the United States Securities and Exchange Commission; or
- (ii) a limited liability company whose interest is authorized for sale by the United States Securities and Exchange Commission.

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§ 23-1704

(a) On receipt of an application for a transfer of a license, the Board shall:

- (1) schedule a public hearing; and
- (2) post a notice of the hearing on the premises described in the application.

(b) The notice required under subsection (a) of this section shall:

- (1) be posted by the inspector with the cooperation of the applicant; and
- (2) remain posted for at least 15 days before the hearing.

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§ 23-1705

(a) (1) Subject to paragraph (2) of this subsection, for a license issued for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

- (i) has died;
- (ii) has retired; or
- (iii) no longer holds an office in the corporation or club.

(2) A substitute officer shall be an individual approved by the Board who meets all the requirements applicable to the original officer.

(b) The license holder shall file an affidavit with the Board that contains:

- (1) the substitution of the officer; and
- (2) an explanation for the substitution.

(c) On receipt of the affidavit and payment of a \$5 fee, the Board shall:

- (1) amend its records; and
- (2) issue a corrected license.

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§ 23-1706

The Board may not transfer an off-sale license for use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

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§ 23-1801

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-402 ("Eligibility for renewal; process");
- (2) § 4-403 ("Renewal application");
- (3) § 4-405 ("Contents of renewal application");
- (4) § 4-406 ("Protests");
- (5) § 4-407 ("Denial of renewal application");
- (6) § 4-408 ("Issuance of renewed licenses");
- (7) § 4-409 ("Multiple licenses"); and
- (8) § 4-410 ("Chain store, supermarket, or discount house").

(b) Section 4-404 ("Filing period for renewal application") of Division I of this article applies in the county, subject to § 23-1802 of this subtitle.

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§ 23-1802

If a license holder fails to file a license renewal application by April 1 of each year, the Board shall:

- (1) consider the license to be expired as of its termination date; or
- (2) impose a penalty on the license holder of \$50 for each day the application is late.

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§ 23-1803

Notwithstanding § 23–1502 of this title, the Board may renew a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license originally issued to a holder of an out-of-state alcoholic beverages license.

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§ 23-1804

Notwithstanding § 23–1504 of this title, a person who has an interest in more than one license may renew the licenses.

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§ 23-1805

The requirement for a criminal history records check under § 4–107 of this article applies to applicants for license renewal.

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§ 23-1901

(a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–502 (“Storage of alcoholic beverages”);
- (2) § 4–503 (“Solicitations and sales outside of licensed premises”);
- (3) § 4–506 (“Evidence of purchaser’s age”); and
- (4) § 4–508 (“Display of license”).

(b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county:

- (1) § 4–504 (“Employment of underage individuals”), subject to § 23–1902 of this subtitle;
- (2) § 4–505 (“Alcohol awareness program”), subject to § 23–1903 of this subtitle; and
- (3) § 4–507 (“Retail delivery of alcoholic beverages”), subject to § 23–1904 of this subtitle.

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§ 23-1902

(a) A holder of a Class A, Class B, or Class C license may employ an individual who is at least 18 years old to sell or serve alcoholic beverages.

(b) A holder of a Class D license may employ an individual who is at least 18 years old to sell or serve beer and wine.

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§ 23-1903

(a) (1) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

- (i) be certified by an approved alcohol awareness program; and
- (ii) except as provided in paragraph (2) of this subsection, be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(2) The license holder or individual specified in paragraph (1) of this subsection may be absent from the licensed premises for a personal or business reason or an emergency if the absence lasts for not more than 2 hours.

(3) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(b) A license holder who violates this section is subject to:

- (1) for a first offense, a \$100 fine; and

(2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

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§ 23-1904

(a) (1) The holder of a Class A or Class D license or an employee of the license holder may deliver alcoholic beverages only within the county.

(2) An employee making a delivery shall meet the age requirements of § 23-1902 of this subtitle.

(b) The deliverer and individual receiving the delivery shall, at the time of delivery, endorse a delivery form that the Board approves, certifying that:

(1) the individual receiving the delivery claimed to be at least 21 years old and the claim was supported by documentary evidence;

(2) the individual receiving the delivery knew that it is a criminal offense for alcoholic beverages to be given to an individual under the age of 21 years; and

(3) the deliverer examined the recipient's identification.

(c) A license holder or an employee of a license holder may not make a retail delivery of alcoholic beverages unless the purchaser:

(1) or another individual at least 21 years old designated by the purchaser, is physically present to receive the alcoholic beverages at the time and place of delivery; and

(2) pays for the purchase at the time of the order.

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§ 23-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 23-2002

(a) Except as otherwise provided by the Board:

(1) a holder of a 6-day Class A beer license may sell beer on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) a holder of a 7-day Class A beer license may sell beer on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) (1) Except as otherwise provided by the Board and subject to paragraph (2) of this subsection, a holder of a Class B beer license may sell beer on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer at a bar or counter on Sunday.

(c) (1) Except as otherwise provided by the Board and subject to paragraph (2) of this subsection, a holder of a Class C beer license may sell beer on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer at a bar or counter on Sunday.

(d) Except as otherwise provided by the Board:

(1) a holder of a 6-day Class D beer license may sell beer on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) a holder of a 7-day Class D beer license may sell beer on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

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§ 23-2003

(a) Except as otherwise restricted by the Board:

(1) a holder of a 6-day Class A beer and light wine license may sell beer and light wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) a holder of a 7-day Class A beer and light wine license may sell beer and light wine on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) (1) Except as otherwise provided by the Board and subject to paragraph (2) of this subsection, a holder of a Class B beer and light wine license may sell beer and light wine on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer or light wine at a bar or counter on Sunday.

(c) A holder of a Class B beer and light wine (B-SBW) (off-sale) license may sell beer and light wine on Monday through Sunday, from 10 a.m. to midnight.

(d) (1) Except as otherwise provided by the Board and subject to paragraph (2) of this subsection, a holder of a Class C beer and light wine license may sell beer and light wine on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer or light wine at a bar or counter on Sunday.

(e) Except as otherwise provided by the Board:

(1) a holder of a 6-day Class D beer and light wine license may sell beer and light wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) a holder of a 7-day Class D beer and light wine license may sell beer and light wine on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

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§ 23-2004

(a) Except as otherwise provided by the Board:

(1) a holder of a 6-day Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) a holder of a 7-day Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) (1) Except as otherwise provided by the Board and subject to paragraph (2) of this subsection, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.

(c) (1) Except as otherwise provided by the Board and subject to paragraph (2) of this subsection, a holder of a Class BLX (luxury restaurant) (on-sale) beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.

(d) (1) Except as otherwise provided by the Board and subject to paragraph (2) of this subsection, a holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.

(e) Except as otherwise provided by the Board:

(1) a holder of a 6-day Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) a holder of a 7-day Class D beer, wine, and liquor license may sell beer, wine, and liquor Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

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§ 23-2005

(a) A license holder, other than a holder of a Class A license, may sell alcoholic beverages authorized by the license at all times on January 1.

(b) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on December 24 and December 31, from 6 a.m. to midnight regardless of the day of the week on which December 24 and December 31 fall.

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§ 23-2101

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-602 ("Power of local licensing board");

(2) § 4-603 ("Revocation and suspension procedures"); and

(3) § 4-606 ("Effects of revocation").

(b) Section 4-605 ("Nudity and sexual displays") of Division I of this article does not apply in the county.

(c) Section 4-604 ("Grounds for revocation or suspension") of Division I of this article applies in the county, subject to § 23-2102 of this subtitle.

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§ 23-2102

In addition to the grounds for revocation or suspension in § 4-604 of this article, the Board may revoke or suspend a license if the Board finds that a license holder or an agent or employee of a license holder has violated this article or a rule or regulation of the Board.

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§ 23-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 23-2301

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

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§ 23-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 23-2402

(a) Before docketing an action for judicial review under Title 4, Subtitle 9 of this article, the clerk of the circuit court for the county shall:

(1) collect all court costs from the petitioner; and

(2) receive a statement from the clerk of the Board that the costs for getting records and transcripts of proceedings of the hearing before the Board have been paid.

(b) The costs described in subsection (a)(1) of this section may not be assessed against the Board.

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§ 23-2403

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

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§ 23-2501

(a) In this subtitle, "place of adult entertainment" means an establishment that:

(1) is not licensed by the Board but to which a customer brings alcoholic beverages that the customer has purchased elsewhere; and

(2) allows at its location a form of sexual display or attire prohibited under § 4–605 of this article.

(b) An individual who serves food, alcoholic beverages, or setups, including drinking containers and ice, in a place of adult entertainment or who supervises or manages a place of adult entertainment shall:

(1) receive alcohol awareness training as provided in § 4–508 of this article; and

(2) refuse to facilitate the continued consumption of alcoholic beverages by a customer who appears to be inebriated.

(c) The hours and days during which a place of public entertainment may be open are Monday through Saturday, from 11:30 a.m. to 1:30 a.m. the following day.

(d) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 for each violation.

(2) Each day of operation in violation of this section is a separate violation.

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§ 23-2502

(a) A person may not bring into a place of adult entertainment and consume or transfer alcoholic beverages, if the entertainment in the place is adult entertainment described in § 4–605 of this article.

(b) A person who operates a place of adult entertainment may not allow a female entertainer to exhibit her breasts below the top of the areola or exhibit the cleft of her buttocks.

(c) (1) A person who operates a place of adult entertainment who knowingly allows a violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 for each violation.

(2) Each day of operation in violation of this section is a separate violation.

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§ 23-2503

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 23-2601

Title 6, Subtitle 2 ("Enforcement") of Division I of this article applies in the county without exception or variation.

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§ 23-2602

- (a) The Board may subpoena records pertaining to a licensed establishment.
- (b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.
- (2) The court shall proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

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§ 23-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6-305 ("Proof of age for sale of alcoholic beverages");
- (2) § 6-306 ("Defense to prosecution for sale to underage individual");
- (3) § 6-309 ("Allowing on-premises consumption or possession of alcoholic beverages by individual under the age of 21 years");
- (4) § 6-310 ("Providing free food");
- (5) § 6-311 ("Restrictions on purchases and sales by retail dealer");
- (6) § 6-312 ("Beverage misrepresentation");
- (7) § 6-313 ("Tampering with alcoholic beverage container");
- (8) § 6-314 ("Sale of alcoholic beverage container with detachable metal tab");
- (9) § 6-315 ("Alcoholic beverage in container without regular label presumed illicit");
- (10) § 6-316 ("Maximum alcohol content");
- (11) § 6-317 ("Multiple serving purchase required");
- (12) § 6-320 ("Disorderly intoxication");
- (13) § 6-321 ("Consumption of alcoholic beverages in public");
- (14) § 6-322 ("Possession of open container");
- (15) § 6-323 ("Possession or use of Alcohol Without Liquid machine");
- (16) § 6-326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");
- (17) § 6-327 ("Unlicensed out-of-state sale of alcoholic beverages");
- (18) § 6-328 ("Tax evasion");
- (19) § 6-329 ("Destruction of evidence"); and
- (20) § 6-330 ("Perjury").

(b) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

- (1) § 6-304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 23-2702 of this subtitle;
- (2) § 6-307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 23-2703 of this subtitle; and
- (3) §§ 6-308 ("Allowing on-premises consumption of alcoholic beverages not purchased from license holder") and 6-319 ("On-premises consumption of alcoholic beverages not purchased from license holder"), subject to § 23-2704 of this subtitle.

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§ 23-2702

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 23-2703

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 23-2704

(a) (1) The prohibitions in §§ 6–308 and 6–319 of this article concerning the on–premises consumption of alcoholic beverages not purchased from a license holder do not apply to a social event, including a dance, wedding, or fundraiser, that is held in a hall rented from and located on the premises of a veterans organization that holds a license.

(2) The veterans organization may not sell or provide alcoholic beverages to the individuals attending the social event.

(b) Residents and guests of residents in a continuing care retirement community that holds a Class C (continuing care retirement community) beer, wine, and liquor license may consume beer, wine, or liquor not purchased from the continuing care retirement community if:

(1) the beer, wine, or liquor is consumed with a meal in the dining room; and

(2) the continuing care retirement community:

(i) is operated by a nonprofit organization for the continuing care retirement of individuals at least 60 years old;

(ii) has been incorporated for at least 1 year;

(iii) has obtained a certificate of registration from the Department of Aging under Title 10, Subtitle 4 of the Human Services Article; and

(iv) prepares and serves meals during regular operating hours to residents and their guests.

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§ 23-2705

(a) A holder of an on–sale license may not allow an individual under the age of 18 years to play a game of chance or skill, including pool, billiards, shuffleboard, or a pinball or console machine, in the licensed establishment unless the individual is accompanied by a parent or guardian.

(b) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

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§ 23-2706

(a) A person engaged in the manufacture or sale of alcoholic beverages, an applicant for a license, and a license holder may not, directly or indirectly, offer or make a payment or gift of more than nominal value to:

- (1) a member of the Board or Hearing Board;
- (2) an employee of the member of the Board or Hearing Board; or
- (3) an agent acting on behalf of a member of the Board or Hearing Board or employee assigned to the Board or Hearing Board.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

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§ 23-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 23-2802

(a) The Board may impose a fine not exceeding \$2,000 for each offense or suspend a license or both for a violation that is cause for suspension of a license.

(b) Fines collected under this section shall be paid into the general fund of the county.

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Title 24 — Title 24

§ 24-101

(a) In this title:

- (1) (i) the definitions in § 1–101(b) through (y) and (aa) through (hh) of this article apply without exception or variation; and
- (ii) the definition of “restaurant” in § 1–101(z) of this article applies, subject to § 24–104 of this subtitle; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Kent County.

(c) “County” means Kent County.

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§ 24-102

This title applies only in Kent County.

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§ 24-103

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 24-104

To qualify as a restaurant under this title, an establishment shall have average daily receipts from the sale of food that are at least 25% of the total average daily receipts of the establishment.

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§ 24-201

There is a Board of License Commissioners for Kent County.

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§ 24-204

(a) The Board:

- (1) shall employ one full-time inspector; and
- (2) may employ one additional part-time or full-time inspector.

(b) An individual may not qualify or continue service as an inspector if the inspector or any member of the inspector's immediate family has a personal or financial interest, directly or indirectly, in a license, license holder, or premises licensed under this article.

(c) An inspector shall:

- (1) investigate all applicants for a license or transfer of license;
- (2) inspect at unannounced times every licensed premises in the county at least once every 90 days;
- (3) enforce all alcoholic beverages laws with the same power as a law enforcement officer of the State;
- (4) investigate all violations of the alcoholic beverages laws and report them to the Board; and
- (5) submit monthly reports in writing to the Board of the inspector's activities, setting forth complaints and listing violations that the inspector observed or were reported to the inspector.

(d) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

(e) (1) Each inspector is entitled to compensation and reimbursement for travel expenses.

(2) The Board shall set the rate for reimbursement of travel expenses.

(3) The Board of County Commissioners shall:

- (i) set the compensation; and
- (ii) pay for the compensation and travel expenses.

(f) (1) An inspector may be removed only for cause involving dishonesty, incompetence, or immoral conduct while in the performance of duty.

(2) Before an inspector may be removed, the Board, in accordance with the Administrative Procedure Act, shall give the inspector:

- (i) written notice of all pending charges; and
- (ii) an opportunity to reply in a public hearing before the Board in person or by counsel.

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§ 24-205

Sections 24-201 through 24-203 of this subtitle apply in the county until the Board of County Commissioners passes the resolution for which provision is made by Chapter 236 of the Acts of the General Assembly of 1991.

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§ 24-206

The Board may adopt regulations to carry out this article.

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§ 24-301

There is no liquor control board or department of liquor control in the county.

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§ 24-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-201 ("Issuance by Comptroller");
- (2) § 2-202 ("Class 1 distillery license");
- (3) § 2-203 ("Class 9 limited distillery license");
- (4) § 2-204 ("Class 2 rectifying license");
- (5) § 2-205 ("Class 3 winery license");
- (6) § 2-206 ("Class 4 limited winery license");
- (7) § 2-207 ("Class 5 brewery license");
- (8) § 2-210 ("Class 8 farm brewery license");
- (9) § 2-211 ("Residency requirement");
- (10) § 2-212 ("Additional licenses");
- (11) § 2-213 ("Additional fees");
- (12) § 2-214 ("Sale or delivery restricted");
- (13) § 2-215 ("Beer sale on credit to retail dealer prohibited");
- (14) § 2-216 ("Interaction between manufacturing entities and retailers");
- (15) § 2-217 ("Distribution of alcoholic beverages — Prohibited practices"); and
- (16) § 2-218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

- (1) § 2-208 ("Class 6 pub-brewery license"), subject to § 24-403 of this subtitle; and
- (2) § 2-209 ("Class 7 micro-brewery license"), subject to § 24-404 of this subtitle.

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§ 24-402

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 24-403

- (a) This section applies to a Class 6 pub-brewery license in the county.
- (b) Section 2-208(d) of this article does not apply in the county.

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§ 24-404

- (a) The license may be issued to a holder of a Class D license as well as a holder of a Class B beer, wine, and liquor (on-sale) license that is issued for use on the premises of a restaurant.
- (b) The hours and days of sale under a Class 7 micro-brewery license are the same as those for a Class D license.

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§ 24-501

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

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§ 24-502

Except as provided in § 24–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 24-503

(a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 24-601

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is \$150.

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§ 24-602

(a) There is a Class B beer license.

(b) The license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on– and off–premises consumption.

(c) The annual license fee is \$300.

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§ 24-603

A Class C beer license may not be issued in the county.

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§ 24-604

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is \$300.

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§ 24-701

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is \$150.

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§ 24-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

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§ 24-802

- (a) There is a Class A beer and wine license.
- (b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.
- (2) The license holder shall sell the beer and wine in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.
- (c) The annual license fee is \$350.

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§ 24-803

- (a) There is a Class B beer and wine license.
- (b) (1) The Board may issue the license for use in a restaurant approved by the Board that is equipped with:
 - (i) an indoor, outdoor, or combination indoor and outdoor dining area; and
 - (ii) facilities for preparing and serving meals to the public.
- (2) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on- and off-premises consumption.
- (c) The annual license fee is \$1,000.

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§ 24-804

A Class C beer and wine license may not be issued in the county.

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§ 24-805

A Class D beer and wine license may not be issued in the county.

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§ 24-901

- (a) There is a Class A beer, wine, and liquor license.
- (b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.
- (2) The license holder shall sell the beer, wine, or liquor in a sealed container that may not be opened or its contents consumed on the licensed premises.
- (c) A license may not be issued for a drugstore unless the applicant:
 - (1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;
 - (2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or
 - (3) has been engaged in the retail drug business for at least 3 years.
- (d) The annual license fee is \$1,750.

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§ 24-902

- (a) There is a Class B beer, wine, and liquor license.
- (b) The Board may issue the license for use in a restaurant approved by the Board that is equipped with:
 - (1) an indoor, outdoor, or combination indoor and outdoor dining area; and
 - (2) facilities for preparing and serving meals to the public.
- (c) The annual license fee is \$2,000.

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§ 24-903

- (a) There is a Class C (organization or club) beer, wine, and liquor license.
- (b) The Board may issue the license for use by a nonprofit organization or club that:
 - (1) operates only for the use of its members and their guests when accompanied by members;
 - (2) meets in a clubhouse that is used exclusively for its members and guests; and
 - (3) (i) except as provided in item (ii) of this item, has at least 100 members paying dues as required in the year immediately before the year for which the license is issued; or
 - (ii) if the club is composed exclusively of members who served in the armed forces of the United States and is affiliated with a national organization, has at least 50 members paying the dues that were required by the national organization in the full year immediately before the year for which the license is issued.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at retail at a club at the place described in the license, for on– or off–premises consumption.
- (d) The annual license fee is \$500.

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§ 24-904

- (a) There is a Class D beer, wine, and liquor license.
- (b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on– and off–premises consumption.
- (c) The license may not be issued for use by a drugstore.
- (d) The annual license fee is \$1,500.

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§ 24-1001

- (a) There is a Class B (bed and breakfast) beer, wine, and liquor license.
- (b) The Board may issue the Class B (bed and breakfast) license for the use of a bed and breakfast that:
 - (1) is licensed by the county to operate as a bed and breakfast; and
 - (2) excluding the resident management quarters, has not more than three rooms that the public for consideration may use for sleeping accommodations for a specified time.
- (c) The license authorizes the license holder to sell beer, wine, and liquor to a guest for on–premises consumption if:
 - (1) the name and address of the guest appears on the registry that the bed and breakfast maintains; and
 - (2) the guest is an occupant of a sleeping room in the bed and breakfast.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 24–2004 of this title.
- (e) The license does not authorize the sale of beer, wine, and liquor to an individual who is registered as a guest at the bed and breakfast only to obtain beer, wine, and liquor.

(f) If the bed and breakfast ends operations as a bed and breakfast, the license is void.

(g) The annual license fee is \$350.

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§ 24-1002

(a) There is a Class B (country inn) beer, wine, and liquor license.

(b) The Board may issue the Class B (country inn) beer, wine, and liquor license for the use of a country inn that:

(1) is licensed by the county to operate as a country inn;

(2) excluding the resident management quarters, has not more than 15 rooms that the public for consideration may use for sleeping accommodations for a specified time; and

(3) has a kitchen facility for the guests that is separate from the kitchen facility for the resident management quarters.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption to a guest if:

(1) the name and address of the guest appear on the registry that the country inn maintains; and

(2) the guest is an occupant of a sleeping room in the country inn.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 24–2004 of this title.

(e) The license does not authorize the sale of beer, wine, and liquor to an individual who is registered as a guest at the country inn only to obtain beer, wine, and liquor.

(f) If the country inn ceases to be operated as a country inn, the license is void.

(g) The annual license fee is \$550.

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§ 24-1003

(a) There is a Class B wine shop and lounge license.

(b) The license authorizes the holder to:

(1) sell wine for on–premises and off–premises consumption; and

(2) sell or serve:

(i) bread and other baked goods;

(ii) chili;

(iii) chocolate;

(iv) crackers;

(v) cured meat;

(vi) fruits (whole and cut);

(vii) salads and vegetables (whole and cut);

(viii) hard and soft cheese (whole and cut);

(ix) ice cream;

(x) jam;

(xi) vinegar;

(xii) pizza;

(xiii) prepackaged sandwiches and other prepackaged foods ready to be eaten;

(xiv) soup; and

(xv) condiments.

- (c) The license holder may sell wine from 6 a.m. to 2 a.m. the following day.
- (d) The license holder is not subject to any requirement regarding the percentage of average daily receipts derived from the sale of food.
- (e) An individual under the legal drinking age may enter the licensed premises.
- (f) The annual license fee is \$300.

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§ 24-1004

- (a) There is a theater beer, wine, and liquor license.
- (b) The Board may issue the license to an applicant for the use of a theater that:
 - (1) is housed in a building;
 - (2) has a capacity to hold at least 100 permanently installed seats; and
 - (3) regularly presents live or cinematic entertainment.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at retail for on-premises consumption.
- (d) Except from 2 a.m. to 6 a.m., the license holder may sell beer, wine, and liquor when the theater is open to the public.
- (e) The license may not be transferred to another location.
- (f) The annual license fee is \$500.

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§ 24-1101

- (a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:
 - (1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and
 - (2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").
- (b) Section 4-1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.
- (c) Section 4-1104 ("Refillable container permit — Draft beer") of Division I of this article applies in the county, subject to § 24-1102 of this subtitle.

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§ 24-1102

- (a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for the permit:
 - (1) begin at the same time as those for the underlying license; and
 - (2) end at midnight.
- (d) The Board shall adopt regulations to carry out this section.
- (e) The Board may charge annual permit fees of up to:
 - (1) \$50 for an applicant who holds an underlying license with an off-sale privilege; or
 - (2) \$500 for an applicant who holds an underlying license without an off-sale privilege.

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§ 24-1103

- (a) The Board may issue a wine license privilege.

(b) To qualify for the privilege, an applicant shall be a holder of a Class B (on-sale) beer and wine license or Class B beer, wine, and liquor license for use on a premises that qualifies as a restaurant under § 24–902 of this title.

(c) (1) The privilege authorizes the holder to sell wine by the bottle for off-premises consumption without the cost of the wine counting as a part of the average daily receipts of the business required to meet the minimum 60% food sales requirement under § 24–902 of this title.

(2) The privilege is not a separate class of license but is part of the existing Class B (on-sale) beer and wine license or Class B beer, wine, and liquor license of the holder of the privilege.

(d) The annual fee is \$100.

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§ 24-1201

(a) There is a local caterer's license.

(b) The Board may issue the license to the holder of:

(1) a Class B restaurant or hotel (on-sale) beer and wine license; or

(2) a Class B restaurant or hotel (on-sale) beer, wine, and liquor license.

(c) The license authorizes a holder to:

(1) (i) provide beer and wine at an event that is held off the premises for which the holder's Class B restaurant or hotel (on-sale) beer and wine license is issued; or

(ii) provide beer, wine, and liquor at an event that is held off the premises for which the holder's Class B restaurant or hotel (on-sale) beer, wine, and liquor license is issued; and

(2) exercise the privileges of the license only during the hours and on the days authorized for the holder's Class B license.

(d) The license holder shall provide food for consumption at the catered event.

(e) The annual license fee is \$100.

(f) This section does not require a holder of a Class B restaurant or hotel (on-sale) beer and wine license or beer, wine, and liquor license to obtain a local caterer's license for catering on the premises for which the Class B license is issued.

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§ 24-1301

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1206 ("License to dispose of stock");

(3) § 4–1207 ("Temporary move of licensed premises");

(4) § 4–1208 ("Hours and days of sale"); and

(5) § 4–1209 ("Wine permit for fund-raising event").

(b) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article do not apply in the county:

(1) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses"), which is superseded by § 24–1307 of this subtitle;

(2) § 4–1204 ("Class C per diem beer, wine, and liquor license"), which is superseded by § 24–1307 of this subtitle; and

(3) § 4–1205 ("License fees"), which is superseded by § 24–1308 of this subtitle.

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§ 24-1304

(a) There is a beer, wine, and liquor tasting (BWLTL) license.

- (b) The Board may issue the license to a holder of a Class A license.
- (c) The license authorizes the holder to allow the on-premises consumption for tasting of:
 - (1) beer, if the underlying license of the holder is a Class A beer license;
 - (2) wine, if the underlying license of the holder is a Class A wine license;
 - (3) beer and wine, if the underlying license of the holder is a Class A beer and wine license; and
 - (4) beer, wine, and liquor, if the underlying license of the holder is a Class A beer, wine, and liquor license.
- (d) The license authorizes the holder to allow an individual to taste in 1 day not more than:
 - (1) 2 ounces of beer from each offering and 6 ounces from all offerings of beer;
 - (2) 2 ounces of wine from each offering and 4 ounces from all offerings of wine; and
 - (3) one-half ounce of liquor from each offering and 1.5 ounces from all offerings of liquor.
- (e) In addition to a fee for any other license held by the license holder, the annual fee for a BWLT license is \$200.

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§ 24-1307

A Class C per diem beer license, a Class C per diem beer and wine license, and a Class C per diem beer, wine, and liquor license may be issued, for a period not exceeding 3 days, to a:

- (1) religious, fraternal, civic, veterans', or charitable organization, association, club, or society; or
- (2) hospital supporting organization.

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§ 24-1308

The license fees are:

- (1) \$5 per day for a Class C per diem beer license;
- (2) \$15 per day for a Class C per diem beer and wine license; and
- (3) \$25 per day for a Class C per diem beer, wine, and liquor license.

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§ 24-1309

- (a) The Board may issue a Class C multiple event beer, wine, and liquor license.
- (b) The license entitles the license holder to exercise any privilege conferred by the license at an event held by a volunteer fire company.
- (c) The number of days for which a multiple event license may be used by a single applicant may not exceed 24 per calendar year.
- (d)
 - (1) The license application shall be in the form that the Board provides.
 - (2) The applicant shall sign the form.
- (e)
 - (1) A multiple event license shall be issued:
 - (i) for one premises only; and
 - (ii) except as provided in paragraph (2) of this subsection, to the same applicant for all events for which the license is issued.
 - (2) The Board may:
 - (i) approve in writing a substitute applicant; and
 - (ii) before approving a substitute applicant, hold a hearing.

(f) A server who is certified by an approved alcohol awareness program shall be on the premises for which a multiple event license is issued when alcoholic beverages are served.

(g) (1) The annual fee for a license is:

(i) \$200 for not more than 12 events per year; and

(ii) \$400 for at least 13 but not more than 24 events per year.

(2) The Board may not issue a refund if a license holder holds fewer events during the calendar year than the license holder is entitled to hold.

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§ 24-1310

(a) This section applies only to volunteer fire companies.

(b) Alcoholic beverages may be stored on the licensed premises between individual licensed events if the alcoholic beverages:

(1) are in a specially identified locked and secured location; and

(2) are not sold or consumed except during licensed event hours for licensed event purposes.

(c) (1) A license holder shall keep complete and accurate records of all alcoholic beverages purchased and sold on the licensed premises.

(2) The records shall be:

(i) maintained on the licensed premises for 2 years; and

(ii) available for inspection by authorized personnel of the Comptroller, the Executive Director, and the Board.

(3) The records shall include a completed pre- and post-inventory of all alcoholic beverages for each individual event.

(d) Authorized personnel of the Comptroller, the Executive Director, and the Board may inspect the premises of a license holder as provided under § 6-202 of this article.

(e) A license holder who violates this section is subject to:

(1) for the first offense, a fine of \$100; and

(2) for a subsequent offense, a fine not exceeding \$500 and denial of future requests for a license for an individual event or a special multiple event license.

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§ 24-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-102 ("Applications to be filed with local licensing board");

(2) § 4-103 ("Application on behalf of partnership");

(3) § 4-104 ("Application on behalf of corporation or club");

(4) § 4-105 ("Application on behalf of limited liability company");

(5) § 4-106 ("Payment of notice expenses");

(6) § 4-108 ("Application form required by Comptroller");

(7) § 4-109 ("Required information on application — In general");

(8) § 4-110 ("Required information on application — Petition of support");

(9) § 4-111 ("Payment of license fees"); and

(10) § 4-112 ("Disposition of license fees").

(b) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article do not apply in the county:

(1) § 4–113 ("Refund of license fees"), which is superseded by § 24–1408 of this subtitle; and

(2) § 4–114 ("Fees for licenses issued for less than 1 year"), which is superseded by § 24–1409 of this subtitle.

(c) Section 4–107 ("Criminal history records check") of Division I of this article applies in the county, subject to §§ 24–1402 through 24–1406 of this subtitle.

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§ 24-1402

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

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§ 24-1403

The Board shall:

(1) keep all criminal history record information in a sealed envelope available only to the members of the Board and their designees; and

(2) adopt regulations to further preserve the confidentiality of criminal history records obtained.

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§ 24-1404

The hearing for a new 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 history records check by the date of the scheduled hearing.

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§ 24-1405

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

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§ 24-1406

The Board may set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

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§ 24-1407

(a) (1) A license shall be issued for 6 or 12 months.

(2) The term of a license begins on May 1.

(b) If a license is not claimed by the applicant within 30 days after issue or renewal, the license is void.

(c) When a 6–month license is issued, only one–half of the annual fee shall be charged.

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§ 24-1408

(a) If a license holder voluntarily surrenders the license before its expiration date, the Board shall grant a refund:

(1) based on the number of whole months remaining before the license expiration date; and

(2) calculated as 1/12 of 95% of the license fee paid for each whole month remaining before the license expiration date.

(b) A refund shall be paid not later than 3 weeks after the license is surrendered to the Board.

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§ 24-1409

If a license is issued for less than the full renewal period, the fee shall be prorated based on the number of whole months remaining in that renewal period.

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§ 24-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-202 ("Authority of local licensing boards");
- (2) § 4-205 ("Chain store, supermarket, or discount house");
- (3) § 4-206 ("Limitations on retail sales floor space");
- (4) § 4-207 ("Licenses issued to minors");
- (5) § 4-208 ("Notice of license application required");
- (6) § 4-209 ("Hearing");
- (7) § 4-210 ("Approval or denial of license application");
- (8) § 4-211 ("License forms; effective date; expiration");
- (9) § 4-212 ("License not property"); and
- (10) § 4-213 ("Replacement licenses").

(b) Section 4-214 ("Waiting periods after denial of license applications") of Division I of this article does not apply in the county and is superseded by § 24-1503 of this subtitle.

(c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

- (1) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 24-1502 of this subtitle; and
- (2) § 4-204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 24-1502 of this subtitle.

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§ 24-1502

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 24-1503

(a) Except as provided in subsection (b) of this section:

- (1) if a license application is denied, the Board may not issue a license for the same location for 1 year after the denial; and
- (2) if a subsequent application for the same location is denied, the Board may not issue a license for that location for 2 years after the second denial.

(b) This section does not apply to a license application that is denied:

- (1) because of a legal defect or omission;
- (2) solely because the Board determined expressly that the applicant is not a proper person to whom the license should be issued; or
- (3) for license transfers.

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§ 24-1504

(a) The Board may authorize a license holder to install an additional bar or serving counter within a reasonable distance of the main building of the premises served by the license held by the license holder.

(b) The Board shall determine what is a reasonable distance for an additional bar or serving counter.

(c) An additional license is not required for an additional bar or serving counter.

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§ 24-1701

Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article applies in the county without exception or variation.

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§ 24-1801

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 24-1802

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

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§ 24-1901

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 24–1902 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 24–1903 of this subtitle.

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§ 24-1902

(a) This section applies to the holder of:

(1) a Class A (off-sale) license;

(2) a Class B (on-sale) license; or

(3) a Class C (on-sale) beer, wine, and liquor license.

(b) (1) Except as provided in paragraph (2) of this subsection, an individual under the age of 21 years may not be employed to sell, deliver, or otherwise deal with alcoholic beverages.

(2) An individual at least 18 years old may be employed to:

(i) stock alcoholic beverages in a premises for which a Class A license is issued;

- (ii) serve alcoholic beverages while acting as a server on the licensed premises other than a premises for which a Class A license is issued; and
- (iii) operate a lottery ticket terminal in a premises for which a Class A license is issued.

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§ 24-1903

(a) (1) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

- (i) be certified by an approved alcohol awareness program; and
- (ii) except as provided in paragraph (2) of this subsection, be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(2) The license holder or individual specified in paragraph (1) of this subsection may be absent from the licensed premises for a personal or business reason or an emergency if the absence lasts for not more than 2 hours.

(3) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(b) A license holder who violates this section is subject to:

- (1) for a first offense, a \$100 fine; and
- (2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

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§ 24-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 24-2002

(a) A holder of a Class A beer license may sell beer from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer license may sell beer from 6 a.m. to 2 a.m. the following day.

(c) Reserved.

(d) A holder of a Class D beer license may sell beer from 6 a.m. to 2 a.m. the following day.

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§ 24-2003

(a) A holder of a Class A beer and wine license may sell beer and wine from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer and wine license may sell beer and wine from 6 a.m. to 2 a.m. the following day.

(c) Reserved.

(d) Reserved.

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§ 24-2004

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.

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§ 24-2005

A license holder may sell alcoholic beverages from midnight to 4 a.m. on January 1.

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§ 24-2006

An individual may consume alcoholic beverages on any licensed premises from midnight to 4 a.m. on January 1.

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§ 24-2101

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 24-2102

(a) The Board may suspend a license for a violation of this article for not less than 15 or more than 90 days.

(b) A petition for judicial review does not stay the order of the Board suspending a license.

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§ 24-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 24-2301

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

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§ 24-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 24-2501

(a) A person may not serve setups, including drinking containers and ice, or serve, keep, or allow to be consumed alcoholic beverages or other component parts of mixed alcoholic drinks in a place of adult entertainment that:

(1) does not hold a license under this article; and

(2) allows at its location a form of sexual display or attire prohibited under § 4-605 of this article.

(b) A person who operates an establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 24-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

- (1) an establishment open to the public;
- (2) a place of public entertainment; or
- (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 24-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

- (1) § 6–202 ("Inspections");
- (2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");
- (3) § 6–205 ("Peace officers");
- (4) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");
- (5) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");
- (6) § 6–208 ("Regulating possession or consumption of alcohol in public places"); and
- (7) § 6–209 ("Adoption of standards for authorization of consumption").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county.

(c) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county:

- (1) § 6–204 ("Power to summon witnesses"), in addition to § 24–2602 of this subtitle; and
- (2) § 6–211 ("Fines and forfeitures"), subject to § 24–2603 of this subtitle.

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§ 24-2602

In addition to the sheriff who may serve a summons under § 6–204 of this article, an inspector that the Board employs may serve a summons.

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§ 24-2603

One-half of each fine imposed in the county shall be distributed as provided in § 7–507 of the Courts Article.

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§ 24-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6–305 ("Proof of age for sale of alcoholic beverages");
- (2) § 6–306 ("Defense to prosecution for sale to underage individual");
- (3) § 6–308 ("Allowing on-premises consumption of alcoholic beverages not purchased from license holder");

- (4) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);
- (5) § 6–310 (“Providing free food”);
- (6) § 6–311 (“Restrictions on purchases and sales by retail dealer”);
- (7) § 6–312 (“Beverage misrepresentation”);
- (8) § 6–313 (“Tampering with alcoholic beverage container”);
- (9) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);
- (10) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);
- (11) § 6–316 (“Maximum alcohol content”);
- (12) § 6–317 (“Multiple serving purchase required”);
- (13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);
- (14) § 6–320 (“Disorderly intoxication”);
- (15) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);
- (16) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);
- (17) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);
- (18) § 6–328 (“Tax evasion”);
- (19) § 6–329 (“Destruction of evidence”); and
- (20) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article do not apply in the county:

- (1) § 6–321 (“Consumption of alcoholic beverages in public”); and
- (2) § 6–322 (“Possession of open container”).

(c) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

- (1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 24–2702 of this subtitle; and
- (2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 24–2703 of this subtitle.

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§ 24-2702

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
- (2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

- (1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and
- (2) the individual was not a resident of the State.

(c) The granting of probation before judgment to a license holder or employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 24-2703

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 24-2704

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding \$50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

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§ 24-2705

(a) An individual under the age of 21 years may not:

(1) enter the licensed premises; or

(2) knowingly make a false statement concerning the individual's age to gain entrance to the establishment.

(b) An individual who violates subsection (a)(2) of this section:

(1) shall be issued a citation under § 10–119 of the Criminal Law Article by a police officer or alcoholic beverages inspector; and

(2) is subject to the penalties provided in § 10–119 of the Criminal Law Article.

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§ 24-2706

(a) (1) A license holder or an agent or an employee of the license holder may not allow an individual under the age of 21 years to loiter about the premises for which a Class B or Class D beer license is issued.

(2) An individual under the age of 21 years may not loiter or be a nuisance on the premises for which a Class B or Class D beer license is issued.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$200 or both.

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§ 24-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 24-2802

(a) (1) The Board shall hear a case within 30 days after the violation is reported by an inspector or law enforcement officer.

(2) The Board shall make a determination of the case within 15 days after the conclusion of the hearing.

(b) (1) Unless another penalty is provided, for a violation of this article, the Board may impose:

(i) for the first offense:

1. a fine not exceeding \$1,000;
 2. suspension of the license; and
 3. closure of the place of business not exceeding 15 days;
- (ii) for the second offense:
1. a fine not exceeding \$2,000;
 2. suspension of the license; and
 3. closure of the place of business not exceeding 30 days;
- (iii) for a third or subsequent offense that is different from either of the two previous offenses:
1. a fine not exceeding \$2,500;
 2. suspension of the license; and
 3. closure of the place of business not exceeding 90 days; and
- (iv) for a third offense that is the same as either of the two previous offenses:
1. revocation of the license;
 2. prohibition of licensure of the violator; and
 3. prohibition of licensure of the premises for a period not exceeding 1 year after the revocation.
- (2) The penalties provided in paragraph (1) of this subsection:
- (i) do not limit, but are in addition to, other specific or general penalties for the same violation under this article; and
 - (ii) are independent of any related court action based on the same violation.
- (c) A petition seeking judicial review may not stay an order of the Board to suspend a license or close a place of business.
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§ 24-2803

The Board shall expunge the record of a violation of this article or a regulation adopted under this article 7 years after the date the violation occurred.

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Title 25 — Title 25

§ 25-101

(a) In this title:

- (1) the definitions in § 1–101 of this article apply without exception or variation; and
 - (2) the following words have the meanings indicated.
- (b) “Board” means the Board of License Commissioners for Montgomery County.
- (c) “County” means Montgomery County.

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§ 25-102

This title applies only in Montgomery County.

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§ 25-103

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 25-201

There is a Board of License Commissioners for Montgomery County.

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§ 25-202

(a) The County Executive shall appoint five members to the Board, subject to confirmation by the County Council.

(b) (1) Each member of the Board shall be a registered voter of the county.

(2) Not more than three members of the Board may be members of the same political party.

(c) (1) In this subsection, "direct or indirect interest" means an interest that is proprietary or obtained by a loan, mortgage, or lien or in any other manner.

(2) A member of the Board may not:

(i) have a direct or indirect interest in or on a premises where alcoholic beverages are manufactured or sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture or sale of alcoholic beverages;

(iii) own stock in:

1. a corporation that has a direct or indirect interest in a premises where alcoholic beverages are manufactured or sold; or

2. a business wholly or partly devoted to the manufacture or sale of alcoholic beverages;

(iv) hold any other public office, including federal, State, or local office; or

(v) solicit or receive, directly or indirectly, a commission, remuneration, or gift from:

1. a person engaged in the manufacture or sale of alcoholic beverages or an agent or employee of the person; or

2. a license holder.

(3) (i) Subject to the Montgomery County public ethics law and subparagraph (ii) of this paragraph, a member of the Board may be an employee of the federal, State, or local government.

(ii) A member of the Board may not be an employee of the County Alcohol Beverage Services.

(d) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(e) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(f) With the approval of the County Council, the County Executive may remove a member for misconduct in office, incompetence, or willful neglect of duty.

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§ 25-203

From among its members, the Board annually shall elect a chair.

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§ 25-204

(a) Three members of the Board are a quorum for transacting business.

(b) (1) The chair of the Board shall receive \$10,000 annually.

(2) Each other member of the Board shall receive \$9,000 annually.

(c) (1) The Board may:

(i) employ:

1. a secretary;
2. inspectors; and
3. clerical and other assistants as are necessary; and

(ii) set the compensation of the employees.

(2) The office of the County Attorney and other county departments shall be made available to the Board.

(3) A county employee made available to the Board under paragraph (2) of this subsection may not solicit or receive, directly or indirectly, a commission, remuneration, or gift from:

- (i) a person engaged in the manufacture or sale of alcoholic beverages or an agent or employee of the person; or
- (ii) a license holder.

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§ 25-205

An inspector may issue a civil citation as provided in § 25–2602 of this title.

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§ 25-206

The Board may adopt regulations to carry out this article.

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§ 25-301

(a) In this subtitle the following words have the meanings indicated.

(b) “Director” means the Director of the Services.

(c) “Dispensary” means a store established and maintained by the Services for the sale of alcoholic beverages.

(d) “Services” means the County Alcohol Beverage Services.

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§ 25-302

There is the Alcohol Beverage Services in the county government, which functions as a liquor control board.

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§ 25-303

(a) There is a Director of the Services, who shall be the chief administrative officer of and exercise general supervision over the Services.

(b) The County Executive shall appoint the Director with the consent of the County Council.

(c) The County Executive shall determine the qualifications of the Director.

(d) The Director:

(1) serves at the pleasure of the County Executive; and

(2) shall devote full time to the duties of the Services.

(e) The County Executive shall set the salary of the Director with the approval of the County Council.

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§ 25-304

(a) (1) With the approval of the County Executive, the Director may appoint employees necessary to operate the dispensary system, set employee compensation, and require a bond for the faithful performance of employee duties.

(2) Except for the Director, each Services employee shall be appointed and employed in accordance with regulations of the Merit System Protection Board.

(b) The Office of the County Attorney shall provide legal services to the Services.

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§ 25-305

(a) A member of the County Council or the County Executive may not have a direct or indirect financial interest in the sale, manufacture, blending, brewing, distilling, rectifying, or wholesaling of any alcoholic beverage purchased or sold under this article.

(b) Except as provided in subsection (c) of this section, an employee of the Services may not:

(1) have a direct or indirect financial interest in the sale, manufacture, blending, brewing, distilling, rectifying, or wholesaling of any alcoholic beverage purchased or sold under this article;

(2) have an interest in a license;

(3) directly or indirectly solicit or receive any fee, commission, gratuity, emolument, remuneration, reward, present, or alcoholic beverage sample, and any other consideration from:

(i) a person who sells, manufactures, blends, brews, distills, rectifies, wholesales, or distributes alcoholic beverages; or

(ii) a license holder; or

(4) derive any profit or remuneration from the purchase or sale of alcoholic beverages other than the salary paid by the county for the discharge of the employee's duties.

(c) Subject to the County Public Ethics Law, the Services may allow a Services employee to be employed by a license holder if the employment directly relates to the performing arts.

(d) (1) Except as provided in subsection (e) of this section, a person listed in paragraph (2) of this subsection may not directly or indirectly offer, pay, or give a fee, reward, present, commission, gift, or sample of alcoholic beverages to an employee of the Services, a member of the County Council, or the County Executive.

(2) This subsection applies to:

(i) a license holder or an employee of a license holder; or

(ii) a person or an agent or employee of a person engaged in the manufacture, sale, blending, brewing, distilling, rectifying, wholesaling, or distribution of alcoholic beverages.

(e) (1) This section does not prohibit a manufacturer, brewer, wholesaler, or dealer that sells or attempts to sell alcoholic beverages to the Services from providing samples of alcoholic beverages to the Services.

(2) A person that provides samples of alcoholic beverages to the Services shall obtain a receipt, signed by the Director, stating in detail the amount and a description of the samples.

(3) When received, samples of alcoholic beverages provided under this subsection shall be inventoried and sold in the same manner as other beverages that the Services purchases.

(f) A person that violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 12 years or a fine not exceeding \$5,000 or both.

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§ 25-306

(a) There is an Advisory Board in the Services.

(b) The Advisory Board consists of the following eight members:

(1) the Director or the Director's designee;

(2) the Director of the County Department of Police or the designee of the Director of the County Department of Police;

(3) the Chair of the Board of License Commissioners; and

(4) five members who are county residents appointed by the County Executive with the consent of the County Council.

(c) Of the members of the Advisory Board appointed under subsection (b)(4) of this section:

(1) only one shall be a holder of a Class B or a Class C beer, wine, and liquor license in the county; and

- (2) only one shall be a holder of a license of any other class in the county.
- (d) (1) This subsection applies to members of the Advisory Board appointed under subsection (b)(4) of this section.
- (2) The term of a member is 4 years.
- (3) A member appointed after a term has begun serves only for the remainder of the term.
- (4) The terms of the members are staggered as required by the terms provided for members on July 1, 2016.
- (e) With the consent of the County Council, the County Executive may remove a member whom the County Executive appointed to the Advisory Board.
- (f) The Advisory Board shall report at least quarterly to the County Executive on recommendations for the improvement of:
 - (1) the alcoholic beverages control and enforcement activities of the county; and
 - (2) the operations of the dispensary and distribution systems from the standpoint of efficiency, service provided, and convenience to the public.
- (g) A member of the Advisory Board:
 - (1) may not receive compensation; but
 - (2) is entitled to necessary expenses in connection with the performance of the duties of the Advisory Board.

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§ 25-307

- (a) This section does not apply to a holder of a Class F license.
- (b) (1) Except as provided in paragraphs (2) through (8) of this subsection:
 - (i) the Services has a monopoly on the wholesale distribution of beer, wine, and liquor and retail distribution of off-sale liquor in the county, subject to § 1–319 of this article; and
 - (ii) a person may sell only alcoholic beverages that are purchased from the Services.
- (2) The holders of the following wholesaler's licenses may sell or deliver alcoholic beverages for resale to a dispensary:
 - (i) a Class 1 beer, wine, and liquor license;
 - (ii) a Class 2 wine and liquor license;
 - (iii) a Class 3 beer and wine license;
 - (iv) a Class 4 beer license; or
 - (v) a Class 5 wine license.
- (3) The holder of a Class 6 limited wine wholesaler's license or nonresident winery permit may sell or deliver wine directly to a dispensary, restaurant, or other retail dealer in the county.
- (4) The holder of a Class 7 limited beer wholesaler's license or nonresident brewery permit may sell or deliver its own beer to a dispensary, restaurant, or other retail dealer in the county.
- (5) The holder of a Class 8 liquor wholesaler's license or nonresident distillery permit may sell or deliver its own liquor to a dispensary, restaurant, or other retail dealer authorized to sell liquor in the county.
- (6) A holder of a direct wine shipper's permit may ship wine directly to a consumer in the county.
- (7) A dispensary, restaurant, or other retail dealer in the county may purchase wine directly from a holder of a Class 6 limited wine wholesaler's license or of a nonresident winery permit.
- (8) A dispensary, restaurant, or other retail dealer in the county may purchase beer directly from a holder of a Class 7 limited beer wholesaler's license or of a nonresident brewery permit.
- (9) A dispensary, restaurant, or other retail dealer authorized to sell liquor in the county may purchase liquor directly from a holder of a Class 8 liquor wholesaler's license or of a nonresident distillery permit.

(10) A holder of a charity wine auction permit in the county may receive and sell wine obtained from any source listed under § 2–137 of this article.

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§ 25-308

(a) The Services may enter into an agreement with a holder of a per diem license to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 25-309

(a) With the approval of the County Executive and subject to § 1–319 of this article, the Director may:

(1) purchase from a holder of a wholesaler's license or manufacturer's license alcoholic beverages that the Services is authorized to sell and on which the excise tax imposed by § 5–102 of the Tax – General Article is paid;

(2) purchase from a holder of a resident or nonresident dealer's permit and import for resale alcoholic beverages that the Services is authorized to sell, and resell the alcoholic beverages once the excise tax is paid;

(3) sell alcoholic beverages in sealed containers at prices that it determines and that are uniform in all dispensaries;

(4) refuse to sell alcoholic beverages to a person that, in the Services' judgment, is not suitable to purchase or consume the alcoholic beverages;

(5) restrict by any method the quantity of alcoholic beverages that may be sold to an individual consumer or license holder at or during any time;

(6) enter into a contract or adopt regulations necessary or desirable to carry out this article;

(7) sell and ship outside of the county a container or package of alcoholic beverages kept for sale in a dispensary, if not prohibited by law in the place where the shipment is consigned; and

(8) establish the hours of sale for dispensaries, outside of which a dispensary may not remain open.

(b) (1) With the approval of the County Executive, the Director, by rental, lease, purchase, or otherwise, may acquire:

(i) real or personal property determined by the Director to be necessary to operate dispensaries, stores, or warehouses; and

(ii) alcoholic beverages from any source for resale.

(2) Except for purchases of merchandise for resale, the Services shall make all purchases through the County Office of Procurement.

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§ 25-310

(a) With the approval of the County Executive, the Director may establish a dispensary at one or more locations that the Director determines.

(b) (1) The Services may sell its inventory through:

(i) dispensaries selling at wholesale and retail; and

(ii) subject to subsection (c) of this section, retail outlets operated by individuals with whom the Services contracts.

(2) Notwithstanding any other law, the Director may sell at wholesale or retail alcoholic beverages in whole cases or in individual bottles through dispensaries to a license holder in the county.

(3) The Services may not sell alcoholic beverages at different prices to different license holders or classes of license holders.

(c) (1) The Director may not contract with a person to operate:

(i) a dispensary; or

(ii) except as provided in paragraph (2) of this subsection, a retail outlet for the sale of beer, wine, and liquor.

(2) The Director may enter into a contract with a person to operate a retail outlet for the sale of liquor for off-premises consumption if the person holds any license for off-premises consumption or for on- and off-premises consumption.

(3) The Services shall establish criteria for contracting with retail outlets.

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

(ii) "Beer" includes draft beer in refillable and nonrefillable containers.

(iii) "Wine" includes wine in refillable containers.

(2) A dispensary:

(i) may sell only:

1. except as provided for in subsection (e) of this section, for off-premises consumption, nonchilled beer, wine, and liquor;

2. ice;

3. bottled water; and

4. items commonly associated with the serving or consumption of alcoholic beverages, including bottle openers, corkscrews, drink mixes, and lime juice; and

(ii) may not sell snack foods or soft drinks.

(e) (1) A dispensary may sell any product in the dispensary's inventory for the purpose of:

(i) holding tastings of beer, wine, and liquor on the premises of the dispensary only;

(ii) serving, for tasting, beer, wine, and liquor; and

(iii) allowing the consumption of beer, wine, and liquor by an individual for tasting in a quantity of not more than:

1. one-half ounce from each offering of liquor;

2. 1.5 ounces from all offerings of liquor in a day;

3. 1 ounce from each offering of wine;

4. 4 ounces from all offerings of wine in a day;

5. 3 ounces from each offering of beer; and

6. 12 ounces from all offerings of beer in a day.

(2) Once opened, a bottle used for beer, wine, or liquor tasting shall be marked that it is to be used for that purpose only.

(3) A dispensary may sell chilled beer or chilled wine for off-premises consumption only from a keg for the purpose of filling:

(i) for beer, a refillable container or a nonrefillable container; and

(ii) for wine, a refillable container.

(f) The Services may sell or deliver alcoholic beverages to a retail license holder from 6 a.m. to midnight on every day except Sunday.

(g) A manager of a dispensary, an individual who contracts to operate a retail outlet as authorized under subsection (c) of this section, or an employee of a dispensary or retail outlet who commits a prohibited act related to the sale or providing of alcoholic beverages to individuals under the age of 21 years under this article or the Criminal Law Article is subject to:

(1) any penalty authorized by law, including a civil citation issued under § 10–119 of the Criminal Law Article; and

(2) a fine and suspension or revocation of employment by the Board in the same manner as a license holder or employee of a license holder would be subject to a fine and suspension or revocation of the license for the violation.

(h) Title 4, Subtitle 2 of this article does not apply to this section.

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§ 25-311

(a) Revenue derived from the sale of alcoholic beverages shall be:

- (1) deposited in a bank located in the county in the name of Montgomery County, Maryland; and
- (2) disbursed by the Director of Finance in the same manner as other county funds.

(b) (1) There is an Alcohol Beverage Services Fund in the county.

(2) The proceeds derived from the sale of alcoholic beverages shall be credited into the Alcohol Beverage Services Fund to maintain an adequate balance of working capital, as determined by the Director and the Director of Finance and subject to the approval of the County Executive, for the continued operation of the dispensary system.

(3) After providing adequate working capital for the Alcohol Beverage Services Fund, the net proceeds shall be deposited to the general fund of the county.

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§ 25-312

The Services shall have the immunity from liability established under § 5–504 of the Courts Article.

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§ 25-313

The Department of Finance shall:

- (1) keep accurate records of all purchases of alcoholic beverages; and
- (2) prepare and forward to the County Executive and County Council an annual report for the previous fiscal year.

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§ 25-314

(a) A supplier may enter into an agreement with a wholesaler or an authorized representative of a wholesaler to replace, directly or indirectly, stale or out-of-date malt beverage products on retail licensed premises:

- (1) on a case for case basis;
- (2) at the supplier's expense; and
- (3) under a plan that the Executive Director approves.

(b) (1) If a wholesaler refuses to replace stale or out-of-date malt beverage products on retail licensed premises under the plan described in subsection (a)(3) of this section, the supplier may unilaterally submit a replacement plan to the Executive Director for approval.

(2) The replacement plan that the supplier unilaterally submits to the Executive Director may include the designation of an authorized representative or wholesaler outside the territory of the wholesaler who refuses to participate in the plan.

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§ 25-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2–201 ("Issuance by Comptroller");
- (2) § 2–202 ("Class 1 distillery license");
- (3) § 2–204 ("Class 2 rectifying license");
- (4) § 2–207 ("Class 5 brewery license");
- (5) § 2–210 ("Class 8 farm brewery license");
- (6) § 2–211 ("Residency requirement");
- (7) § 2–212 ("Additional licenses");

- (8) § 2–213 (“Additional fees”);
- (9) § 2–214 (“Sale or delivery restricted”);
- (10) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and
- (11) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).
- (b) Section 2–215 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article does not apply in the county.
- (c) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county:
 - (1) § 2–203 (“Class 9 limited distillery license”), subject to § 25–406 of this subtitle;
 - (2) § 2–205 (“Class 3 winery license”), subject to § 25–403 of this subtitle;
 - (3) § 2–206 (“Class 4 limited winery license”), subject to § 25–407 of this subtitle;
 - (4) § 2–208 (“Class 6 pub–brewery license”), subject to § 25–404 of this subtitle;
 - (5) § 2–209 (“Class 7 micro–brewery license”), subject to § 25–405 of this subtitle; and
 - (6) § 2–216 (“Interaction between manufacturing entities and retailers”), subject to § 25–405 of this subtitle.

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§ 25-402

A holder of a manufacturer’s license may sell or deliver alcoholic beverages to the Alcohol Beverage Services from 6 a.m. to midnight on every day except Sunday.

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§ 25-403

The Board may issue a Class D beer and wine license to a holder of a Class 3 winery license that produces not more than 20,000 gallons in a year.

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§ 25-404

- (a) This section applies to a Class 6 pub–brewery license in the county.
- (b) Section 2–208(d) of this article does not apply in the county.
- (c) A holder of the license shall enter into a written agreement with the Alcohol Beverage Services for the sale and resale of malt beverages brewed under the license.

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§ 25-405

- (a) This section applies to a Class 7 micro–brewery (on– and off–sale) license in the county.
- (b) The license may be issued to the holder of:
 - (1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the county;
 - (2) subject to subsection (c) of this section, a Class D beer and wine license that is issued for the sale of beer and wine, at retail, at the place described in the license, for on– and off–premises consumption;
 - (3) a Class H beer and wine license that is issued for the sale of beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on–premises consumption;
 - (4) a Class BD–BWL license that is issued for the sale of beer and wine for on– and off–premises consumption, and liquor for on–premises consumption, at the place described in the license;
 - (5) a Class B–BWL (clubhouse/lodge) license that is issued for the sale of beer and wine for on– and off–premises consumption, and liquor for on–premises consumption, at the place described in the license; or

- (6) a Class D beer, wine, and liquor license that is issued for the sale of beer, wine, and liquor for on-premises consumption, at the place described in the license.
- (c) The Executive Director may not issue more than an aggregate amount of two Class 7 micro-brewery licenses to holders of Class D beer and wine licenses in the Town of Kensington.
- (d) A holder of the license shall enter into a written agreement with the Alcohol Beverage Services for the sale and resale of malt beverages brewed under the license.
- (e) (1) Subject to paragraphs (2), (3), and (4) of this subsection, the holder of a Class 7 micro-brewery license may:
- (i) brew in two locations using the same Class 7 micro-brewery license; and
 - (ii) obtain a Class 2 rectifying license for the premises at the two locations authorized under item (i) of this paragraph.
- (2) The holder of a Class 7 micro-brewery license may brew in two locations using the same Class 7 micro-brewery license if the license holder:
- (i) requests permission by submitting a written application to the Executive Director; and
 - (ii) obtains written approval from the Executive Director.
- (3) Before authorizing a holder of a Class 7 micro-brewery license to brew in two locations using the same Class 7 micro-brewery license, the Executive Director shall:
- (i) make a determination that a second location to brew additional capacity is necessary due to insufficient space at the existing Class 7 license location; and
 - (ii) consider any other factor relevant to approval of the application.
- (4) Notwithstanding any other provision of this article, a holder of a Class 7 micro-brewery license may not serve or sell malt beverages for on- or off-premises consumption at the second brewing location authorized under this subsection.
- (f) A holder of a Class B-BWL (clubhouse/lodge) license that is issued a Class 7 micro-brewery license is not subject to the licensure restriction on holders of Class 7 micro-brewery licenses set forth under § 2-216(e)(2) of this article.

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§ 25-406

A holder of a Class B beer, wine, and liquor (on-sale) license, a Class B-K beer, wine, and liquor license, or a Class D beer, wine, and liquor (on-sale) license may be issued a Class 9 limited distillery license to sell the distilled products that the holder manufactures for on- and off-premises consumption.

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§ 25-407

- (a) A holder of a Class B-BWL (clubhouse/lodge) license may be issued a Class 4 limited winery license to sell and serve the fermented and distilled products that the holder manufactures for on- and off-premises consumption.
- (b) The restrictions under § 2-206(b)(5)(iii), (6)(ii), and (9) and the notice requirement under § 2-206(b)(9) of this article do not apply to a license issued under this section.

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§ 25-501

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-301 ("Licenses issued by Comptroller");
- (2) § 2-307 ("Class 6 limited wine wholesaler's license");
- (3) § 2-308 ("Class 7 limited beer wholesaler's license");
- (4) § 2-309 ("Sale and delivery of beer or wine from wholesaler's vehicle");
- (5) § 2-310 ("Sale and delivery to retail license holder");

- (6) § 2–311 (“Additional wholesaler’s licenses”);
 - (7) § 2–312 (“Direct importation of alcoholic beverages”);
 - (8) § 2–313 (“Sale or delivery restricted to holder of license or permit”);
 - (9) § 2–315 (“Interaction between wholesaling entities and retailers”);
 - (10) § 2–316 (“Distribution of alcoholic beverages — Prohibited practices”); and
 - (11) § 2–317 (“Restrictive agreements between wholesalers and retailers — Prohibited”).
- (b) Section 2–314 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article does not apply in the county.
- (c) The following sections of Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article apply in the county subject to § 25–502 of this subtitle:
- (1) § 2–302 (“Class 1 beer, wine, and liquor wholesaler’s license”);
 - (2) § 2–303 (“Class 2 wine and liquor wholesaler’s license”);
 - (3) § 2–304 (“Class 3 beer and wine wholesaler’s license”);
 - (4) § 2–305 (“Class 4 beer wholesaler’s license”); and
 - (5) § 2–306 (“Class 5 wine wholesaler’s license”).

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§ 25-502

A holder of a Class 1 beer, wine, and liquor, Class 2 wine and liquor, Class 3 beer and wine, Class 4 beer, or Class 5 wine wholesaler’s license may not sell or deliver any alcoholic beverage in the county for resale except to a county dispensary.

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§ 25-503

Alcoholic beverages may be sold or delivered from 6 a.m. to midnight, on every day except Sunday:

- (1) by a holder of a beer, wine, and liquor, wine and liquor, beer and wine, beer, or wine wholesaler’s license to a county dispensary; and
- (2) by a holder of a limited wine wholesaler’s license to a holder of a retail license or a county dispensary.

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§ 25-601

(a) There is a Class A beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) A license may not be issued for, for use in conjunction with, or on the premises of:

- (i) a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley, billiard hall, or drugstore; or
- (ii) a premises that has a passageway providing direct public access to a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley, billiard hall, or drugstore.

(3) The license holder shall sell the beer in a sealed package or container.

(4) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is \$200.

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§ 25-602

(a) There is a Class B beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for, for use in conjunction with, or on the premises of:

(i) a drugstore or a restaurant located in a drugstore; or

(ii) a premises that has a passageway providing direct public access to a drugstore or a restaurant located in a drugstore.

(c) The annual license fee is \$250.

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§ 25-603

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) The annual license fee is \$50.

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§ 25-604

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for, for use in conjunction with, or on the premises of:

(i) a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley, billiard hall, or drugstore; or

(ii) a premises that has a passageway providing direct public access to a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley, billiard hall, or drugstore.

(c) The annual license fee is \$250.

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§ 25-605

(a) There is a Class H beer license.

(b) (1) Subject to paragraphs (2) and (3) of this subsection, the license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on–premises consumption.

(2) A license may not be issued for, for use in conjunction with, or on the premises of:

(i) a restaurant located in a drugstore; or

(ii) a premises that has a passageway providing direct public access to a drugstore.

(3) A license may be issued for a public golf course under § 25–1101 of this title.

(c) The annual license fee is \$400.

(d) (1) There is one Class H license that shall be issued to a person who, on June 30, 1997, held a Class B beer license and operated a licensed premises that was located in that portion of the City of Takoma Park that was formerly part of Prince George’s County.

(2) The Class H license holder may exercise all of the privileges that the license holder was authorized to exercise on June 30, 1997.

(3) The annual license fee is \$400.

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§ 25-701

(a) There is a Class A wine license in the county.

- (b) The license may be issued to a holder of a Class 4 limited winery license.
- (c) (1) The license authorizes the license holder to sell at retail at the place described in the license not more than 20,000 gallons of wine produced at the winery each year.
- (2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (d) The annual license fee is \$100.

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§ 25-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume, including naturally fermented or fortified wine.

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§ 25-802

- (a) There is a Class A beer and wine license.
- (b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.
- (2) The license holder shall sell the beer and wine in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.
- (c) (1) Except as provided in paragraph (2) of this subsection, the license may not be issued to or used in conjunction with:
 - (i) an establishment that is a bowling alley, billiard hall, or drugstore, or a restaurant in the establishment; or
 - (ii) a place with a door, an archway, an opening, or any other passageway providing direct public access to an establishment listed under item (i) of this paragraph.
- (2) Paragraph (1) of this subsection does not apply to the renewal of the license for use by a supermarket that includes a drugstore.
- (d) The annual license fee is \$250.

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§ 25-803

- (a) There is a Class B beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on- and off-premises consumption.
- (c) The license may not be issued to or used in conjunction with:
 - (1) an establishment that is a drugstore or a restaurant in a drugstore; or
 - (2) a place with a door, an archway, an opening, or any other passageway providing direct public access to an establishment listed under item (1) of this subsection.
- (d) The annual license fee is \$400.

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§ 25-804

- (a) There is a Class C beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine to a member of a club and guests of members, at retail, at the place described in the license, for on-premises consumption.
- (c) The annual license fee is \$120.

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§ 25-805

- (a) There is a Class D beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on- and off-premises consumption.
- (c) The license may not be issued for use by a drugstore.
- (d) The annual license fee is \$400.

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§ 25-806

- (a) There is a Class H beer and wine license.
- (b) Except as provided in § 25-1603(c) of this title, the license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on-premises consumption.
- (c) The annual license fee is \$400.

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§ 25-901

- (a) There is a Class A-TP beer, wine, and liquor license.
- (b) (1) The Board shall issue the license to a person who on June 30, 1997:
 - (i) held a Class A beer, wine, and liquor license; and
 - (ii) operated a business for which a Class A license was issued on the licensed premises that is in the part of the City of Takoma Park that was formerly part of Prince George's County.
- (2) (i) Unless revoked or not renewed for good cause, the license shall continue and be renewed, subject to payment of the annual license fee.
- (ii) The license is not transferable to any other location, but the license may be transferred to another person at any time, subject to the restrictions on similar transfers for other alcoholic licenses in the county.
- (c) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.
- (2) The license holder shall sell the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (d) A license under this section may not be issued for a drugstore unless the applicant:
 - (1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;
 - (2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or
 - (3) has been engaged in the retail drug business for at least 3 years.
- (e) The Board shall adopt regulations, including the hours of sale, to carry out this section.
- (f) The annual license fee is \$910.

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§ 25-902

- (a) There is a Class B beer, wine, and liquor license.
- (b) The Board may issue the license to the owner or operator of a restaurant or hotel if:
 - (1) before the issuance of the license, the owner or operator attests in a sworn statement that gross receipts from food sales in the restaurant or hotel will be at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages; and

(2) before each renewal of the license, the owner or operator attests in a sworn statement that the gross receipts from food sales in the restaurant or hotel for the 12 months immediately before the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages.

(c) The license authorizes the license holder to sell at the place described in the license:

(1) beer, wine, and liquor at retail for on-premises consumption; and

(2) beer and wine in containers sealed with the manufacturer's original seal for off-premises consumption only to a person who has purchased prepared food from the licensed premises.

(d) (1) The license holder may not display or provide shelving for beer or wine for off-premises sales in areas of the establishment that are accessible to the public.

(2) Off-sale alcoholic beverages receipts collected under the license shall be included in the calculation of gross receipts from the sale of alcoholic beverages.

(3) The license holder may sell beer and wine for off-premises consumption only when the licensed premises is open for business as a hotel or restaurant.

(e) (1) The Board may adopt regulations to carry out this section, including regulations that limit the quantity of beer and wine that may be sold to a person for off-premises consumption in a single transaction.

(2) The Board shall adopt regulations to provide for audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of beer, wine, and liquor.

(f) (1) The Board may revoke a license if the license holder fails to maintain the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages required under this section:

(i) during the initial license year, for 3 consecutive months; or

(ii) after the initial license year, for each license or calendar year.

(2) The Board may require a license holder to provide supporting data as the Board considers necessary to establish that the license holder has met the requirements of this section relating to the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.

(g) The annual license fee is \$2,500.

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§ 25-903

(a) There is a Class BD-BWL license.

(b) The license authorizes the license holder to sell:

(1) beer and wine for on- or off-premises consumption; and

(2) liquor for on-premises consumption.

(c) As a prerequisite for the initial issuance of the license, the owner of the establishment shall attest in a sworn statement that food will be available for sale for on-premises consumption during the hours that alcoholic beverages are permitted to be served.

(d) As a prerequisite for each renewal of the license, the owner of the establishment shall attest in a sworn statement that food will be available for sale for on-premises consumption during the hours that alcoholic beverages are permitted to be served.

(e) The Board by regulation shall specify the type of food that is required to be available for sale for on-premises consumption during the hours that alcoholic beverages are permitted to be served.

(f) A holder of a Class BD-BWL license:

(1) may also hold a Class 7 micro-brewery license issued for a location in the county; but

(2) may not hold more than two Class BD-BWL licenses.

(g) If a person holds two Class BD-BWL licenses under subsection (f)(2) of this section, the establishment for which the second Class BD-BWL license is issued shall have average daily receipts from the sale of food that exceed the average

daily receipts from the sale of alcoholic beverages.

(h) The annual license fee is \$3,500.

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§ 25-904

(a) There is a Class B–BWL (H–M) beer, wine, and liquor license.

(b) The Board may issue the license to the owner of a hotel or motel that contains at least five rooms to accommodate the public.

(c) The license authorizes the license holder to sell beer, wine, and liquor in accordance with § 25–902 of this subtitle, except that registered guests may be served in their rooms.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 25–2005(e) of this title.

(e) The annual license fee is \$2,500.

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§ 25-906

(a) There is a Class D beer, wine, and liquor license.

(b) The Board may issue the license to an owner of an establishment if:

(1) before the issuance of the license, the owner attests in a sworn statement that food will be available for sale for on–premises consumption during the hours that alcoholic beverages are permitted to be served; and

(2) before each renewal of the license, the owner attests in a sworn statement that food will be available for sale for on–premises consumption during the hours that alcoholic beverages are permitted to be served.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(d) The Board shall adopt regulations that specify the type of food that is required to be available for sale for on–premises consumption during the hours that alcoholic beverages are permitted to be served.

(e) The annual license fee is \$3,000.

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§ 25-1001

(a) There is an art gallery beer and wine license.

(b) (1) The Board may issue an art gallery beer and wine license to a nonprofit or for–profit retail business engaged in the display and sale of original artwork by an individual artist or a group of artists.

(2) The Board may not issue the license to a business that displays and sells commercially prepared or mass–produced artistic products.

(c) The license authorizes the license holder to sell or serve beer and wine at retail for on–premises consumption.

(d) The license holder may sell or serve beer and wine when snacks are served during normal business hours but not later than midnight.

(e) The license may not be transferred to another location.

(f) The annual license fee is \$100.

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§ 25-1002

(a) There is a beauty salon and barbershop beer, wine, and liquor license.

(b) The Board may issue the license to a holder of:

(1) a beauty salon permit issued under § 5–501 of the Business Occupations and Professions Article; or

(2) a barbershop permit issued under § 4–501 of the Business Occupations and Professions Article.

(c) The license authorizes the license holder to provide not more than 12 ounces of beer, 5 ounces of wine, or 1.7 ounces of liquor for on–premises consumption by a beauty salon or barbershop customer:

(1) when the customer is provided a cosmetology service under Title 5 of the Business Occupations and Professions Article or a barbering service under Title 4 of the Business Occupations and Professions Article; or

(2) while the customer is attending a fund–raising event at the beauty salon or barbershop for which the County Department of Permitting Services has issued a permit.

(d) The license may not be transferred to another location.

(e) The license holder may provide beer, wine, and liquor during normal business hours but not later than 9 p.m.

(f) An establishment for which the license is issued is subject to the alcohol awareness training requirements under § 4–505 of this article.

(g) The annual license fee is \$100.

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§ 25-1003

(a) There is a Class B–BWL (clubhouse/lodge) license.

(b) The Board may issue a Class B–BWL (clubhouse/lodge) license to the Executive Director of the Montgomery County Revenue Authority or the designee of the Executive Director, for use by a multiuse facility that accommodates a golf course, a restaurant, a clubhouse, a tasting bar, and the catering of events anywhere on the property.

(c) The license authorizes the license holder to:

(1) sell beer and wine for off–premises consumption;

(2) sell beer, wine, and liquor for on–premises consumption; and

(3) offer samples of alcoholic beverages at no charge or for a fee.

(d) The restrictions contained in § 25–902(b) of this title do not apply to the issuance of a Class B–BWL (clubhouse/lodge) license.

(e) The license holder may also hold:

(1) a Class 4 limited winery license in accordance with § 25–407 of this title; and

(2) a Class 7 micro–brewery license in accordance with § 25–405 of this title.

(f) The annual license fee is \$1,000.

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§ 25-1004

(a) There is a BWL Community Performing Arts Facility license.

(b) (1) The Board may issue the license for use by a nonprofit partnership, limited liability company, corporation, or other entity that owns or leases a performing arts facility that is used for art classes, banquets, community–related activities, exhibits, live performances, shows, theater productions, visual art shows, and weddings.

(2) The Board may not issue more than three licenses to a nonprofit partnership, limited liability company, corporation, or other entity that owns or leases performing arts facilities in separate locations.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor by the drink from one or more outlets on the licensed premises for on–premises consumption.

(2) The Board may impose conditions on the issuance or renewal of the license that establish the areas in the community performing arts facility where beer, wine, and liquor may be sold, served, possessed, or consumed.

- (3) The license holder shall ensure that food is provided during the hours beer, wine, and liquor are sold, served, possessed, or consumed.
- (d) (1) The holder of a Class B–BWLHR license with catering authority, a local caterer’s license, or a State caterer’s license may bring alcoholic beverages and food on the licensed premises under the terms of a contract with a holder of a BWL Community Performing Arts Facility license.
- (2) A violation of this title that occurs when a caterer brings alcoholic beverages on licensed premises as provided under paragraph (1) of this subsection is the responsibility of the caterer and is not the responsibility of the license holder.
- (e) The license holder may sell beer, wine, and liquor from 9 a.m. on any day of the week to 2 a.m. the following day.
- (f) The license may not be transferred to another location.
- (g) The annual license fee is \$750.
- (h) (1) There is a Community Performing Arts Facility special event permit.
- (2) The Board may issue the permit only to the holder of a BWL Community Performing Arts Facility license.
- (3) A holder of the permit may sell beer, wine, or liquor for consumption on the premises of the special event.
- (4) A holder of the permit shall notify the Board in writing on a form provided by the Board at least 14 days before each event.
- (5) A holder of the permit may hold an unlimited number of events in a year.
- (6) The annual permit fee is \$200.

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§ 25-1005

- (a) There is a continuing care retirement community license.
- (b) The Board may issue the license for use by a club that:
- (1) is composed of residents of a continuing care retirement community that has obtained a certificate of registration from the Department of Aging under Title 10, Subtitle 4 of the Human Services Article;
- (2) has at least 50 members; and
- (3) has annual dues that average at least \$5 per member.
- (c) The license authorizes the license holder to sell, at retail at the place described in the license, beer, wine, and liquor:
- (1) purchased from the Alcohol Beverage Services for the county;
- (2) for on–premises consumption; and
- (3) to a member or a guest accompanied by a member.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 25–2005 of this title.
- (e) The annual license fee is \$500.

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§ 25-1006

- (a) There is a Class B (Corporate Training Center) beer, wine, and liquor license.
- (b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption at a corporate headquarters support facility.
- (2) For the Board to issue the license, the corporate headquarters support facility shall serve only the workforce training and education needs of employees, customers, and visitors to the corporate headquarters of a corporation that employs at least 500 employees in the county.
- (c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 25–2005 of this title.

(d) The annual license fee is \$2,500.

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§ 25-1007

(a) There is a country club license.

(b) The application shall be signed by at least one officer of the club who is a resident, registered voter, or taxpayer of the county.

(c) The Board may issue the license for use by a country club:

(1) that has at least 100 members;

(2) whose members pay an annual total amount of dues that averages at least \$50 per member; and

(3) that maintains at the time of the license application a regular or championship golf course of at least nine holes.

(d) The license authorizes the license holder to sell beer, wine, and liquor purchased from the Alcohol Beverage Services for on-premises consumption by:

(1) a country club member;

(2) a member of the immediate family of a country club member;

(3) an individual residing temporarily in the clubhouse of the country club; or

(4) a guest of a country club member, including an individual who attends a recognized national or regional athletic event held on the premises of the license holder if:

(i) the license holder has applied to the Board to sell alcoholic beverages to individuals attending the event;

(ii) the application has been made at least 60 days before the date that the event is to take place; and

(iii) the Board has approved the application.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 25-2005 of this title.

(f) An employee of a country club for which a license has been issued may not have a guest at the country club to consume alcoholic beverages during the employee's normal working hours.

(g) The annual license fee is \$2,000.

(h) (1) There is a country club off-sale permit.

(2) The Board may issue the permit only to a holder of a country club license.

(3) A holder of the permit may sell wine by the bottle for off-premises consumption only:

(i) at a wine tasting event that is held on the premises for which the holder's country club license is issued;

(ii) to an individual specified in subsection (d) of this section; and

(iii) during the hours and days the license holder is authorized to sell beer, wine, and liquor under subsection (e) of this section.

(4) A holder of the permit shall notify the Board in writing on a form provided by the Board at least 14 days before each tasting event.

(5) A holder of the permit may not hold more than:

(i) twelve tasting events in a calendar year; or

(ii) two tasting events in a single month.

(6) The Board may set a fee for the permit in addition to the annual fee for the country club license.

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§ 25-1008

(a) There is a culinary school beer and wine license.

(b) The Board, by majority vote, may issue the license for use on the premises of a private culinary educational institution that:

- (1) is accredited by a nationally recognized accrediting association;
- (2) is approved by the State Higher Education Commission; and
- (3) holds a private educational institution license issued by the county.

(c) (1) The license authorizes the license holder to:

(i) allow the consumption of wine by individuals who are at least 21 years old and registered in a wine tasting course offered by the license holder; and

(ii) allow the consumption of beer and wine by individuals who are at least 21 years old and registered in a culinary or confectionary course offered by the license holder.

(2) An individual may consume beer or wine under the license on the licensed premises.

(d) A license holder may conduct the activities specified in subsection (b) of this section:

- (1) from Monday through Thursday, from 9 a.m. to 1 a.m. the following day;
- (2) on Friday and Saturday, from 9 a.m. to 2 a.m. the following day; and
- (3) on Sunday, from 10 a.m. to 1 a.m. the following day.

(e) The license holder shall provide food during the hours that alcoholic beverages are served.

(f) A license holder may not simultaneously hold a different type of license issued under this article.

(g) The annual license fee is \$400.

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§ 25-1009

(a) There is a fraternal/sororal/service organization beer, wine, and liquor license.

(b) The Board may issue the license for use by a local unit of a lodge or chapter of a nonprofit and nationwide fraternal, sororal, or service organization that:

- (1) is composed only of inducted members;
- (2) was operating in the county before the license application was made;
- (3) has a membership of at least 200 individuals and dues of not less than \$5 per year per individual; and
- (4) owns and operates a clubhouse that is principally for the use of its members and their guests when accompanied by members.

(c) The license authorizes the license holder to sell beer, wine, or liquor to its members or guests accompanied by members for on-premises consumption.

(d) The license holder may sell beer, wine, and liquor:

- (1) on Monday through Saturday, from 11 a.m. to 1 a.m. the following day; and
- (2) on Sunday, from noon to 1 a.m. the following day.

(e) The annual license fee is \$1,000.

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§ 25-1010

(a) There is a Class B–BWL (large performing arts facility) license.

(b) The Board may issue the license for use by a nonprofit partnership, limited liability company, corporation, or other entity that leases a performing arts facility that:

- (1) is used for artistic, corporate, and community related activities; and
- (2) has:

- (i) a minimum capital investment, not including real property, of \$1,000,000;
 - (ii) a minimum capacity of 1,500 individuals;
 - (iii) a food service facility permit; and
 - (iv) 40 seats in a food service area.
- (c) (1) The license authorizes the license holder to sell beer, wine, and liquor by the drink from one or more outlets on the licensed premises for on-premises consumption.
- (2) A license holder may not sell beer, wine, and liquor at:
- (i) a high school graduation held on the licensed premises; or
 - (ii) a community meeting held without food service on the licensed premises.
- (3) The Board may impose conditions on the issuance or renewal of the license that establish the areas in the performing arts facility where beer, wine, and liquor may be sold, served, possessed, or consumed.
- (d) The license holder may sell beer, wine, and liquor from 10 a.m. on any day of the week to 2 a.m. the following day.
- (e) The license may not be transferred to another location.
- (f) The annual license fee is \$1,000.

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§ 25-1011

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Authority" means the Montgomery County Revenue Authority.
- (3) "Commission" means the Maryland–National Capital Park and Planning Commission.
- (b) (1) There is a Class H beer (on-sale) license, a Class H beer and wine (on-sale) license, and a Class B–BWL (clubhouse/lodge)(beer and wine off-sale; beer, wine, and liquor on-sale) license issued for the limited use of public golf courses under the jurisdiction of the Authority.
- (2) There is a Class H beer (on-sale) license and a Class H beer and wine (on-sale) license issued for the limited use of public golf courses under the jurisdiction of the Commission.
- (c) (1) The Director or Deputy Director of the County Parks Department of the Commission may hold one or more licenses issued for the use of public golf courses that are in the county under the jurisdiction of the Commission.
- (2) (i) The Executive Director of the Authority or the designee of the Executive Director may hold one or more licenses issued for the use of public golf courses under the jurisdiction of the Authority.
- (ii) A license issued under this paragraph shall be signed by the Executive Director of the Authority or the designee of the Executive Director.
- (d) (1) The holder of a Class H beer license may sell beer for on-premises consumption during the hours and days as set out for a Class H beer license under § 25–2003 of this title.
- (2) The holder of a Class H beer and wine license may sell beer and wine for on-premises consumption during the hours and days as set out for a Class H beer and wine license under § 25–2005 of this title.
- (3) The holder of a Class B–BWL beer, wine, and liquor license may sell beer, wine, and liquor for on-premises consumption during the hours and days as set out for a Class B–BWL beer, wine, and liquor license under § 25–2005 of this subtitle.
- (e) (1) As a condition to holding a license under this section, the Director or Deputy Director of the County Parks Department of the Commission or the Executive Director of the Authority or the designee of the Executive Director shall designate an individual with respect to each golf course to complete training in an alcohol awareness program approved under § 4–505 of this article.
- (2) The individual designated to complete training in an alcohol awareness program under paragraph (1) of this subsection shall:

- (i) represent the concessionaire; and
- (ii) be involved with the management of the sale of beer or wine by the concessionaire at the golf course.

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§ 25-1012

- (a) There is a Class C (Takoma Park veterans') beer, wine, and liquor license.
- (b) The Board may issue the license for use by a local unit of a nationwide nonprofit organization or club that:
 - (1) is in the portion of the City of Takoma Park that was formerly part of Prince George's County;
 - (2) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;
 - (3) had a charter from a national veterans' organization before the application for the license was made;
 - (4) has a bona fide membership of at least 100 individuals and dues of not less than \$5 per year per individual;
 - (5) operates only for the use of its own members and guests when accompanied by members;
 - (6) possessed a club license originally issued by the Prince George's County Board of License Commissioners when the club was in the portion of the City of Takoma Park that was formerly part of Prince George's County; and
 - (7) meets in a clubhouse principally used for no other purpose.
- (c) The license authorizes the license holder to sell beer, wine, or liquor to its members or guests accompanied by members at retail at the place described in the license for on-premises consumption.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 25-2005 of this title.
- (e) The annual license fee is \$1,000.

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§ 25-1013

- (a) (1) In this section the following words have the meanings indicated.
 - (2) "Movie theater" means a building designed or used primarily to exhibit motion pictures to the public.
 - (3) (i) "Performing arts theater" means an area, a building, or a structure designed and used for plays, acts, dramas, or histrionics by actors or actresses performing on a stage.
 - (ii) "Performing arts theater" does not include:
 - 1. a place where motion pictures are exhibited or shown; or
 - 2. a building or amphitheater that is part of a sports complex regularly used by minors.
- (b) There is a theater license.
- (c) The Board may issue the license for use on the premises of:
 - (1) a performing arts theater; or
 - (2) a movie theater operated by a nonprofit organization.
- (d) The license authorizes the license holder to sell beer and wine at retail for on-premises consumption when snacks are served.
- (e) The license holder may sell beer and wine:
 - (1) 1 hour before and after a performance;
 - (2) during an intermission; and
 - (3) during a cast party and reception before and after a performance.
- (f) The license may not be transferred to another location.
- (g) The annual license fee is \$100.

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§ 25-1014

- (a) There is a veterans' organization or club license.
- (b) The Board may issue the license for use by a local unit of a nationwide nonprofit organization composed only of members who served in the armed forces of the United States if the local unit:
 - (1) has a charter from a national veterans' organization and was operating in the county before the application for the license was made;
 - (2) has a membership of at least 200 individuals and dues of at least \$5 per individual; and
 - (3) owns or operates a clubhouse that is principally for the use of its members and their guests when accompanied by members.
- (c) The license authorizes the license holder to sell at retail beer, wine, or liquor to its members or guests accompanied by members for on-premises consumption.
- (d) The license holder may sell beer, wine, and liquor:
 - (1) on Monday through Saturday, from 11 a.m. to 1 a.m. the following day; and
 - (2) on Sunday, from noon to 1 a.m. the following day.
- (e) The annual license fee is \$1,000.

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§ 25-1101

- (a) Section 4–1103 (“Removal of partially consumed bottle of wine from licensed premises”) of Division I of this article applies in the county without exception or variation.
- (b) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article apply in the county:
 - (1) § 4–1102 (“Corkage — Consuming wine not purchased from license holder on licensed premises”), in addition to § 25–1102 of this subtitle;
 - (2) § 4–1104 (“Refillable container permit — Draft beer”), subject to § 25–1103 of this subtitle;
 - (3) § 4–1105 (“Refillable container permit — Wine”), subject to § 25–1104 of this subtitle; and
 - (4) § 4–1106 (“Nonrefillable container permit — Draft beer”), subject to § 25–1104.1 of this subtitle.

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§ 25-1102

Section 4–1102 of this article also applies to an individual in a restaurant, club, or hotel for which a Class H license allowing the sale of wine is issued.

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§ 25-1103

- (a) The Board may issue a refillable container permit for draft beer to a holder of:
 - (1) a Class B beer and wine license;
 - (2) a Class D beer and wine license;
 - (3) a Class BD–BWL license; or
 - (4) if the licensed premises is in Damascus (12th election district), in accordance with § 25–1603 of this title, a Class H beer and wine license.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for the permit begin and end at the same time as those for the underlying license.

(d) The permit may be renewed each year with the renewal of the underlying license.

(e) The Board shall issue the permit at no cost to the applicant.

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§ 25-1104

(a) The Board may issue a refillable container permit for wine to a holder of a license that entitles the holder to sell wine for off-premises consumption.

(b) The Board shall issue the permit at no cost to the applicant.

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§ 25-1105

(a) There is an organization supply license.

(b) The Board may issue the license to a corporation, a club, or any other organization that:

(1) is a country club under § 25-1007 of this title or an eleemosynary organization;

(2) is a local post, chapter, lodge, council, or branch of a national organization that has more than 300,000 members; and

(3) has more than 200 dues-paying members.

(c) The license allows the on-premises consumption of alcoholic beverages by a member or the member's guest if the alcoholic beverages are supplied by the member.

(d) The annual license fee is \$300.

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§ 25-1201

(a) (1) There is a local caterer's license.

(2) The license is a separate alcoholic beverages license.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to a person that:

(i) does not already hold a license issued by the Board;

(ii) has facilities to prepare and deliver food to the site of a catered event; and

(iii) meets all other requirements of this article.

(2) Before the Board issues or renews the license, the county health department shall approve the food preparation facilities for a catered event.

(3) An applicant for or holder of the license is not required to have a banquet hall.

(c) The license authorizes a holder to:

(1) provide alcoholic beverages at an event that is held off the premises of the food preparation facilities; and

(2) exercise the privileges of the license only during the hours and on the days authorized for a Class B beer, wine, and liquor license.

(d) The license holder may not:

(1) hold an event that the license holder sponsors; or

(2) provide only alcoholic beverages at an event.

(e) The license holder shall:

(1) contract for and provide food for consumption at a catered event;

(2) meet the same ratio of gross receipts between food and alcoholic beverage sales as a holder of a Class B beer, wine, and liquor license; and

(3) purchase all alcoholic beverages from the Alcohol Beverage Services.

(f) The annual license fee is \$1,250.

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§ 25-1202

(a) There is a catering extension.

(b) The Board may grant a catering extension to the holder of:

(1) a Class B restaurant or hotel (on-sale) beer, wine, and liquor license;

(2) a Class BD-BWL license;

(3) a Class B-K beer, wine, and liquor license; and

(4) a Class D beer, wine, and liquor license.

(c) The catering extension authorizes a holder to:

(1) provide alcoholic beverages at an event that is held off the premises for which:

(i) the holder's Class B restaurant or hotel (on-sale) beer, wine, and liquor license is issued; or

(ii) the holder's Class D beer, wine, and liquor license is issued; and

(2) exercise the privileges of the catering extension only during the hours and on the days authorized for:

(i) a Class B restaurant or hotel (on-sale) beer, wine, and liquor license;

(ii) a Class BD-BWL license;

(iii) a Class B-K beer, wine, and liquor license; or

(iv) a Class D beer, wine, and liquor license.

(d) The holder of a catering extension shall provide food for consumption at the catered event.

(e) This section does not require a holder of the following licenses to obtain a catering extension for catering on the premises for which the license is issued:

(1) a Class B restaurant or hotel (on-sale) beer, wine, and liquor license;

(2) a Class BD-BWL license;

(3) a Class B-K beer, wine, and liquor license; and

(4) a Class D beer, wine, and liquor license.

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§ 25-1301

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-1202 ("Per diem licenses");

(2) § 4-1206 ("License to dispose of stock");

(3) § 4-1207 ("Temporary move of licensed premises");

(4) § 4-1208 ("Hours and days of sale"); and

(5) § 4-1209 ("Wine permit for fund-raising event").

(b) Section 4-1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 25-1311 of this subtitle.

(c) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county:

(1) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine licenses"), subject to § 25-1302 of this subtitle; and

(2) § 4-1204 ("Class C per diem beer, wine, and liquor license"), subject to § 25-1302 of this subtitle.

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§ 25-1302

A holder of a Class C per diem beer license, a Class C per diem beer and wine license, or a Class C per diem beer, wine, and liquor license may purchase alcoholic beverages from:

- (1) a County Alcohol Beverage Services warehouse;
- (2) a dispensary;
- (3) a manufacturer with a self-distribution license or permit under § 25-307 of this title; or
- (4) a retail dealer licensed to sell alcoholic beverages for off-premises consumption.

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§ 25-1304

(a) (1) In this section the following words have the meanings indicated.

(2) "Festival" means the Montgomery County Beer, Wine, and Liquor Festival.

(3) "Festival organization" means a nonprofit organization that:

- (i) is chosen by the county to organize the Festival; and
- (ii) has extensive experience in organizing and managing large-scale public events.

(b) There is a Beer, Wine, and Liquor Festival license.

(c) The Board may issue the license to a holder of a retail license issued in the county, a Class 5 brewery license, a Class 6 pub-brewery license, a Class 7 micro-brewery license, a State Class 8 farm brewery license, a Class 3 winery license, a Class 4 limited winery license, a Class 1 distillery license, or a Class 9 limited distillery license.

(d) (1) Subject to paragraphs (2) and (3) of this subsection, the license authorizes the license holder to display and sell beer, wine, or liquor that is distributed in the State.

(2) A person may not sell, offer for sale, or display beer, wine, or liquor at the Festival unless the person:

- (i) holds a beer, wine, and liquor festival license; and
- (ii) has contracted with a festival organization to display and sell beer, wine, or liquor at the Festival.

(e) A license holder shall display and sell beer, wine, or liquor:

- (1) at retail for on- and off-premises consumption; and
- (2) during the hours and days designated for the Festival.

(f) A festival organization shall:

- (1) choose the weekends for the Festival;
- (2) choose a location regardless of whether the location is already licensed; and
- (3) ensure that the primary focus of the Festival is the promotion of Maryland beer, wine, or liquor.

(g) A festival organization may contract with a holder of a retail license issued in the county, a Class 5 brewery license, a Class 6 pub-brewery license, a Class 7 micro-brewery license, a State Class 8 farm brewery license, a Class 3 winery license, a Class 4 limited winery license, a Class 1 distillery license, or a Class 9 limited distillery license to sell and display beer, wine, or liquor at the Festival.

(h) A person may hold a beer, wine, and liquor festival license in addition to another license.

(i) (1) The license fee is \$30 for each day of the Festival.

(2) License fees collected under this subsection shall be deposited into the general fund of the county.

(j) (1) The Board may deny a beer, wine, and liquor festival license to an applicant or suspend or revoke a beer, wine, and liquor festival license if the applicant or license holder violates a provision of this article or the regulations of the Board.

(2) Instead of or in addition to denying, suspending, or revoking a license under this subsection, the Board may impose on an applicant or license holder a fine not exceeding \$20,000.

(k) The Board shall adopt regulations to carry out this section.

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§ 25-1306

(a) There is a beer and wine tasting (BWT) license.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to a holder of a Class A license to hold tastings of beer or wine.

(2) A license holder of a Class A wine license may use the license to hold tastings of wine only.

(c) The license authorizes the holder to allow tasting of beer or wine on the premises of the license holder only.

(d) (1) A license application shall be made on a form that the Board supplies.

(2) The Board may not require the publication of a license application before issuing the license.

(3) The license may be issued without a public hearing.

(4) If an initial license application is denied, the applicant may request a public hearing before the Board.

(5) A renewal of the BWT license may be made when the Class A license of the license holder is renewed.

(e) A license holder shall notify the Board in writing at least 7 days before each tasting event.

(f) A license holder may allow the consumption by an individual for tasting in a quantity of not more than:

(1) 1 ounce from each offering of wine;

(2) 4 ounces from all offerings of wine in a day;

(3) 3 ounces from each offering of beer; and

(4) 12 ounces from all offerings of beer in a day.

(g) Once opened, a bottle used for beer or wine tasting shall be marked that it is to be used for that purpose only.

(h) The annual license fee is \$200.

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§ 25-1307

(a) There is a beer and wine tasting (BWT) license in the Town of Kensington.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to a holder of a Class A license issued under § 25-1604(c) of this title to hold tastings of beer or wine.

(2) A license holder of a Class A wine license may use the license to hold tastings of wine only.

(c) The license authorizes the holder to allow tasting of beer or wine on the premises of the license holder only.

(d) (1) A license application shall be made on a form that the Board supplies.

(2) The Board may not require the publication of a license application before issuing the license.

(3) The license may be issued without a public hearing.

(4) If an initial license application is denied, the applicant may request a public hearing before the Board.

(5) A renewal of the license may be made when the Class A license of the license holder is renewed.

(e) A license holder shall notify the Board in writing at least 7 days before each tasting event.

(f) A license holder may allow the consumption by an individual for tasting in a quantity of not more than:

(1) 1 ounce from each offering of wine;

(2) 4 ounces from all offerings of wine in a day;

(3) 3 ounces from each offering of beer; and

(4) 12 ounces from all offerings of beer in a day.

(g) Once opened, a bottle used for beer or wine tasting shall be marked that it is to be used for that purpose only.

(h) The annual license fee is \$200.

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§ 25-1310

The Board may issue a Class C per diem beer license, beer and wine license, or beer, wine, and liquor license to a community swimming pool club.

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§ 25-1311

The license fees are:

- (1) \$30 per day for a Class C per diem beer license or a Class C per diem beer and wine license; and
- (2) \$60 per day for a Class C per diem beer, wine, and liquor license.

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§ 25-1312

(a) There is a basket of cheer permit.

(b) The Board shall grant the permit at no cost to a holder of a Class C per diem beer and wine license or a Class C per diem beer, wine, and liquor license.

(c) The permit authorizes the permit holder to provide as a prize at a benefit performance a basket of cheer, consisting of:

(1) for a holder of a Class C per diem beer and wine license, not more than:

- (i) 288 ounces of beer; and
- (ii) 2.25 liters of wine; and

(2) for a holder of a Class C per diem beer, wine, and liquor license, not more than:

- (i) 288 ounces of beer;
- (ii) 2.25 liters of wine; and
- (iii) 2.25 liters of liquor.

(d) The alcoholic beverages contained in a basket of cheer shall be for off-premises consumption.

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§ 25-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-102 ("Applications to be filed with local licensing board");
- (2) § 4-106 ("Payment of notice expenses");
- (3) § 4-108 ("Application form required by Comptroller");
- (4) § 4-112 ("Disposition of license fees"); and
- (5) § 4-114 ("Fees for licenses issued for less than 1 year").

(b) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article do not apply in the county:

- (1) § 4-103 ("Application on behalf of partnership"), which is superseded by § 25-1404 of this subtitle;
- (2) § 4-104 ("Application on behalf of corporation or club"), which is superseded by § 25-1405 of this subtitle;
- (3) § 4-105 ("Application on behalf of limited liability company"), which is superseded by § 25-1406 of this subtitle;
- (4) § 4-110 ("Required information on application — Petition of support"); and
- (5) § 4-111 ("Payment of license fees"), which is superseded by § 25-1410 of this subtitle.

(c) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:

- (1) § 4–107 ("Criminal history records check"), subject to §§ 25–1402 and 25–1403 of this subtitle;
- (2) § 4–109 ("Required information on application — In general"), subject to §§ 25–1408 and 25–1409 of this subtitle; and
- (3) § 4–113 ("Refund of license fees"), subject to § 25–1411 of this subtitle.

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§ 25-1402

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository and the county police.

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§ 25-1403

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

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§ 25-1404

(a) (1) Except as provided in subsection (b) of this section, an application for a license on behalf of a partnership shall be made by and the license issued to at least two general partners as individuals.

(2) When an application for a partnership is filed, at least one of the general partners who applies is required to reside in the State.

(b) An application for a license shall be made by and the license issued to one general partner as an individual if:

- (1) the partnership has only one general partner; and
- (2) the general partner resides in the State at the time of application.

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§ 25-1405

(a) (1) Except as provided in paragraph (2) of this subsection, a license on behalf of a corporation or club shall be applied for and issued to three officers of the corporation or club, as individuals.

(2) If a corporation or club has fewer than three officers, each officer shall apply for a license.

(b) An officer who is a resident of the State at the time the application is filed meets the residency requirements under § 4–104 of this article.

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§ 25-1406

(a) Except as provided in subsection (b) of this section, a license on behalf of a limited liability company shall be applied for by and issued to three authorized persons of the limited liability company, as individuals.

(b) (1) If a limited liability company has fewer than three authorized persons, each authorized person shall apply for a license.

(2) An individual who is a resident of the State at the time the application is filed meets the residency requirements under § 4–105 of this article.

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§ 25-1408

An applicant who is the lessee of the entire building in which the business is to be conducted for the entire term of the license need not include in the application a statement and acknowledgment by the owner assenting to the license and authorizing a warrantless search of the premises at any time.

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§ 25-1409

(a) This section does not apply to an application for a temporary license issued in accordance with Subtitle 13 of this title.

(b) (1) Subject to paragraph (2) of this subsection, an applicant shall submit with the application clear and recent photographs and copies of the fingerprints of the applicant and of the person who will be actively in charge of the business to be conducted under the license.

(2) A photograph submitted under paragraph (1) of this subsection may be a copy of a government-issued photograph.

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§ 25-1410

The Board shall collect the license fees.

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§ 25-1411

If a license holder voluntarily surrenders the license at least 6 months before the license expiration date, the license holder is entitled to a refund of the unearned portion of the license fee.

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§ 25-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-205 ("Chain store, supermarket, or discount house");

(2) § 4-206 ("Limitations on retail sales floor space");

(3) § 4-207 ("Licenses issued to minors");

(4) § 4-209 ("Hearing");

(5) § 4-210 ("Approval or denial of license application");

(6) § 4-211 ("License forms; effective date; expiration");

(7) § 4-212 ("License not property"); and

(8) § 4-213 ("Replacement licenses").

(b) Section 4-214 ("Waiting periods after denial of license applications") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4-202 ("Authority of local licensing boards"), subject to § 25-1502 of this subtitle;

(2) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 25-1503 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;

(3) § 4-204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 25-1503 of this subtitle and Subtitle 13, Part III of this title; and

(4) § 4-208 ("Notice of license application required"), subject to § 25-1506 of this subtitle.

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§ 25-1502

(a) (1) When acting on a license application, the Board shall issue a written decision that contains:

(i) a detailed statement of the grounds and findings that support the decision; and

(ii) the vote of each member of the Board on the decision.

(2) The Board shall forward a copy of the written decision in a manner that the Board determines to the applicant and each person who requests a copy.

(3) If the application is denied, the Board shall inform the applicant in writing of the procedures for judicial review.

(b) The Board shall make a decision on a license application based on the evidence of record.

(c) The Board shall adopt rules of procedure, subject to the approval of the County Council.

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§ 25-1503

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) (i) the licenses are Class H beer and wine licenses; and

(ii) each premises is a restaurant in a bowling establishment that has at least 30 lanes with automatic pinsetters; or

(2) the licenses are Class BD–BWL licenses.

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§ 25-1504

(a) Subject to subsection (b) of this section, the Board may issue a Class B beer, wine, and liquor license to a license holder for a different part of the same premises or building in which an establishment with a Class C beer, wine, and liquor license is located.

(b) (1) Except as provided in paragraph (2) of this subsection, a license holder shall meet all requirements of the respective licenses.

(2) The term “financial interest” as used in § 4–109(a)(11) of this article does not apply to an applicant who is the owner of an interest in real property leased for another place of business where or for which a license has been applied for or issued.

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§ 25-1505

(a) Subject to subsection (b) of this section, the Board may issue an alcoholic beverages license that the Board previously issued for premises on which a lawful nonconforming use exists.

(b) The Board may not issue a license that is less restrictive than any license that the Board previously issued for the premises.

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§ 25-1506

(a) (1) The Board may fulfill the notice requirement under § 4–208 of this article by posting online a completed application at least 14 days before the hearing date.

(2) In addition to the newspaper notice required under § 4–208 of this article or the online notice required under paragraph (1) of this subsection, the Board shall post a suitable notice in a conspicuous place on the location described in the application for at least 30 days before the application hearing.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location of the application hearing.

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§ 25-1601

(a) This section does not apply to:

(1) a country club; or

(2) a restaurant in the country inn zone of the county where alcoholic beverages are sold only for on-premises consumption.

(b) The Board may not issue a license for an establishment in:

- (1) Barnesville, except as provided in § 25–1602 of this subtitle;
- (2) Damascus (12th election district), except as provided in § 25–1603 of this subtitle;
- (3) Kensington, except as provided in § 25–1604 of this subtitle;
- (4) Laytonsville, except as provided in § 25–1605 of this subtitle;
- (5) Takoma Park, except as provided in § 25–1607 of this subtitle; or
- (6) Washington Grove.

(c) This section does not prohibit the issuance of a license with an on-sale privilege for the sale of:

- (1) beer during daylight hours for a restaurant, snack bar, or similar facility on land owned by the Montgomery County Revenue Authority and operated in connection with a public golf course; or
- (2) beer and wine for a restaurant on land owned by the Montgomery County Revenue Authority and operated in connection with an airport.

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§ 25-1602

In Barnesville, the Board may issue a 7-day on-sale beer, wine, and liquor license to a religious, fraternal, civic, or charitable organization.

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§ 25-1603

(a) This section applies only to Damascus (12th election district).

(b) The Board may issue a Class B beer, wine, and liquor license.

(c) The Board may issue a 7-day Class C (on-sale) beer, wine, and liquor license to a volunteer fire department.

(d) (1) Subject to paragraph (2) of this subsection:

(i) the Board may issue Class H beer and wine, hotel and restaurant licenses; and

(ii) the licenses may be renewed or transferred.

(2) A license may be issued, transferred, or renewed if:

(i) pool tables, billiard tables, shuffleboards, dart boards, video games, pinball machines, or recreational devices are not used in the licensed premises; and

(ii) except for beer in containers sold for off-premises consumption as authorized under subsection (e) of this section, alcoholic beverages served by the license holder are consumed by customers while the customers are seated.

(e) The Board may issue to the holder of a Class H beer and wine license:

(1) a refillable container permit for draft beer under § 25–1103 of this title; or

(2) a nonrefillable container permit for draft beer under § 25–1104.1 of this title.

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§ 25-1604

(a) This section applies only to Kensington.

(b) Except as otherwise provided in this section, the Board may issue, renew, approve the transfer of, and otherwise provide for:

(1) a 2-day on-sale beer and wine license or a 2-day on-sale beer, wine, and liquor license to a person holding an event between the hours of 10 a.m. to 10:30 p.m. for which the town has issued a permit on property owned or controlled by the

town or on private commercially zoned property;

(2) beer and wine tasting (BWT) licenses, as provided in § 25–1306 of this title;

(3) in accordance with subsection (c) of this section, a Class A–K beer and wine license that authorizes the license holder to sell beer or wine for off–premises consumption;

(4) a Class B–K beer and wine license that authorizes the license holder to sell beer or wine at a hotel or restaurant, at the place described in the license, for on– and off–premises consumption;

(5) a Class B–K beer, wine, and liquor license that authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant, at the place described in the license for on– and off–premises consumption;

(6) in accordance with § 25–903 of this title, a Class BD–BWL beer, wine, and liquor license;

(7) a Class C beer and wine license that authorizes the license holder to sell beer and wine, at the place described in the license, to members of a private social club and guests of members, for on–premises consumption;

(8) a Class D–K beer license that authorizes the license holder to sell beer, at the place described in the license, for on– and off–premises consumption;

(9) a Class D–K beer and wine license that authorizes the license holder to sell beer and wine, at the place described in the license, for on– and off–premises consumption;

(10) a Class H beer and wine license that authorizes the license holder to sell beer and wine at a hotel or restaurant, at the place described in the license, for on–premises consumption;

(11) in accordance with § 4–1102 of this article, the consumption of wine not purchased from the license holder on a licensed premises;

(12) in accordance with § 4–1103 of this article, the removal of a partially consumed bottle of wine from a licensed premises;

(13) in accordance with § 25–1002 of this title, a beauty salon license;

(14) in accordance with § 25–1005 of this title, a continuing care retirement community license;

(15) in accordance with § 25–1007 of this title, a country club license;

(16) in accordance with § 25–1009 of this title, a fraternal/sororal/service organization license;

(17) in accordance with § 25–1014 of this title, a veterans' organization or club license;

(18) in accordance with § 25–1103 of this title, a refillable container permit for draft beer for a Class D–K license; and

(19) in accordance with § 25–1104 of this title, a refillable container permit for wine for a Class D–K license.

(c) (1) Subject to paragraph (2) of this subsection, the Board may issue, in aggregate, not more than 20 Class A–K (off–sale) beer and wine licenses.

(2) The Board, by majority vote, may issue one additional Class A–K beer and wine license if there is:

(i) a public hearing before the town council; and

(ii) a subsequent request made by the town council.

(3) A Class A–K beer and wine license holder may sell beer and wine for off–premises consumption Monday through Sunday, from 10 a.m. to 10 p.m.

(d) (1) A Class 9 limited distillery license may be issued to a Class B–K beer, wine, and liquor license holder.

(2) Not more than four Class 9 limited distillery licenses, in aggregate, may be issued.

(e) The annual license fee for each class of license is equal to the fee required by the county for a comparable license.

(f) The holder of a Class B–K beer and wine license, a Class B–K beer, wine, and liquor license, or a Class H beer and wine license shall maintain average daily receipts from the sale of food, not including carryout food, of at least 40% of the overall average daily receipts.

(g) The Board may issue, in aggregate, not more than 20 licenses from among the following types:

(1) a Class B–K beer and wine license;

(2) a Class B–K beer, wine, and liquor license;

(3) a Class BD–BWL license;

(4) a Class C beer and wine license;

(5) a Class D–K beer license;

(6) a Class D–K beer and wine license; and

(7) a Class H beer and wine license.

(h) A license holder whose licensed premises is located in the Town of Kensington may not, on a front, rear, side, door, or window of the building of the licensed premises, place a sign or other display that advertises alcoholic beverages in a publicly visible location.

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§ 25-1605

(a) This section applies only to Laytonsville.

(b) (1) Subject to subsection (c) of this section, the Board may issue not more than two licenses.

(2) The licenses authorized under paragraph (1) of this subsection may be any combination of Class B (on–sale) beer, wine, and liquor licenses and Class H (on–sale) beer and wine, hotel and restaurant licenses.

(c) A license may be issued, renewed, or transferred if alcoholic beverages served by the license holder are consumed by customers while the customers are seated.

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§ 25-1606

(a) (1) The Commissioners of Poolesville may submit to the voters the question of whether the sale of alcoholic beverages or the issuance of a class of license for the sale of alcoholic beverages should be prohibited in Poolesville.

(2) The question or a similar question may be submitted to the voters at a regular election or a special election called for that purpose.

(3) Submission of a question at one election does not prevent the submission of the same or another question at a subsequent election.

(b) (1) If a majority of the votes cast on the question favor allowing the sale of alcoholic beverages or issuance of a class of license, the sale or the issuance will continue if allowed at the time of the election or, if not previously allowed, will be allowed following the election.

(2) If a majority of the votes cast on the question favor prohibiting the sale of alcoholic beverages or issuance of any class of license:

(i) a license of the class or for the sale of the class of alcoholic beverages may not be issued, renewed, or extended; but

(ii) a license issued previously may continue in force until the date of expiration but may not be renewed or extended.

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§ 25-1607

(a) The Board may issue, renew, approve the transfer of, and otherwise provide for the following licenses in Takoma Park:

(1) Class B (on– and off–sale) beer and wine, hotel and restaurant licenses;

(2) Class H (on–sale) beer and wine, hotel and restaurant licenses;

(3) Class B (on–sale) beer, wine, and liquor, hotel and restaurant licenses;

(4) Class H (on–sale) beer licenses;

(5) Class D (on– and off–sale) beer and wine licenses;

(6) Class A–TP (off–sale) beer, wine, and liquor licenses;

(7) Class C (on–sale) beer, wine, and liquor licenses;

(8) beer and wine tasting (BWT) licenses; and

(9) Class BD–BWL licenses.

(b) (1) This subsection applies only to Class –TP type licenses that were issued by the Board on July 1, 1997, after certification by the Prince George's County Board of License Commissioners.

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

(3) A Class –TP type license is not transferable to another location but is transferable to another person, subject to the restrictions on similar transfers for other licenses in the county.

(4) (i) A Class –TP type license is subject to the same conditions and restrictions specified by law or by the Board as are other licenses issued by the Board.

(ii) The Board may waive whatever statutory and regulatory provision that the Board chooses for the affected licenses so that equity, fairness, and reasonableness are achieved.

(c) (1) Notwithstanding that holders of Class –TP type licenses as of July 1, 1997, are subject to county laws and regulations, those same license holders may retain the particular Prince George's County alcoholic beverages license they possessed before unification.

(2) (i) The Prince George's County license shall remain valid except that the license does not apply to the licensed premises to which the Class –TP type license applies, but is an open–location license.

(ii) The Prince George's County license holder may transfer, to another person or to a new location with the same license holder, the license into Prince George's County without statutory or regulatory restriction.

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§ 25-1609

(a) The Board may not issue:

(1) a Class H beer and wine license:

(i) for use in conjunction with, on the site of, or to a restaurant in a drugstore; or

(ii) for use in an establishment with a door, an archway, an opening, or other passageway providing direct public access to a drugstore; or

(2) a Class D license:

(i) for use in conjunction with, on the site of, or to a bowling alley, billiard hall, or drugstore;

(ii) for use in an establishment with a door, an archway, an opening, or other passageway providing direct public access to a bowling alley, billiard hall, or drugstore; or

(iii) for use in conjunction with, on the site of, or to a restaurant in a bowling alley, billiard hall, or drugstore.

(b) This section does not apply to a drugstore or adjoining establishment that on July 1, 1969:

(1) held a Class D license; and

(2) had a door, an archway, an opening, or other passageway providing direct public access to any drugstore.

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§ 25-1610

(a) Except as provided in subsection (b) of this section, the Board may not issue a license for use in an establishment that sells motor vehicle fuel to motorists from a fuel pump on the site.

(b) The Board may renew a license that has been issued for use in an establishment that sells motor vehicle fuel to motorists from a fuel pump located on the site if the license was in effect on January 1, 1989.

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§ 25-1611

- (a) This section does not apply to a premises for which the Board issues a license under Subtitle 13 of this title.
- (b) The Board shall adopt regulations to require at least quarterly inspections of a licensed premises during the initial license year and periodic inspections thereafter.

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§ 25-1612

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§ 25-1613

Sections 25–1614 and 25–1615 of this subtitle apply only to a holder of a Class B beer, wine, and liquor on–sale license.

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§ 25-1614

- (a) Except as provided in § 25–1615 of this subtitle, the Board may not authorize the same license holder to hold more than 10 licenses.
- (b) The 10 licenses that may be held by the same license holder:
 - (1) may include:
 - (i) one or more Class H–BW licenses; and
 - (ii) one or more Class B–K licenses; and
 - (2) may not include more than two Class BD–BWL licenses.

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§ 25-1615

- (a) The Board may issue additional Class B beer, wine, and liquor (on–sale) licenses to a license holder for premises operated as a hotel.
- (b) (1) An applicant for an additional Class B beer, wine, and liquor (on–sale) license under this section shall:
 - (i) have a minimum restaurant seating capacity of 100 individuals; and
 - (ii) except as provided in paragraph (2) of this subsection, meet the hotel requirements set forth in § 25–904 of this title.
- (2) If the capital investment in the hotel exceeds \$3,000,000, the building height and elevator requirements required by § 25–904(b)(1) of this title do not apply.

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§ 25-1616

- (a) The Board may issue no more than three special culinary school licenses to a single culinary school.
- (b) Each license issued under subsection (a) of this section shall be for a separate location.

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§ 25-1701

Title 4, Subtitle 3 (“Transfer of Local Licenses; Substitution of Names on License”) of Division I of this article applies in the county without exception or variation.

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§ 25-1702

- (a) Before an application for a transfer of a license is granted, the Board shall:
 - (1) schedule a public hearing; and
 - (2) cause the posting of a suitable notice of the hearing in a conspicuous place on the premises described in the application.

(b) The notice required under subsection (a) of this section shall:

- (1) specify the class of license subject to the application and the time, date, and place for the hearing; and
- (2) remain posted for at least 30 days before the hearing.

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§ 25-1801

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-402 ("Eligibility for renewal; process");
- (2) § 4-403 ("Renewal application");
- (3) § 4-406 ("Protests");
- (4) § 4-407 ("Denial of renewal application");
- (5) § 4-408 ("Issuance of renewed licenses");
- (6) § 4-409 ("Multiple licenses"); and
- (7) § 4-410 ("Chain store, supermarket, or discount house").

(b) Section 4-404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 25-1802 of this subtitle.

(c) Section 4-405 ("Contents of renewal application") of Division I of this article applies in the county, subject to §§ 25-1803 and 25-1805 of this subtitle.

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§ 25-1802

(a) To renew a license, a license holder annually shall file an application with the Board between February 1 and March 31, inclusive.

(b) The Board may:

- (1) accept late applications during April; and
- (2) fine the license holder an amount not exceeding \$50 for each day the application is late.

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§ 25-1803

A license renewal application shall:

- (1) meet the photograph and fingerprint requirements of § 25-1409 of this title; and
- (2) be accompanied by a sworn statement by the license holder that the gross receipts from food sales in the restaurant or hotel for the 12-month period immediately before the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages.

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§ 25-1804

The requirement for a criminal history records check under § 4-107 of this article applies to an applicant for license renewal.

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§ 25-1805

A license holder may renew the license without obtaining a consent statement from the owner of the building that contains the licensed premises if the license holder has a lease on the entire building for at least the term of the renewed license.

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§ 25-1806

(a) Subject to subsection (b) of this section, the Board may renew a license that the Board previously issued for premises on which a lawful nonconforming use exists.

(b) The Board may not renew a license that is less restrictive than any license that the Board previously issued for the premises.

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§ 25-1901

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

- (1) § 4-502 ("Storage of alcoholic beverages");
- (2) § 4-503 ("Solicitations and sales outside of licensed premises");
- (3) § 4-506 ("Evidence of purchaser's age"); and
- (4) § 4-508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

- (1) § 4-504 ("Employment of underage individuals"), subject to § 25-1904 of this subtitle;
- (2) § 4-505 ("Alcohol awareness program"), subject to §§ 25-1902 and 25-1903 of this subtitle; and
- (3) § 4-507 ("Retail delivery of alcoholic beverages"), subject to § 25-1904 of this subtitle.

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§ 25-1902

The alcohol awareness program described in § 4-505 of this article applies to a holder of a caterer's license issued under § 25-1202 of this title.

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§ 25-1903

(a) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall be:

- (1) certified by an approved alcohol awareness program; and
- (2) present on the licensed premises during the hours in which alcoholic beverages may be sold.

(b) A license holder who violates this section is subject to:

- (1) for a first offense, a \$100 fine; and
- (2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

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§ 25-1904

(a) In addition to being employed in the sale of beer and wine in accordance with § 4-504(b) of this article, an individual at least 18 years old and under the age of 21 years may be employed in the sale of liquor.

(b) A license holder may not make an off-site retail delivery of alcoholic beverages unless:

- (1) the deliverer is at least 18 years old; and
- (2) the individual taking possession of the delivery provides the deliverer with written certification that is:
 - (i) in the form described under § 4-506 of this article; and
 - (ii) supported by documentary proof that the individual is of legal age to purchase alcoholic beverages.

(c) (1) Each certification executed under this section shall be retained by the license holder for at least 1 year.

(2) A certification shall be available for examination during regular business hours by an authorized representative of the Board.

(d) The Board shall adopt regulations to carry out this section.

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§ 25-1905

A license holder may sell only alcoholic beverages purchased from the Alcohol Beverage Services for the county if the holder's license is:

- (1) a Class A, Class B, Class H, Class C, or Class D beer license;
- (2) a Class B, Class C, or Class D beer and wine license; or
- (3) a Class A–TP, Class B, or Class C beer, wine, and liquor license.

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§ 25-2001

(a) (1) Unless otherwise provided in this title, an individual may consume alcoholic beverages in a premises licensed under this title only during the hours of sale permitted under the license of the premises.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(3) A license holder shall remove all containers of alcoholic beverages from the tables and bar service area in the licensed premises at the end of the license holder's permitted hours of sale.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 25-2002

(a) A holder of a Class A beer license may sell beer on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(b) A holder of a Class B beer license may sell beer on Monday through Sunday:

- (1) for on–premises consumption, from 9 a.m. to 2 a.m. the following day; and
- (2) for off–premises consumption, from 6 a.m. to 1 a.m. the following day.

(c) A holder of a Class C beer license may sell beer on Monday through Sunday, from 9 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer license may sell beer on Monday through Sunday:

- (1) for on–premises consumption, from 9 a.m. to 2 a.m. the following day; and
- (2) for off–premises consumption, from 6 a.m. to 1 a.m. the following day.

(e) A holder of a Class H beer license may sell beer on Monday through Sunday, from 9 a.m. to 2 a.m. the following day.

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§ 25-2003

A holder of a Class A wine license may sell wine Monday through Sunday, from 10 a.m. to 1 a.m. the following day.

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§ 25-2004

(a) A holder of a Class A beer and wine license may sell beer and wine Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(b) A holder of a Class B beer and wine license may sell beer and wine:

- (1) for on–premises consumption, on Monday through Sunday, from 9 a.m. to 2 a.m. the following day; and
- (2) for off–premises consumption, on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(c) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B–K beer and wine license may sell beer and wine on Monday through Sunday, from 9 a.m. to 1 a.m. the following day.

(2) The license holder may not sell beer or wine after midnight if the licensed establishment is in a commercial area specified in § 25–1604(b)(1)(ii)9 through 13 of this title.

(d) A holder of a Class C beer and wine license may sell beer and wine on Monday through Sunday, from 9 a.m. to 2 a.m. the following day.

(e) A holder of a Class D beer and wine license may sell beer and wine:

(1) for on–premises consumption, on Monday through Sunday, from 9 a.m. to 2 a.m. the following day; and

(2) for off–premises consumption, on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(f) A holder of a Class H beer and wine license may sell beer and wine for on–premises consumption on Monday through Sunday, from 9 a.m. to 2 a.m. the following day.

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§ 25-2005

(a) Reserved.

(b) A holder of a Class A–TP beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(c) (1) Subject to paragraph (2) of this subsection, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Thursday, from 9 a.m. to 2 a.m. the following day;

(ii) on Friday and Saturday, from 9 a.m. to 3 a.m. the following day; and

(iii) on Sunday:

1. from 9 a.m. to 2 a.m. the following day; or

2. from 9 a.m. to 3 a.m. the following day if the federal government has designated the following day as a public holiday.

(2) The license holder shall sell or make available food for consumption on the premises during the hours that alcoholic beverages are permitted to be served.

(d) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B–K beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 9 a.m. to 1 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor after 11 p.m. if the licensed establishment is in a commercial area specified in § 25–1604(b)(1)(ii)9 through 13 of this title.

(e) (1) Subject to paragraph (2) of this subsection, a holder of a Class B–BWL (H–M) beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Thursday, from 9 a.m. to 2 a.m. the following day;

(ii) on Friday and Saturday, from 9 a.m. to 3 a.m. the following day; and

(iii) on Sunday:

1. from 9 a.m. to 2 a.m. the following day; or

2. from 9 a.m. to 3 a.m. the following day if the federal government has designated the following day as a public holiday.

(2) The license holder shall sell or make available food for consumption on the premises during the hours that alcoholic beverages are permitted to be served.

(f) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(g) A holder of a Class C consumption license may allow the on–premises consumption by a member of a corporation, club, or country club from 11 a.m. to 1 a.m. the following day.

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§ 25-2101

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-602 ("Power of local licensing board");
- (2) § 4-603 ("Revocation and suspension procedures"); and
- (3) § 4-604 ("Grounds for revocation or suspension").

(b) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article do not apply in the county:

- (1) § 4-605 ("Nudity and sexual displays"); and
- (2) § 4-606 ("Effects of revocation"), which is superseded by § 25-2102 of this subtitle.

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§ 25-2102

If a license is revoked, the Board may issue a license for the same premises to a person other than the former license holder in the same manner as the Board considers an application for a new license.

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§ 25-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 25-2301

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

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§ 25-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 25-2402

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

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§ 25-2501

A location under the control or possession of an establishment may not:

- (1) sell or serve alcoholic beverages to a member or guest;
- (2) keep alcoholic beverages for a member or guest;
- (3) allow a customer to consume or to be served or given alcoholic beverages from the supplies that the customer has previously purchased or reserved; or
- (4) sell, serve, keep, or allow to be consumed setups or other component parts of mixed alcoholic drinks to a member or guest.

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§ 25-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

- (1) an establishment open to the public;
 - (2) a place of public entertainment; or
 - (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.
- (b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.
- (c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 25-2601

Title 6, Subtitle 2 ("Enforcement") of Division I of this article applies in the county without exception or variation.

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§ 25-2602

An inspector who investigates a license violation may issue a civil citation as provided in § 10–119 of the Criminal Law Article.

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§ 25-2603

- (a) (1) If a person is charged with violating § 25–2708 of this title or with selling or providing alcoholic beverages to an individual who is under the age of 21 years or visibly under the influence of alcoholic beverages, in violation of § 6–304 or § 6–307 of this article, a search warrant to be directed by the chief of police shall be issued for the building or vehicle in which the violation allegedly occurred.
- (2) A search warrant under this section may be issued by:
- (i) the District Court on request of a person who charges before the District Court that a violation has occurred; or
 - (ii) the circuit court, on request of a grand jury.
- (3) If a violation is found, the chief of police shall keep as evidence:
- (i) all liquor found in quantities and under conditions to indicate that it is kept for barter, sale, or gift to an individual under the age of 21 years;
 - (ii) the materials and instrumentalities for manufacturing, dispensing, transporting, or otherwise disposing of the liquor; and
 - (iii) the paraphernalia of a barroom or saloon.
- (b) (1) The chief of police shall report the facts of the violation in writing to the State's Attorney for the county.
- (2) Any alcoholic beverages or the materials and instrumentalities for manufacturing, transporting, dispensing, or otherwise disposing of alcoholic beverages or the paraphernalia of a barroom or saloon is prima facie evidence of the violation of § 25–2708 of this subtitle or § 6–304, § 6–307, or § 6–309 of this article.

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§ 25-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6–305 ("Proof of age for sale of alcoholic beverages");
- (2) § 6–306 ("Defense to prosecution for sale to underage individual");
- (3) § 6–308 ("Allowing on-premises consumption of alcoholic beverages not purchased from license holder");
- (4) § 6–309 ("Allowing on-premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

- (5) § 6–310 (“Providing free food”);
- (6) § 6–311 (“Restrictions on purchases and sales by retail dealer”);
- (7) § 6–312 (“Beverage misrepresentation”);
- (8) § 6–313 (“Tampering with alcoholic beverage container”);
- (9) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);
- (10) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);
- (11) § 6–316 (“Maximum alcohol content”);
- (12) § 6–317 (“Multiple serving purchase required”);
- (13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);
- (14) § 6–320 (“Disorderly intoxication”);
- (15) § 6–321 (“Consumption of alcoholic beverages in public”);
- (16) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);
- (17) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);
- (18) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);
- (19) § 6–328 (“Tax evasion”);
- (20) § 6–329 (“Destruction of evidence”); and
- (21) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

- (1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 25–2702 of this subtitle;
- (2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 25–2703 of this subtitle; and
- (3) § 6–322 (“Possession of open container”), subject to § 25–2704 of this subtitle.

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§ 25-2702

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
- (2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

- (1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and
- (2) the individual was not a resident of the State.

(c) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 25-2703

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
- (2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 25-2704

An individual may possess an alcoholic beverage in an open container on private property described under § 6–322(a)(1) of this article only if the individual possesses and presents the consent of the owner of the property.

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§ 25-2705

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 25-2706

A person engaged in the manufacture or sale of alcoholic beverages, an agent or an employee of the person, and a license holder may not, directly or indirectly, offer or make a payment or gift to:

- (1) a member of the Board;
- (2) a county employee; or
- (3) anyone on behalf of the member of the Board or county employee.

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§ 25-2709

(a) Except as specifically authorized or provided in this article and except as provided in subsection (b) of this section, in a licensed establishment or other licensed premises that is open to the public:

- (1) a person may not sell or provide alcoholic beverages; and
- (2) alcoholic beverages may not be consumed.

(b) Subsection (a) of this section does not apply in the room of a registered guest in a hotel that meets the minimum requirements under § 25–904 of this title.

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§ 25-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 25-2802

(a) In lieu of suspending or revoking a license for any cause for which license suspension or revocation is not required, the Board may impose a fine not exceeding \$20,000 for each case, if:

- (1) the Board determines that the public welfare and morals would not be impaired by allowing the license holder to operate during the suspension period; and
- (2) the payment of the fine will achieve the desired disciplinary purposes.

(b) Fines collected under this subsection shall be paid into the general fund of the county.

(c) (1) When imposing a fine on a license holder or suspending or revoking a license, the Board shall adopt a written resolution containing:

- (i) a statement of the facts and findings forming the basis for the decision;
 - (ii) the vote of each member of the Board on the decision; and
 - (iii) information as to the procedures for appealing the decision.
- (2) A copy of the resolution shall be mailed or hand delivered to the license holder.
- (d) The Board shall adopt regulations to carry out this section.

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Title 26 — Title 26

§ 26-101

- (a) In this title:
- (1) the definitions in § 1–101 of this article apply without exception or variation; and
 - (2) the following words have the meanings indicated.
- (b) "Board" means the Board of License Commissioners for Prince George's County.
- (c) "County" means Prince George's County.
- (d) "Light wine" means wine that contains not more than 15.5% of alcohol by volume.
- (e) "Taxpayer" means a resident who pays real estate or income tax to the county.

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§ 26-102

This title applies only in Prince George's County.

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§ 26-103

- (a) In this section, "identification number" means the identifying number:
- (1) on the purchaser's driver's license;
 - (2) if the purchaser is a resident of the State, on the purchaser's identification card as provided for in the Transportation Article;
 - (3) if the purchaser is not a resident of the State, on the purchaser's identification card that is issued by the purchaser's home state or jurisdiction; or
 - (4) on a United States military identification card.
- (b) Section 5–303 ("Keg registration") of Division I of this article applies in the county, subject to subsection (c) of this section.
- (c) (1) The keg license holder shall complete a registration form with:
- (i) the purchaser's name;
 - (ii) the date of purchase; and
 - (iii) the purchaser's address as shown on the identification produced or, if the individual provides a United States military identification card as identification, the address that the purchaser provides.
- (2) The purchaser shall sign the completed registration form.
- (3) The keg license holder shall record on the copy of the registration form retained by the keg license holder the purchaser's identification number and the date that the purchaser's identification was issued.

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§ 26-104

Notwithstanding § 1–203 of this article, a municipality may require a license holder for a place of business in the municipality to pay to the municipality an additional annual license fee not exceeding 20% of the fee payable under this article.

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§ 26-105

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 26-201

There is a Board of License Commissioners for Prince George's County.

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§ 26-202

(a) (1) The County Executive shall appoint five members to the Board subject to confirmation by the Senate.

(2) (i) Within 60 days after nomination by the County Executive and not less than 7 days before a confirmation vote on a nominee is scheduled, the Prince George's County Senate Delegation shall hold a public confirmation hearing for an individual nominated to the Board.

(ii) If a candidate is nominated for the Board and is not confirmed by the Senate during the following session:

1. the seat shall be declared vacant; and
2. the County Executive shall nominate an individual to fill the vacancy.

(iii) A candidate who is not confirmed by the Senate may be renominated by the County Executive and confirmed by the Senate only during the following session.

(b) (1) A member shall be:

- (i) a resident and voter of the county; and
- (ii) a person of high character and integrity.

(2) Each member of the Board shall have:

- (i) legal experience;
- (ii) public safety experience;
- (iii) regulatory experience; or
- (iv) management experience.

(3) When evaluating an applicant for membership on the Board, the County Executive shall consider the need for geographic, political, racial, ethnic, and gender diversity on the Board.

(c) (1) In this subsection, "direct or indirect interest" means an interest that is proprietary or obtained by a loan, mortgage, or lien, or in any other manner.

(2) A member of the Board may not:

- (i) have a direct or indirect interest in or on a premises in the State where alcoholic beverages are manufactured or sold;
- (ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture or sale of alcoholic beverages in the State;
- (iii) own stock in:
 1. a corporation that has a direct or indirect interest in a premises in the State where alcoholic beverages are manufactured or sold; or
 2. a business wholly or partly devoted to the manufacture or sale of alcoholic beverages in the State;
- (iv) solicit or receive a commission, remuneration, or gift from:

1. a person engaged in the manufacture or sale of alcoholic beverages or an agent or employee of the person; or
 2. a license holder;
- (v) solicit or receive, directly or indirectly or on behalf of another person, a commission, political contribution, remuneration, or gift from a person engaged in the manufacture, distribution, or sale of alcoholic beverages or an agent or employee of the person; or
- (vi) solicit or receive, directly or indirectly, a commission, remuneration, or gift from a license holder.
- (d) (1) In this subsection, "candidate", "contribution", and "political committee" have the meanings stated in § 1–101 of the Election Law Article.
- (2) A member of the Board may not solicit or transmit a contribution for the benefit of a candidate or political committee from:
- (i) a person engaged in the sale of alcoholic beverages in the county or an agent or employee of the person; or
 - (ii) a license holder.
- (e) (1) The term of a member is 3 years.
- (2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.
- (3) A member may not be appointed to more than three terms.
- (f) (1) The County Executive shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.
- (2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (3) An appointment made to fill a vacancy is subject to a confirmation hearing by the Senate under subsection (a) of this section.
- (g) (1) The County Executive may remove a member for misconduct in office, incompetence, or willful neglect of duty.
- (2) The County Executive shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.
- (3) If a member is removed, the County Executive shall file with the Office of the Secretary of State a statement of charges against the member and the County Executive's findings on the charges.
- (h) (1) If a member of the Board stops residing in or being a registered voter of the county, the member shall immediately forfeit the office as a license commissioner for the county.
- (2) (i) A member of the Board may not serve in any other position of public office.
- (ii) On filing a certificate of candidacy for election to a public office or within 30 days before the filing deadline for the primary election for the public office sought, whichever occurs later, a member of the Board shall certify to the County Board of Elections under oath that the individual is no longer a member of the Board.
- (iii) The certification shall be accompanied by a letter addressed to the County Executive containing the resignation of the member from the Board.

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§ 26-203

In making the appointments, the County Executive shall designate a chair from among the members of the Board.

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§ 26-204

- (a) The Board shall meet at least twice each month.
- (b) (1) (i) The chair of the Board shall receive a salary of \$22,000 annually.
- (ii) Each other member of the Board shall receive a salary of \$20,000 annually.
- (2) The chair and each other member of the Board are eligible for:

- (i) all county health benefits; and
 - (ii) membership in and retirement benefits of the State Retirement and Pension System.
- (3) The health benefits under paragraph (2)(i) of this subsection include hospitalization, vision care, prescriptions, dental care, life insurance, and expense reimbursement.

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§ 26-205

(a) Subject to this section and § 26–206 of this subtitle, the director may:

(1) employ:

- (i) a secretary;
- (ii) inspectors; and
- (iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees in accordance with the county's classification plan.

(b) (1) The Board shall appoint a director.

(2) The director shall serve at the will of the Board and devote full time to the duties of the Board.

(3) The director may receive a salary as determined by the County Executive and as provided in the county budget.

(4) The director is eligible to participate in the county's supplemental retirement plan.

(5) The director shall follow the requirements of Subtitle 16 of the Prince George's County Code while hiring any employees under subsection (a) of this section.

(c) The Board shall appoint an attorney who shall receive a salary as provided in the county budget.

(d) (1) The restrictions under § 26–202(c) and (d) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities and soliciting or transmitting political contributions for the benefit of a candidate or political committee apply to employees of the Board.

(2) An employee of the Board:

(i) shall devote full time to the business of the Board during the hours designated by the Board for the performance of the employee's official duties;

(ii) may not engage in an occupation, business, or profession connected to or associated with the manufacture or sale of alcoholic beverages; and

(iii) may not transact business beyond the employee's official duties:

1. with a license holder; or
2. in connection with the operation of an establishment licensed for the manufacture or sale of alcoholic beverages.

(3) An employee of the Board who violates this section shall be removed.

(e) (1) On the submission by the Board of an annual budget, the County Council shall pay for all expenses of the Board as contained in the county budget.

(2) In the budget, the salaries of the members shall be as set forth under § 26–204 of this subtitle.

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§ 26-206

(a) The director shall appoint all of the Board's inspectors.

(b) An inspector:

(1) has all the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article;

(2) may issue a civil citation under § 26–2603 of this title; and

(3) has the authority to order that an unlicensed establishment be closed immediately under § 26–2501 of this title.

(c) An inspector shall:

- (1) visit and inspect periodically every licensed premises; and
- (2) carry out other duties that the Board requires.

(d) Inspectors are subject to the restrictions under:

- (1) § 26–202(c) and (d) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities and soliciting or transmitting political contributions for the benefit of a candidate or political committee; and
- (2) § 26–205(d) of this subtitle requiring an employee to devote full time to the business of the Board, prohibiting certain activities, and requiring removal for violation of those requirements and prohibitions.

(e) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

(f) (1) There are up to three full-time inspectors and up to 24 part-time inspectors of the Board as provided in the county budget.

(2) To be a full-time or part-time inspector, an individual shall be a resident of the county.

(3) (i) From the full-time inspectors, the Board shall designate annually a chief inspector and two deputy chief inspectors.

(ii) Under the direction of the Board, the chief inspector shall regulate the duties, hours, and assignments of the inspectors.

(4) The full-time inspectors who are certified by the personnel director as meeting the standards that the county merit board sets out are included in the county merit system.

(g) A part-time inspector shall receive a salary as provided in the county budget.

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§ 26-207

(a) The Director of Finance shall collect fees for the County Executive and County Council.

(b) The County Executive and County Council shall:

(1) use the fees collected to pay:

- (i) refunds issued in accordance with § 26–1410 of this title; and
- (ii) the salaries and expenses of the Board as provided in § 26–205 of this subtitle; and

(2) credit the balance of the fees collected to the general fund of the county.

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§ 26-208

In addition to any powers set forth elsewhere in this article, the Board may adopt regulations:

- (1) regarding the presence of any individual under the age of 21 years on a premises licensed to sell alcoholic beverages;
- (2) regarding licensed premises and the conduct of business by license holders and their employees in relation to the sale and consumption of alcoholic beverages;
- (3) to require the maintenance of records on the licensed premises by the license holder containing the names, addresses and ages of all individuals employed by the license holder on the premises; and
- (4) to maintain standards for sanitation and health, including provisions for:
 - (i) adequate and sanitary facilities for consumption of alcoholic beverages;
 - (ii) safe water and plumbing facilities;
 - (iii) proper utensil cleaning and storage;
 - (iv) refuse disposal and rodent control; and
 - (v) the preparation and service of meals or other food with alcoholic beverages; and

(5) to otherwise carry out this article.

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§ 26-209

(a) All members, employees, and inspectors of the Board are subject to the county's public ethics laws enacted under § 5–807 of the General Provisions Article to the same extent as a local official of the county.

(b) (1) A person may file a complaint with the county's Office of Ethics and Accountability if the person believes that a member, an employee, or an inspector of the Board has violated:

(i) any provision of civil or criminal law, including laws against bribery, in connection with the performance of the duties of the member, employee, or inspector; or

(ii) any provision of the county's public ethics laws.

(2) If a complaint is filed under paragraph (1) of this subsection, the county's Office of Ethics and Accountability shall:

(i) investigate the complaint; and

(ii) if appropriate, refer the complaint to the State's Attorney of the county for criminal prosecution.

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§ 26-301

There is no liquor control board or department of liquor control in the county.

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§ 26-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–208 ("Class 6 pub–brewery license");

(9) § 2–210 ("Class 8 farm brewery license");

(10) § 2–211 ("Residency requirement");

(11) § 2–212 ("Additional licenses");

(12) § 2–213 ("Additional fees");

(13) § 2–214 ("Sale or delivery restricted");

(14) § 2–216 ("Interaction between manufacturing entities and retailers");

(15) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

(1) § 2–209 ("Class 7 micro–brewery license"), subject to § 26–403 of this subtitle; and

(2) § 2–215 ("Beer sale on credit to retail dealer prohibited"), subject to § 26–405 of this subtitle.

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§ 26-402

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 26-403

(a) This section applies to a Class 7 micro–brewery license in the county.

(b) The license may be issued only to the holder of:

(1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the county; and

(2) a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license located in the 22nd alcoholic beverages district of the county.

(c) In the 22nd alcoholic beverages district of the county only, for a holder of a Class D license the hours and days for retail sales under the Class 7 micro–brewery license are those established for a Class D license in the county.

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§ 26-404

(a) There is a Class B–MB/22 license in the county.

(b) The license may be issued only to a holder of a Class 7 micro–brewery license in the 22nd legislative district.

(c) The license authorizes the holder to sell liquor by the drink for on–premises consumption.

(d) A license holder may also hold a Class D license.

(e) The annual license fee is \$1,090.

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§ 26-405

(1) A cash deposit for a returnable container shall be required at the time of sale or delivery of beer.

(2) For purposes of construing § 2–215 of this article:

(i) a check accepted for payment that is not postdated and is promptly deposited for collection is considered cash; and

(ii) a check that is given in payment for alcoholic beverages to a holder of the license, and is returned uncollected, is prima facie evidence in a civil case of a violation of this section or § 2–215 of this article.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 26-501

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–301 ("Licenses issued by Comptroller");

(2) § 2–302 ("Class 1 beer, wine, and liquor wholesaler's license");

(3) § 2–303 ("Class 2 wine and liquor wholesaler's license");

(4) § 2–304 ("Class 3 beer and wine wholesaler's license");

(5) § 2–305 ("Class 4 beer wholesaler's license");

(6) § 2–306 ("Class 5 wine wholesaler's license");

(7) § 2–307 ("Class 6 limited wine wholesaler's license");

(8) § 2–308 ("Class 7 limited beer wholesaler's license");

- (9) § 2–309 (“Sale and delivery of beer or wine from wholesaler’s vehicle”);
 - (10) § 2–310 (“Sale and delivery to retail license holder”);
 - (11) § 2–311 (“Additional wholesaler’s licenses”);
 - (12) § 2–312 (“Direct importation of alcoholic beverages”);
 - (13) § 2–313 (“Sale or delivery restricted to holder of license or permit”);
 - (14) § 2–315 (“Interaction between wholesaling entities and retailers”);
 - (15) § 2–316 (“Distribution of alcoholic beverages — Prohibited practices”); and
 - (16) § 2–317 (“Restrictive agreements between wholesalers and retailers — Prohibited”).
- (b) Section 2–314 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article applies in the county, subject to § 26–504 of this subtitle.

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§ 26-502

Except as provided in § 26–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 26-503

- (a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.
- (b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 26-504

- (a) For purposes of applying § 2–314 of this article:
- (1) a cash deposit for a returnable container shall be required at the time of sale or delivery of beer;
 - (2) a check accepted for payment that is not postdated and is promptly deposited for collection by the license holder is considered cash; and
 - (3) a check that is given in payment for beer to a license holder and is returned uncollected, is prima facie evidence of a violation by the wholesaler of § 2–314 of this article.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 26-601

- (a) There is a Class A beer license.
- (b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.
- (2) The license holder shall sell the beer in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.
- (c) (1) (i) A license holder may file an application with the Board to convert the license to a Class D beer and light wine license.
- (ii) A license holder who files an application under subparagraph (i) of this paragraph shall submit an application fee of \$750.

- (2) If a license holder applies for a conversion under paragraph (1)(i) of this subsection, the Board shall hold a public hearing in the same manner a public hearing is held for the issuance of a new license.
- (3) In determining whether to approve an application filed under paragraph (1)(i) of this subsection, the Board shall consider the privileges the license holder exercises under the Class A beer license.
- (4) If the Board decides to approve an application filed under paragraph (1)(i) of this subsection, the Board shall restrict the privileges of the Class D beer and light wine license to allow the license holder to sell beer and light wine only:
- (i) during the days and hours specified in § 26–2002(a) of this title; and
 - (ii) for off–premises consumption.
- (d) The annual license fee is \$500.

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§ 26-602

- (a) There is a Class B beer license.
- (b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at a hotel or restaurant on the premises described in the license for on–premises consumption.
- (2) A license holder who held this class of license before July 1, 1975, and who has been selling beer for off–premises consumption may continue to do so.
- (c) The annual license fee is \$365.

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§ 26-603

- (a) There is a Class C beer license.
- (b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.
- (c) The annual license fee is \$245.

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§ 26-604

- (a) There is a Class D beer license.
- (b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.
- (2) A license may not be issued for a drugstore.
- (c) (1) (i) A license holder may file an application with the Board to convert the license to a Class D beer and light wine license.
- (ii) A license holder who files an application under subparagraph (i) of this paragraph shall submit an application fee of \$750.
- (2) If a license holder applies for a conversion under paragraph (1)(i) of this subsection, the Board shall hold a public hearing in the same manner a public hearing is held for the issuance of a new license.
- (3) In determining whether to approve an application filed under paragraph (1)(i) of this subsection, the Board shall consider the privileges the license holder exercises under the Class D beer license.
- (4) If the Board decides to approve an application filed under paragraph (1)(i) of this subsection, the Board shall restrict the privileges of the Class D beer and light wine license to allow the license holder to sell beer and light wine only during the days and hours specified in § 26–2002(d) of this title.
- (d) The annual license fee is \$500.

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§ 26-701

(a) There is a Class A light wine license in the county.

(b) (1) The license may be issued to a holder of a Class 4 limited winery license.

(2) A holder of a Class 4 limited winery license that applies for a Class A light wine license is exempt from any quota established by the Board concerning the number of licenses in the election district where the winery is located.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license light wine produced at the winery.

(2) Light wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is \$50.

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§ 26-801

(a) There is a Class A beer and light wine license.

(b) (1) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and light wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or light wine is sold.

(c) (1) (i) A license holder may file an application with the Board to convert the license to a Class D beer and light wine license.

(ii) A license holder who files an application under subparagraph (i) of this paragraph shall submit an application fee of \$750.

(2) If a license holder applies for a conversion under paragraph (1)(i) of this subsection, the Board shall hold a public hearing in the same manner a public hearing is held for the issuance of a new license.

(3) In determining whether to approve an application filed under paragraph (1)(i) of this subsection, the Board shall consider the privileges the license holder exercises under the Class A beer and light wine license.

(4) If the Board decides to approve an application filed under paragraph (1)(i) of this subsection, the Board shall restrict the privileges of the Class D beer and light wine license to allow the license holder to sell beer and light wine only:

(i) during the days and hours specified in § 26–2003(a) of this title; and

(ii) for off–premises consumption.

(d) The annual license fee is \$500.

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§ 26-802

(a) There is a Class B beer and light wine license.

(b) (1) Except as provided in paragraph (2) of this subsection, the license authorizes the license holder to sell beer and light wine at a hotel or restaurant, at retail, at the place described in the license, for on–premises consumption.

(2) A holder of the license who has sold beer and light wine since before July 1, 1975, for both on– and off–premises consumption may continue to do so.

(c) The annual license fee is \$365.

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§ 26-803

(a) There is a Class C beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine to a member of a club and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is \$245.

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§ 26-804

(a) There is a Class D beer and light wine license.

(b) Unless the license is restricted under § 26–601(c) or § 26–604(c) of this title or § 26–801(c) of this subtitle, the license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is \$500.

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§ 26-901

(a) There is a Class A beer, wine, and liquor license.

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall sell the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) A license under this section may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is \$910.

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§ 26-902

(a) There is a Class B beer, wine, and liquor license.

(b) (1) The Board may issue the license for use by a restaurant that:

(i) is located in a permanent building with sufficient space and accommodations for preparing, serving, and selling hot meals to the public during the restaurant’s hours of operation;

(ii) has the minimum sanitary facilities required by the county health department regulations;

(iii) meets the minimum health requirements adopted by the county health department regulations;

(iv) has a dining area with sufficient tables, chairs, or booths to comfortably seat and accommodate the public;

(v) has a kitchen that has complete facilities and utensils for preparing hot and cold meals for the public;

(vi) employs a sufficient number of cooks and wait staff to serve the public using the dining area;

(vii) maintains and displays a menu that advertises the serving of a variety of hot meals; and

(viii) maintains sufficient food on the premises at all times to fill an order made from the menu.

(2) A drug, candy, or confectionery store is not a restaurant.

(c) (1) The license authorizes the license holder, at a hotel or restaurant at retail at the place described in the license, to sell beer, wine, and liquor:

(i) by the glass or by the bottle for on–premises consumption; and

(ii) subject to paragraph (2) of this subsection, for off-premises consumption only:

1. from the main bar; and
2. in the main portion of the dining room facilities.

(2) The off-sale privilege set out in paragraph (1)(ii) of this subsection is limited to those license holders who had the privilege on July 1, 1970.

(d) A license holder shall report promptly to the Board when the restaurant operations are interrupted.

(e) If the new licensed establishment meets the standards set out in this section, the Board may:

- (1) issue a new Class B beer, wine, and liquor license;
- (2) approve a transfer of the license by the same license holder to a new location; and
- (3) approve a transfer of the license from one license holder to another at the same or different location.

(f) The annual license fee is \$2,305.

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§ 26-903

(a) There is a Class B-Plus beer, wine, and liquor license.

(b) (1) The license may be issued for use by a restaurant that:

(i) is located in a permanent building with sufficient space and accommodations for preparing, serving, and selling hot meals to the public during the restaurant's hours of operation;

(ii) has the minimum sanitary facilities required by the county health department regulations;

(iii) meets the minimum health requirements adopted by the county health department regulations;

(iv) has a dining area with sufficient tables, chairs, or booths to comfortably seat and accommodate the public;

(v) is equipped with a kitchen that has complete facilities and utensils for preparing hot and cold meals for the public;

(vi) employs a sufficient number of cooks and wait staff to serve the public using the dining area;

(vii) maintains and displays a menu that advertises the serving of a variety of hot meals; and

(viii) maintains sufficient food on the premises at all times to fill an order made from the menu.

(2) A drug, candy, or confectionery store is not a restaurant.

(c) The license authorizes the license holder, at a hotel or restaurant at retail at the place described in the license, to sell beer, wine, and liquor for:

(1) on-premises consumption; and

(2) off-premises consumption by maintaining "off-sale" shelves or counters that shall be in an area that is partitioned or otherwise partly separated from the main bar and the usual serving area for on-premises consumption.

(d) A license holder shall report promptly to the Board when the restaurant operations are interrupted.

(e) If the establishment for which a license is sought to be issued or transferred meets the standards set out in this section, the Board may:

(1) issue a new license under this section;

(2) approve a transfer of a license under this section by the same license holder to a new location; and

(3) approve a transfer of a license under this section from one license holder to another at the same or different location.

(f) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 26-2004(b) of this title.

(g) The annual license fee is \$3,270.

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§ 26-904

(a) There is a Class BH (hotel) license.

(b) (1) The Board may issue the license for use by a hotel:

(i) that accommodates the public;

(ii) that has:

1. at least 45 bedrooms;
2. a lobby that has a registration and mail desk;
3. a seating facility; and
4. a dining room that has facilities for preparing and serving regular meals;

(iii) with average daily receipts from the sale of a right to occupy a room and the sale of food that exceed the average daily receipts from the sale of alcoholic beverages;

(iv) that collects the county hotel occupancy tax from guests renting, using, or occupying a room in the establishment; and

(v) subject to paragraph (2) of this subsection, in which the capital investment is at least \$30,000 per bedroom, including:

1. the building and all of the building's accompanying fixtures and systems;
2. the parking compound;
3. swimming pool and other recreational areas;
4. landscaping;
5. site preparation and improvements; and
6. infrastructure, engineering, architectural, and other similar costs.

(2) For purposes of paragraph (1)(v) of this subsection, the capital investment in the hotel may not include the cost of land furnishings, removable equipment, and personal property.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption:

(1) including by the drink from the bar or a cocktail lounge for on-premises consumption; and

(2) to a hotel guest who is at least 21 years old if the:

(i) liquor is sold in a sealed container of 200 milliliters or less;

(ii) beer, wine, or liquor is sold in a sealed container from a locked, pre-stocked, private bar in an individual guest room; and

(iii) charge for the beer, wine, or liquor sold is indicated on the guest room bill.

(d) (1) Hotel management is responsible for removing the bar key from a room that is rented to a guest under 21 years of age.

(2) A license holder that obtains an entertainment permit under § 26-1103 of this title may allow an individual under 21 years of age to be present on the premises while an alcoholic beverage is being served during any of the following events:

(i) anniversary party;

(ii) baby shower;

(iii) baptism reception;

(iv) bar mitzvah;

(v) bat mitzvah;

(vi) beautification;

(vii) birthday party;

(viii) book signing;

(ix) church event;

(x) confirmation reception;

- (xi) corporate reception;
- (xii) cotillion;
- (xiii) engagement party;
- (xiv) faith based event;
- (xv) family reunion;
- (xvi) family themed theatrical;
- (xvii) graduation party;
- (xviii) performance;
- (xix) political event;
- (xx) retirement party;
- (xxi) rights of passage event;
- (xxii) scholarship award ceremony;
- (xxiii) school event;
- (xxiv) tea party;
- (xxv) wedding;
- (xxvi) wedding reception;
- (xxvii) wedding shower; and
- (xxviii) family-oriented event, as defined in regulations of the Board.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 26-2004(e) of this title.

(f) The Board shall adopt regulations to carry out this section.

(g) The annual license fee is \$5,000.

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§ 26-905

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§ 26-906

A Class D beer, wine, and liquor license may not be issued in the county.

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§ 26-1001

(a) There is a Class B–AE (arts and entertainment) beer, wine, and liquor license.

(b) (1) The Board may issue the license only for use by an establishment in the county arts and entertainment district as approved by the County Council in Council Resolution CR–83–2001.

(2) A person may not hold more than two Class B–AE licenses.

(3) The license authorizes the holder to sell beer, wine, and liquor for on–premises consumption.

(c) The Board shall adopt regulations to carry out this section, including regulations specifying hours and days of sale.

(d) The annual license fee is \$3,600.

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§ 26-1002

(a) There is a Class C (concessionaire) beer, wine, and liquor license.

(b) (1) The Board may issue the license for use by a person operating a concession that is:

- (i) subject to contractual agreement with the county; and
- (ii) on the premises of a golf and country club or country club owned by the county.
- (2) The license holder:
 - (i) may be an individual, association, firm, partnership, or corporation approved by the County Council; and
 - (ii) shall be a resident of the State.
- (c) (1) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption by the drink or bottle.
- (2) The Board shall:
 - (i) regulate the manner of providing beer, wine, and liquor; and
 - (ii) authorize the number of outlets that may provide beer, wine, and liquor on the licensed premises.
- (d) (1) Subject to paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor:
 - (i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
 - (ii) on Sunday, from noon to 2 a.m. the following day.
- (2) The license holder may not sell beer, wine, or liquor for on-premises consumption:
 - (i) from 2 a.m. to 6 a.m.; or
 - (ii) at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.
- (e) The annual license fee is \$1,815.

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§ 26-1003

- (a) There is a Class B–CC (convention center) beer, wine, and liquor license.
- (b) The Board may issue the license only for use by a hotel that has:
 - (1) at least 1,500 bedrooms;
 - (2) at least three dining areas with facilities for preparing and serving regular meals;
 - (3) rooms for meetings, displays, banquets, balls, dancing, and live entertainment; and
 - (4) a bar and entertainment or dancing area commonly recognized as a nightclub.
- (c) (1) The license authorizes the license holder to sell beer, wine, and liquor:
 - (i) for consumption throughout the licensed premises, both indoors and outdoors, including meeting and banquet rooms, patios, verandas, quays, and green spaces; and
 - (ii) except as provided in paragraph (2) of this subsection, from locked, prestocked private bars in individual guest rooms if the charges for the beer, wine, and liquor sold are indicated on the guest room bill.
- (2) The management of the establishment shall remove the bar key from a room that is rented to a guest under the age of 21 years.
- (d) The license authorizes dancing and live entertainment throughout the licensed premises.
- (e) The total average daily receipts of the license holder from the rental of meeting rooms and bedrooms and the sale of food are required to exceed the average daily receipts of the license holder from the sale of beer, wine, and liquor.
- (f) The license holder may serve beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 3 a.m. the following day.
- (g) The annual license fee is \$22,000.
- (h) This section does not preclude a license holder from having an interest in any other alcoholic beverages licenses in the county.

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§ 26-1004

- (a) There is a Class C (country club) beer, wine, and liquor license.
- (b) An application for the license shall be signed by at least one officer of the country club who is a resident, registered voter, and taxpayer.
- (c) The Board may issue the license for use by a country club that:
 - (1) (i) has at least 200 members paying dues of at least \$75 per year per member; and
 - (ii) at the time of application for the license, maintains:
 - 1. at least two tennis courts;
 - 2. a swimming pool that is at least 30 by 80 feet; and
 - 3. at least 15 acres that are used in connection with the licensed premises; or
 - (2) (i) has at least 500 members who pay dues; and
 - (ii) has at least 15 acres that are used in connection with the licensed premises.
- (d) The license authorizes the license holder to sell beer, wine, and liquor Monday through Sunday for on-premises consumption, excluding the grounds of the country club.
- (e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26-2004 of this title.
- (f) The annual license fee is \$1,100.

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§ 26-1005

- (a) There is a Class C (country and golf club) beer, wine, and liquor license.
- (b) An application for the license shall be signed by at least one officer of the country and golf club who is a resident, registered voter, and taxpayer of the county.
- (c) The Board may issue the license for use by a country and golf club that:
 - (1) (i) has at least 200 members paying dues of at least \$75 per year per member; and
 - (ii) at the time of the application for the license, maintains:
 - 1. at least two tennis courts;
 - 2. a swimming pool that is at least 30 by 80 feet; and
 - 3. a regular or championship golf course of at least 9 holes; or
 - (2) (i) has at least 500 members who pay dues; and
 - (ii) at the time of the application for the license, maintains a regular or championship golf course of at least 18 holes.
- (d) The license authorizes the license holder to sell beer, wine, and liquor:
 - (1) from Monday to Saturday, to any customer of the club for on-premises or off-premises consumption; and
 - (2) on Sunday, only to a member of the golf and country club and a guest of a member for on-premises consumption on the grounds of the club used in connection with the club.
- (e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26-2004 of this title, except that restrictions against the sale of alcoholic beverages on Sunday do not apply.
- (f) The annual license fee is \$1,815.

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§ 26-1006

- (a) There is a Class B–CI license.
- (b) The Board may determine:
 - (1) to whom the license shall be issued;
 - (2) the number of licenses to be issued; and
 - (3) whether a person who already holds a license issued in the county may also have an interest in a Class B–CI license.
- (c) The Board may issue the license for the use of a country inn that:
 - (1) accommodates the public;
 - (2) is equipped with a dining room with facilities for preparing and serving regular meals;
 - (3) has average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages; and
 - (4) is in a building that meets the requirements of subsections (e) and (f) of this section.
- (d) The license authorizes the license holder to sell alcoholic beverages for on–premises consumption.
- (e) A country inn for which the license is issued shall be in a building that:
 - (1) appears on the National Register of Historic Places;
 - (2) has historic, cultural, or architectural significance because it:
 - (i) 1. has character, interest, or value as part of the development, heritage, or cultural characteristics of the county, State, or nation;
 - 2. is the site of a significant historic event;
 - 3. is identified with a person or a group of persons who influenced society;
 - 4. exemplifies the cultural, economic, industrial, social, political, or historical heritage of the community;
 - 5. embodies the distinctive characteristics of a type, period, or method of construction;
 - 6. represents an established and familiar visual feature of the neighborhood, community, or county due to its singular physical characteristic or landscape; and
 - (ii) possesses high artistic values; or
 - (3) (i) has been constructed or reconstructed on a site classified as a historic site in the historic sites and districts' plan for the county;
 - (ii) exemplifies the cultural, economic, industrial, social, political, or historical heritage of the community;
 - (iii) embodies the distinctive characteristics of a type, period, or method of construction; and
 - (iv) possesses high artistic values.
- (f) In addition to the requirements in subsection (d) of this section, a country inn shall meet the following requirements:
 - (1) the exterior of the building shall give the appearance of appropriate age;
 - (2) the grounds shall include appropriate landscaping, gardens, and appurtenances;
 - (3) except for restrooms, the interior of the building in all areas open to the public shall be decorated and furnished in the style appropriate to the period in which the building was constructed, or the period the building was constructed to exemplify, except that electric lighting may be used if the lighting fixtures are of a style compatible with the decor of the inn;
 - (4) the employees of the country inn who regularly and customarily are in view of patrons in the dining area shall be attired in clothing or costume appropriate to the period exemplified by the inn; and
 - (5) entertainment provided by the country inn shall exemplify the kind of entertainment typical of the period represented by the inn.
- (g) (1) A license holder may hold not more than two Class B–CI licenses.
- (2) The Board may issue not more than two Class B–CI licenses.

(h) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 26-2004 of this title.

(i) The annual license fee is \$2,365.

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§ 26-1007

(a) In this section, "drafhhouse" means a theater where:

(1) a motion picture is shown to the public; and

(2) patrons can purchase food, beer, and wine to consume on the premises while watching the motion picture.

(b) This section applies only in the City of Greenbelt.

(c) There is a Class B–DH (drafhhouse) license.

(d) (1) The Board may issue the license for use in a drafhhouse that:

(i) has a minimum auditorium size of 3,500 square feet;

(ii) has a minimum investment of at least \$150,000 in tangible property, including kitchen equipment, furniture, and interior improvements;

(iii) presents a family matinee every Saturday and holiday that the drafhhouse is open for business;

(iv) intends to provide beer and wine at tables and seats in the drafhhouse;

(v) does not have a bar other than a service bar; and

(vi) except as provided in subsection (f)(2) of this section, intends to make beer and wine available for purchase only before and during a motion picture and ends service at the end of the motion picture.

(2) Before the Board may issue the license, the applicant shall obtain the Board's written approval of the menu the drafhhouse intends to offer, which shall include both hot and cold food.

(e) (1) The license authorizes the license holder to sell beer and wine at retail in the drafhhouse described in the license for on–premises consumption.

(2) The license holder may not make alcoholic beverages available for purchase when showing a family matinee.

(f) (1) Subject to paragraph (2) of this subsection, the license holder may sell beer and wine:

(i) on Mondays through Fridays that are not holidays, from 11 a.m. to 1:30 a.m. the following day; and

(ii) on Saturdays, Sundays, and holidays, from 5 p.m. to 1:30 a.m. the following day.

(2) If a family matinee continues after 5 p.m., the license holder may not sell beer or wine until 15 minutes following the end of the matinee.

(g) The Board shall determine the number of licenses to be issued.

(h) (1) The annual license fee is \$245.

(2) The license fee established under paragraph (1) of this subsection shall be:

(i) paid before the license is issued; and

(ii) distributed as provided under this article.

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§ 26-1008

(a) There is a Class B/ECF (educational conference facility) beer, wine, and liquor license for the University College Center for Adult Education of the University of Maryland.

(b) The Board may issue the license to an individual who is:

(1) authorized by the University College Center for Adult Education to:

(i) act on its behalf;

- (ii) assume all responsibility; and
- (iii) be subject to all the penalties, conditions, and restrictions imposed on licenses; and
- (2) a resident and registered voter of the county.
- (c) The license authorizes the license holder to sell beer, wine, and liquor by the drink in the University College Center for Adult Education, from one or more outlets, for on-premises consumption to an individual authorized to use the Center.
- (d) The policies of the University College Center for Adult Education that pertain to the sponsorship of events where alcoholic beverages may be sold shall be filed with the application.
- (e) All profits from the sale of beer, wine, and liquor shall be deposited into the food services income fund.
- (f) The Board shall adopt regulations concerning the manner of dispensing beer, wine, and liquor and the hours and days of sale set out for a Class B beer, wine, and liquor license under § 26-2004 of this title.
- (g) The annual license fee is \$5,175.

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§ 26-1009

- (a) There is a Class B-ECF/DS (Education Conference Facility/Dining Service) beer, wine, and liquor license.
- (b) The Board may issue the license to an individual who is:
 - (1) (i) authorized by the University of Maryland, College Park Campus to:
 - 1. act on its behalf under the license; and
 - 2. be subject to the penalties, conditions, and restrictions under this title; and
 - (ii) a resident and registered voter of the county; or
 - (2) (i) authorized by the Prince George's Community College Main Campus to:
 - 1. act on its behalf under the license; and
 - 2. be subject to the penalties, conditions, and restrictions under this title; and
 - (ii) a resident and registered voter of the county.
- (c) The Board may issue a license for use only on the University of Maryland, College Park Campus or the Prince George's Community College Main Campus.
- (d) (1) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption from multiple designated outlets on:
 - (i) the University's campus only at University-related functions catered by the Department of Dining Services; or
 - (ii) the Community College's campus only at Community College-related functions catered by the Prince George's Community College Main Campus.
- (2) Beer, wine, and liquor purchased at a designated outlet are to be consumed in the confines of that outlet and may not be transported to another outlet.
- (e) All profits from the retail sale of beer, wine, and liquor shall be deposited in:
 - (1) the Dining Services Income Fund of the University of Maryland; or
 - (2) a designated auxiliary services fund of the Prince George's Community College Main Campus.
- (f) The Board:
 - (1) may regulate the manner in which beer, wine, and liquor are dispensed under the license;
 - (2) before issuing the license, shall designate the exact campus locations for the outlets for the sale of beer, wine, and liquor;
 - (3) shall maintain a map and description of the designated outlets for verification on the renewal of the license; and
 - (4) shall require the Department of Dining Services of the University of Maryland, College Park Campus or the Prince George's Community College Main Campus to report to the Board at least 5 days before a University-related or a

Community College–related catered function at which beer, wine, or liquor is intended to be sold or served.

(g) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 26–2004 of this title.

(h) The annual license fee is \$8,275.

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§ 26-1010

(a) In this section, “Commission” means the Maryland–National Capital Park and Planning Commission.

(b) There is a Class B–ECR (Equestrian Center restaurant) beer, wine, and liquor license.

(c) The Board may issue the license to the Commission on the application and qualification of the Commission.

(d) The license authorizes the license holder to sell beer, wine, and liquor by the drink for on–premises consumption in the Commission’s Equestrian Center restaurant by the license holder or a private concessionaire under contract with the license holder to operate the licensed premises.

(e) Profit from the sale of beer, wine, and liquor by the license holder may be for the use of the Commission.

(f) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 26–2004 of this title.

(g) The annual license fee is \$2,420.

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§ 26-1011

(a) (1) In this section, “independent and nonprofit nationwide fraternal or sororal organization” means an organization whose membership is composed solely of graduate members of an independent and nonprofit nationwide fraternal or sororal organization.

(2) “Independent and nonprofit nationwide fraternal or sororal organization” does not include:

(i) a college or high school fraternity or sorority; or

(ii) any other fraternity or sorority, the membership of which is restricted in whole or in part to students of an educational institution or a professional school.

(b) There is a Class C (fraternal/sororal/service organization) beer, wine, and liquor license.

(c) The Board may issue the license for use by a local unit of a lodge or chapter of a nonprofit and nationwide fraternal, sororal, or service organization or an independent and nonprofit nationwide fraternal or sororal organization that:

(1) is composed solely of inducted members;

(2) was operating in the county before the license application was made;

(3) has at least 100 members paying dues of at least \$5 per year per member; and

(4) owns or operates a home or clubhouse that is principally for the use of its members and guests when accompanied by members.

(d) (1) The license authorizes the license holder to sell beer, wine, and liquor by the glass or by the bottle for on–premises consumption by a member or guest accompanied by a member.

(2) The license holder may allow a person that has leased a private room or other area of the licensed premises for a private social gathering to bring beer, wine, and liquor onto the licensed premises for on–premises consumption.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title, except that restrictions on the sale of alcoholic beverages on Sunday do not apply.

(f) During a 1–year period, if a license holder is found guilty of two underage violations or two violations of purchasing beer, wine, or liquor, from a person other than a licensed wholesaler, or any combination of the two, the Board may suspend or revoke the license.

(g) The annual license fee is \$910.

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§ 26-1012

(a) In this section, "Commission" means the Maryland–National Capital Park and Planning Commission.

(b) There is a Class B–GC (golf course) beer, wine, and liquor license for use on the licensed premises of a golf course in the county under the jurisdiction of the Commission.

(c) (1) The Board shall issue a license to each manager of a golf course of the Commission who applies and qualifies as a license holder.

(2) A separate license is required for each golf course.

(d) The license authorizes the license holder to sell beer, wine, and liquor from one or more outlets for on–premises consumption on the golf course.

(e) (1) Except as provided in paragraph (2) of this subsection, the hours and days of sale for beer, wine, and liquor are from 9 a.m. to 10 p.m. daily, Monday through Sunday.

(2) The Commission may:

(i) reduce the hours of sale of beer, wine, and liquor; and

(ii) discontinue the sale of beer, wine, and liquor from Labor Day through Memorial Day.

(f) The annual license fee is \$500.

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§ 26-1013

(a) There is a B–RT (racetrack) license.

(b) The license may be issued for:

(1) an agricultural association, agricultural fair association, or other association authorized to conduct racing under Title 11 of the Business Regulation Article where restaurant facilities are available;

(2) an authorized concessionaire of an association specified in item (1) of this subsection; or

(3) an organization, on a day other than a racing day, when the premises and facilities of an association specified in item (1) of this subsection are used for a limited time for:

(i) a legitimate theatrical production;

(ii) a social reception; or

(iii) an entertainment event conducted by:

1. a club, a society, or an association;

2. a religious, fraternal, civic, war veterans, or charitable organization; or

3. a hospital supporting organization.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(d) To obtain the license, at least one officer of the applicant shall be a resident of the State.

(e) The license fee is \$60 per day for each day the license is used.

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§ 26-1014

(a) There is a Class B–Stadium (baseball stadium) beer, wine, and liquor license.

(b) The Board may issue the license to:

(1) the Maryland–National Capital Park and Planning Commission; or

(2) a private concessionaire that is under contract with the Commission.

- (c) The license authorizes the license holder to sell beer, wine, and liquor at retail to consumers for on-premises consumption in a baseball stadium owned or operated by the Maryland–National Capital Park and Planning Commission.
- (d) Profit from the sale of beer, wine, or liquor made by a license holder may accrue to the use of the Commission or the concessionaire.
- (e) The annual license fee is \$2,420.

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§ 26-1015

- (a) There is a Class B–Stadium (football stadium) beer, wine, and liquor license.
- (b) (1) The license authorizes the license holder to sell beer, wine, and liquor by the drink and by the bottle, from one or more outlets, for on-premises consumption.
- (2) The license may be exercised only at a stadium located in Landover occupied by a National Football League franchise.
- (c) The annual license fee is \$21,780.

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§ 26-1016

- (a) In this section, “theme park” means an entertainment complex that includes roller coasters and other rides, shows, a water park, restaurants, and shops.
- (b) There is a Class B–TP (theme park) beer, wine, and liquor license.
- (c) The Board may issue the license for a theme park in Mitchellville to an applicant who files:
 - (1) an application on a form that the Board provides; and
 - (2) the policies of the theme park for the sponsorship of special events held when:
 - (i) the theme park is closed to the public; and
 - (ii) beer, wine, and liquor are sold.
- (d) The license authorizes the license holder to sell beer, wine, and liquor by the drink in the theme park, from one or more outlets, for on-premises consumption.
- (e) The Board shall adopt regulations relating to the serving of beer, wine, and liquor and the hours and days of sale.
- (f) The annual license fee is \$4,290.

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§ 26-1017

- (a) There is a Class C (veterans’ organization or club) beer, wine, and liquor license.
- (b) The Board shall issue the license for use by a local unit of a nationwide nonprofit veterans’ organization or club that:
 - (1) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;
 - (2) has a charter from a national veterans’ organization that was granted before the license application was made;
 - (3) has at least 100 members paying dues of at least \$5 per year per member;
 - (4) operates only for its members and guests when accompanied by members; and
 - (5) meets in a clubhouse principally used for its members and guests when accompanied by members.
- (c) The license authorizes the license holder to sell beer, wine, and liquor by the glass or by the bottle at retail at the place described in the license for on-premises consumption.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title.

(e) The annual license fee is \$910.

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§ 26-1018

(a) There is a Class D (waterfront) beer and wine license.

(b) The Board may issue the license for use by an establishment in a waterfront entertainment retail complex, as defined in the county zoning ordinance.

(c) The license authorizes the license holder to sell beer and wine at retail at the place described in the license for on-premises or off-premises consumption.

(d) The license holder may sell beer and wine for on-premises and off-premises consumption on Monday through Sunday from 9 a.m. to 2 a.m. the following day.

(e) The annual license fee is \$660.

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§ 26-1019

(a) There is a Class C (yacht club) beer, wine, and liquor license.

(b) The application for the license shall be signed by at least one officer of the yacht club who is a resident, registered voter, and taxpayer of the county.

(c) The Board may issue the license for the use of a yacht club that:

(1) has at least 50 members paying dues of at least \$75 per year per member; and

(2) at the time of application for the license, maintains:

(i) a clubhouse with a seating capacity of at least 100;

(ii) slips or berths for at least 75 boats; and

(iii) at least 5 acres.

(d) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption by a member of the yacht club or a guest when accompanied by a member.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26-2004 of this title.

(f) The license holder is not subject to the restrictions on the sale of beer, wine, and liquor on Sunday in § 26-2004(j)(2) of this title.

(g) The annual license fee is \$1,575.

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§ 26-1101

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4-1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4-1104 ("Refillable container permit — Draft beer"), subject to § 26-1102 of this subtitle; and

(2) § 4-1106 ("Nonrefillable container permit — Draft beer"), subject to § 26-1102.1 of this subtitle.

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§ 26-1102

- (a) The Board may issue a refillable container permit for draft beer to a holder of a Class B beer, wine, and liquor license with off-sale privileges.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for the permit:
 - (1) begin at the same time as those for the underlying license; and
 - (2) end at midnight.
- (d) The Board shall adopt regulations to carry out this section.
- (e) The Board shall set an annual permit fee.

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§ 26-1103

- (a) This section does not apply to a license holder that seeks to provide entertainment if:
 - (1) the license of the license holder is issued under § 26-1003, § 26-1006, § 26-1008, § 26-1009, § 26-1010, § 26-1011, § 26-1014, § 26-1015, § 26-1016, § 26-1018.1, or § 26-1616(h) of this title; or
 - (2) the license is a veterans or fraternal Class C license and the license holder provides entertainment that:
 - (i) is under the direct supervision of the license holder;
 - (ii) is for adults, children, and families of the organization or the public; and
 - (iii) when offered, ends not later than midnight.
- (b) There is an entertainment permit.
- (c) The Board may issue the permit to a holder of a Class B (on-sale) license in accordance with this section.
- (d)
 - (1) (i) Subject to subparagraph (ii) of this paragraph, the permit authorizes the permit holder to impose a cover charge, offer facilities for patron dancing, and provide entertainment.
 - (ii) The permit holder shall comply with all requirements under county law, including zoning and use and occupancy laws.
 - (2) The Board shall determine the number of days in a week that a permit holder may exercise the privileges of the permit.
 - (3) The permit is in effect from 9 p.m. to 2 a.m. the following day.
- (e) Before being issued the permit, an applicant shall:
 - (1) submit evidence to the satisfaction of the Board that:
 - (i) the applicant holds a Class B (on-sale) license;
 - (ii) there are no unpaid taxes due from the applicant to the State, the county, or a municipal corporation; and
 - (iii) the applicant meets all other requirements for the permit; and
 - (2)
 - (i) develop a security plan to prevent the premises for which the permit is sought from posing a threat to the peace and safety of the surrounding area; and
 - (ii) submit the plan for review to the Board and the Chief of the County Police Department.
- (f)
 - (1) The Chief of the County Police Department may submit comments to the Board on the adequacy of the security plan within 30 days after receipt of the security plan.
 - (2) The Board shall consider the comments, if any, of the Chief of the County Police Department and subsequently issue the permit, refuse to issue the permit, or condition the issuance of the permit on changes to the security plan.
 - (3) If the Board issues the permit with a security plan that the Chief of the County Police Department does not support, the Board shall specify in writing to the Chief of the County Police Department the reasons why the Board has determined that the security plan is adequate.
- (g)
 - (1) Before issuing the permit, the Board shall hold a public hearing in accordance with the requirements for a public hearing on an application for a license under § 26-1511 of this title.

(2) At the public hearing, the Board shall give the applicant, supporters of the applicant, and opponents of the applicant an opportunity to be heard.

(3) In making its determination whether to approve the application and issue the permit, the Board shall consider whether:

- (i) approval and issuance of the permit is necessary for the accommodation of the public;
- (ii) the applicant is a fit person to receive the permit;
- (iii) the applicant has made a material false statement in the application;
- (iv) the applicant has committed any fraudulent act in connection with the application;
- (v) the operation of the business, if the permit is issued, will unduly disturb the peace of the residents of the neighborhood where the place of business is located or to be located; and
- (vi) there are any other reasons that justify the disapproval of the application or the refusal to issue the permit.

(4) The Board shall hold a similar public hearing on receipt of a petition to:

- (i) revoke the permit; or
- (ii) protest the renewal of the permit.

(h) The permit holder:

(1) shall implement and follow the approved security plan described under subsection (e)(2) of this section at all times when the permit holder exercises the privileges of the permit;

(2) when the privileges authorized by the permit are being exercised, may not allow an individual who is under the age of 21 years on the premises for which the permit is issued unless the individual is employed by or is an immediate family member of the permit holder; and

(3) may employ sworn security personnel as part of the security plan described under subsection (e)(2) of this section if the sworn security personnel have full police powers in the jurisdiction where the premises of the permit holder is located.

(i) The Board at any time may prohibit, condition, or restrict the type of entertainment offered by a permit holder, including lewd, exotic, loud, or raucous entertainment, if after a hearing the Board determines that the entertainment:

- (1) adversely impacts or unduly disturbs the community; and
- (2) is not conducive to the peace, health, welfare, or safety of the residents of the county.

(j) (1) Subject to paragraph (2) of this subsection, the Board may immediately suspend the permit if the Board reasonably believes that the permit holder:

- (i) violated this section; or
- (ii) is not in compliance with a county zoning property standard or use and occupancy requirement.

(2) If the Board immediately suspends a permit, the Board shall:

- (i) give the permit holder notice of the suspension and a hearing on the suspension at which the permit holder may be heard and present evidence; and
- (ii) hold the hearing within 30 days after the suspension is imposed.

(k) (1) At the hearing, the Board shall determine:

- (i) whether the permit holder violated this section or other law; and
- (ii) if a violation occurred, what penalty to impose among those listed in paragraphs (2) and (3) of this subsection.

(2) Subject to paragraph (3) of this subsection, if the Board finds that a person has violated this section or any other law, the Board:

- (i) may revoke or continue the suspension of the permit; and
- (ii) shall impose on the person a penalty of:
 - 1. for a first offense, at least \$1,000 but not more than \$12,500; and
 - 2. for each subsequent offense, at least \$5,000.

(3) The Board:

(i) shall revoke the permit of a person who the Board determines violated this section or any other law twice in 24 months; and

(ii) may not consider an application from the person for a new permit or an application for a new permit for the premises that was the subject of the revocation until at least 12 months after the order of revocation is issued.

(4) If the Board determines that the permit holder did not violate this section, the Board shall immediately reinstate the permit.

(l) (1) The circuit court may issue a temporary restraining order to immediately close to the public the entire operation of the premises if the county establishes that:

(i) the security plan described under subsection (e)(2) of this section has not been implemented; and

(ii) the public health, safety, or welfare requires emergency action.

(2) On issuance of a temporary restraining order under paragraph (1) of this subsection, the county shall give the permit holder written notice of and reasons for the closure.

(3) The permit holder promptly shall be given an opportunity for a hearing in circuit court on the granting of the temporary restraining order in accordance with Title 15, Chapter 500 of the Maryland Rules.

(m) The Board shall adopt regulations to carry out this section.

(n) The annual fee for the permit is \$1,500, which is in addition to the annual fee for the Class B license.

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§ 26-1104

(a) There is a Sunday off-sale permit.

(b) (1) Except as provided in paragraph (2) of this subsection, the Board may issue the permit to the holder of:

(i) any Class A license; or

(ii) any Class B license with an off-sale privilege.

(2) The Board may not issue a Sunday off-sale permit to a license holder that the Board finds to have sold liquor on Sunday without a Sunday off-sale permit.

(c) The permit authorizes the holder to sell alcoholic beverages for off-premises consumption on Sunday from 8 a.m. to midnight.

(d) (1) Except as provided in paragraph (2) of this subsection, an applicant for the permit shall commit in the application to spending a minimum of \$50,000 to rehabilitate and renovate the interior or exterior of the licensed premises within 1 year after the permit is issued.

(2) The Board shall waive the spending requirement for a holder of a Class B beer, wine, and liquor license with an off-sale privilege that acquired the license on or after January 1, 2016, if the holder can show through receipts that a minimum of \$50,000 was spent to rehabilitate and renovate the interior or exterior of the licensed premises within the 3-year period immediately preceding the submission of the application.

(3) The Board shall revoke the permit and impose a fine on the permit holder not exceeding \$5,000 if:

(i) the Board did not waive the spending requirement under paragraph (2) of this subsection; and

(ii) the permit holder fails to spend the money as required, evidenced by receipts for work done and inspections of the licensed premises.

(e) If the permit is issued to the holder of a Class B license with an off-sale privilege, the holder need not comply with any restaurant or food requirement.

(f) The Board shall adopt regulations to implement the spending requirements under subsection (d) of this section.

(g) (1) The application fee for the permit is \$750.

(2) The annual fees for the permit are:

(i) \$2,590 for the holder of a Class A license; and

(ii) \$1,080 for the holder of a Class B license with an off-sale privilege.

(3) The fees listed in paragraphs (1) and (2) of this subsection are in addition to the annual fee for the Class A license or Class B license to which it is attached.

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§ 26-1201

(a) There is a Class BCE (on-sale) beer, wine, and liquor license.

(b) (1) The Board may issue the license for use by a catering establishment.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Board shall adopt regulations that define a catering establishment.

(ii) The regulations adopted by the Board shall require a catering establishment to have:

1. a minimum capital investment of \$1,000,000 for dining room facilities and kitchen equipment, excluding the cost of land, buildings, or a lease; and

2. a minimum seating capacity of 150 individuals.

(3) The license authorizes the license holder to provide beer, wine, and liquor for on-premises consumption by participants of catered events only.

(c) The license holder shall serve food with the beer, wine, and liquor.

(d) The annual license fee is \$4,480.

(e) The Board shall adopt regulations specifying the hours and days of sale.

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§ 26-1301

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-1202 ("Per diem licenses");

(2) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(3) § 4-1206 ("License to dispose of stock");

(4) § 4-1207 ("Temporary move of licensed premises");

(5) § 4-1208 ("Hours and days of sale"); and

(6) § 4-1209 ("Wine permit for fund-raising event").

(b) Section 4-1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 26-1314 of this subtitle.

(c) Section 4-1204 ("Class C per diem beer, wine, and liquor license") of Division I of this article applies in the county, subject to §§ 26-1311 and 26-1313 of this subtitle.

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§ 26-1304

(a) In this section, "Festival" means the Prince George's County Wine Festival.

(b) (1) There is a Prince George's County Wine Festival license.

(2) The Board may issue one license each year.

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.

(d) The license authorizes the license holder to display and sell wine that is:

- (1) manufactured and processed in any state; and
- (2) distributed in the State when the license application is filed.
- (e) A license holder shall display and sell wine:
 - (1) for on- and off-premises consumption; and
 - (2) during the hours and days designated for the Festival.
- (f) (1) The Board shall:
 - (i) choose a location for the Festival that:
 - 1. is not in the 24th Legislative District; and
 - 2. is not already licensed; and
 - (ii) ensure that the primary focus of the Festival is the promotion of Maryland wine.
- (2) Subject to paragraph (3) of this subsection, each year the Board may choose 1 weekend, Friday through Sunday, inclusive, for the Festival.
- (3) The weekend chosen for the Festival may not:
 - (i) be within 14 days before or after the dates chosen for the Maryland Wine Festival in Carroll County; or
 - (ii) conflict with the dates chosen for the:
 - 1. Anne Arundel County Beer and Wine Festival;
 - 2. Calvert County Wine Festival;
 - 3. Charles County Beer and Wine Festival; or
 - 4. Howard County Wine Festival.
- (g) The license holder may hold another license of a different class or nature.
- (h) Wine displayed and sold shall be:
 - (1) invoiced to the license holder by a licensed wholesaler, Class 3 winery, or Class 4 limited winery; and
 - (2) delivered to the Festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.
- (i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder to:
 - (1) deliver wine not earlier than 2 days before the effective date of the license; and
 - (2) accept returns not later than 2 days after the expiration date of the license.
- (j) The Board may set the license fee.
- (k) The Board shall adopt regulations to carry out this section.

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§ 26-1305

- (a) There is a beer tasting license.
- (b) The Board may issue the license to a holder of a beer (B) license, a beer and wine (BW) license, or a beer, wine, and liquor (BWL) license.
- (c) The license authorizes the holder to allow the consumption of beer for tasting.
- (d) A license holder may serve a quantity of not more than 3 ounces from each offering of beer to an individual.
- (e) (1) In addition to the cost of the beer and wine license or beer, wine, and liquor license, the annual license fee is \$120.
- (2) In addition to the cost of a beer license, the annual license fee is \$110.

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§ 26-1306

- (a) There is a wine tasting license.
- (b) The Board may issue the license to a holder of a beer and wine (BW) license or a beer, wine, and liquor (BWL) license.
- (c) The license authorizes the holder to allow the consumption of wine containing not more than 15.5% of alcohol by volume for tasting.
- (d) A license holder may serve a quantity of not more than 1 ounce from each offering of wine to an individual.
- (e) In addition to the cost of the beer and wine license or beer, wine, and liquor license, the annual license fee is \$120.

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§ 26-1307

- (a) There is a beer and wine tasting license.
- (b) The Board may issue the license to a holder of a beer and wine (BW) license or a beer, wine, and liquor (BWL) license.
- (c) The license authorizes the holder to allow, for tasting, the consumption of:
 - (1) beer; or
 - (2) wine containing not more than 15.5% of alcohol by volume.
- (d) A license holder may serve to an individual a quantity of not more than:
 - (1) 1 ounce from each offering of wine; or
 - (2) 3 ounces from each offering of beer.
- (e) The Board shall set the annual license fee.

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§ 26-1308

- (a) There is a beer, wine, and liquor tasting (BWLTL) license.
- (b) The Board may issue the license to a holder of a beer, wine, and liquor license.
- (c) The license authorizes the holder to allow the consumption of beer, wine, and liquor for tasting.
- (d) A license holder may serve to an individual a quantity of not more than:
 - (1) 0.5 ounce of liquor from each offering and 1.5 ounces from all offerings of liquor in a day;
 - (2) 1 ounce from each offering of wine; and
 - (3) 3 ounces from each offering of beer.
- (e) The Board shall set the annual license fee.

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§ 26-1309

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§ 26-1311

- (a) When the Board issues a Class C per diem beer, wine, and liquor license, the Board shall provide notice of the event for which the license is issued to:
 - (1) the County Police Chief;
 - (2) the County Fire Chief;
 - (3) the director of the County Department of Environmental Resources; and
 - (4) if applicable, the chief administrative officer of the municipality in which the event is to be held.
- (b) The notice shall include the time, place, and expected size of the event.

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§ 26-1312

- (a) There is a Class D per diem beer and wine license.
- (b) (1) The Board may issue the license:
 - (i) to an individual; or
 - (ii) on behalf of an entity that holds an event in the property of a conceptual site plan, subject to paragraph (2) of this subsection.
- (2) At least part of the property of the conceptual site plan shall include a waterfront entertainment retail complex as defined under the county zoning ordinance.
- (c) (1) Subject to paragraph (2) of this subsection, a license holder may display and sell beer and wine at retail for on-premises and off-premises consumption during the hours and days designated for the event for which the license was issued.
- (2) The Board may not issue the license for a period longer than 7 consecutive days.
- (d) A license holder may hold another alcoholic beverages license of a different class or nature.

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§ 26-1313

- (a) There is a Class C (3-day) beer, wine, and liquor license.
- (b) The Board may issue the license to a nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.
- (c) The Board may not issue a license to an organization:
 - (1) for more than 3 consecutive days in a single calendar year; or
 - (2) in 2 consecutive years.
- (d) A license holder may sell beer, wine, or liquor at National Harbor for on- and off-premises consumption.
- (e) (1) A license holder may purchase beer, wine, or liquor only from a licensed wholesaler.
- (2) A licensed wholesaler may donate alcoholic beverages to the license holder.

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§ 26-1314

- (a) (1) Except as provided in paragraph (2) of this subsection, for a Class C per diem beer license and a Class C per diem beer and wine license, the fee is \$75 per day.
- (2) (i) For a club holding a gaming event, the fee is \$100 per day.
- (ii) The fee under this paragraph shall be:
 - 1. paid by the club; and
 - 2. considered as part of the license fee of the club.
- (3) For a Class D (3-day) beer and wine license, the fee is \$100 per day.
- (b) (1) Except as provided in paragraph (2) of this subsection, for a Class C per diem beer, wine, and liquor license, the fee is \$200 per day.
- (2) (i) For a club holding a gaming event, the fee is \$150 per day.
- (ii) The fee under this paragraph shall be:
 - 1. paid by the club; and
 - 2. considered as part of the license fee of the club.
- (3) For a Class C (3-day) beer, wine, and liquor license, the fee is \$200 per day.

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§ 26-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-102 ("Applications to be filed with local licensing board");
- (2) § 4-106 ("Payment of notice expenses");
- (3) § 4-108 ("Application form required by Comptroller");
- (4) § 4-111 ("Payment of license fees");
- (5) § 4-112 ("Disposition of license fees"); and
- (6) § 4-114 ("Fees for licenses issued for less than 1 year").

(b) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article do not apply in the county:

- (1) § 4-103 ("Application on behalf of partnership"), which is superseded by § 26-1405 of this subtitle;
- (2) § 4-104 ("Application on behalf of corporation or club"), which is superseded by § 26-1406 of this subtitle;
- (3) § 4-105 ("Application on behalf of limited liability company"), which is superseded by § 26-1406 of this subtitle;
- (4) § 4-110 ("Required information on application — Petition of support"); and
- (5) § 4-113 ("Refund of license fees"), which is superseded by § 26-1410 of this subtitle.

(c) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:

- (1) § 4-107 ("Criminal history records check"), subject to §§ 26-1403 and 26-1404 of this subtitle; and
- (2) § 4-109 ("Required information on application — In general"):
 - (i) in addition to § 26-1408 of this subtitle; and
 - (ii) subject to § 26-1407 of this subtitle.

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§ 26-1402

(a) The Board may not consider an application for a license to be prima facie evidence that the applicant is entitled to the license.

(b) The burden of proof is on the applicant to show to the Board that the issuance of a license to the applicant is necessary for the accommodation of the public at the premises applied for.

(c) The limitations on licenses specified in § 26-1601 of this title may not be construed as the number of licenses the Board is obligated to issue.

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§ 26-1403

The Board may obtain criminal history record information on license applicants and their agents from the county police.

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§ 26-1404

The Board shall destroy the criminal history record information obtained under § 4-107 of this article or § 26-1403 of this subtitle on completion of its necessary use.

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§ 26-1405

(a) This section does not apply to:

- (1) a racetrack license;
 - (2) a Class BLX license;
 - (3) an arena license;
 - (4) a Class BCE (catering) license;
 - (5) a Class B–CC (convention center) license;
 - (6) a Class B/ECF (educational conference facility) license;
 - (7) the issuance, renewal, or transfer of Class B–DD (development district) licenses; or
 - (8) a business whose stock or interest is authorized for sale by the United States Securities and Exchange Commission.
- (b) (1) An application for a license for a proprietorship shall state the name and address of the proprietorship and the name and address of the applicant.
- (2) An application for a license for a partnership shall:
- (i) be made by and the license issued to each partner as an individual; and
 - (ii) state the name and address of the partnership and the names and addresses of each applicant.
- (c) (1) This subsection does not apply to a Class B–Stadium (baseball stadium) beer, wine, and liquor license, a 7–day Class B–ECR on–sale beer, wine, and liquor license, or a Class B–WPL (waterfront pavilion) beer, wine, and liquor license.
- (2) To be eligible to receive a license, a partner shall:
- (i) be a resident of the State at the time the application is filed and continue to be a resident as long as the license is in effect; and
 - (ii) be a registered voter of the State.

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§ 26-1406

(a) This section does not apply to:

- (1) a racetrack license;
 - (2) a Class BLX license;
 - (3) an arena license;
 - (4) a Class BCE (catering) license;
 - (5) a Class B–CC (convention center) license;
 - (6) a Class B/ECF (educational conference facility) license;
 - (7) the issuance, renewal, or transfer of Class B–DD (development district) licenses; or
 - (8) a business whose stock or interest is authorized for sale by the United States Securities and Exchange Commission.
- (b) (1) An application for a license on behalf of a corporation, an incorporated or unincorporated club, or a limited liability company shall be made by and the license issued to three officers of the corporation or club or three authorized persons of the limited liability company, as individuals.
- (2) An application for a license shall:
- (i) state the name and address of each officer of the corporation or club or authorized person of the limited liability company;
 - (ii) state the name and address of the corporation, club, or limited liability company; and
 - (iii) be signed by:
 - 1. the president or vice president of the corporation or club; or
 - 2. three officers or authorized persons to whom the licenses are to be issued.

(3) If a corporation or club has fewer than three officers or directors or a limited liability company has fewer than three authorized persons, each officer, director, or authorized person shall apply for a license.

(c) (1) This subsection does not apply to a Class B–Stadium (baseball stadium) beer, wine, and liquor license, a 7–day Class B–ECR on–sale beer, wine, and liquor license, or a Class B–WPL (waterfront pavilion) beer, wine, and liquor license.

(2) To be eligible to receive a license, an applicant shall:

(i) be a resident of the State at the time the application is filed and continue to be a resident as long as the license is in effect; and

(ii) be a registered voter of the State.

(d) (1) A license may not be issued, renewed, or transferred to an individual applying for a license for a corporation, an unincorporated association, or a limited liability company, unless residents of the State own:

(i) 25% of the total issued capital stock of the corporation or unincorporated association; or

(ii) 25% of the interest in the limited liability company.

(2) If a close corporation does not have officers or directors:

(i) at least 25% of the stock shall be held by residents of the State;

(ii) there shall be an affirmative vote of the majority stockholders;

(iii) at least one stockholder shall apply for the license as provided in this section; and

(iv) each year, the applicants or corporation shall submit to the Board a sworn statement that includes the name and address of each stockholder of the corporation and the number of shares that each stockholder owns and has a right to vote at a stockholders meeting.

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§ 26-1407

An applicant for a license in the county shall include on the application:

(1) a statement whether the applicant is a natural–born or naturalized citizen; or

(2) if the applicant is not a citizen of the United States:

(i) a statement that the applicant's immigration status is in accordance with federal law; and

(ii) evidence to verify the immigration status of the applicant.

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§ 26-1408

In addition to the statement required under § 4–109(a)(9) of this article, an applicant for a license shall include a signed statement that if the application is made on behalf of a corporation, that neither the applicant nor any of the stockholders of the corporation have been convicted of a felony.

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§ 26-1409

(a) The Board shall charge an application fee for a new license.

(b) The application fee does not apply to the renewal or transfer of a license for the same premises.

(c) The application fee is \$300 and in addition to any other fee required for a license.

(d) The application fee may not be refunded whether the license is issued or denied.

(e) The Board shall use the application fee to cover its expenses.

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§ 26-1410

(a) Except as provided in subsection (b) of this section, a refund of any part of a license fee is not allowed.

(b) (1) A license fee refund may be made on the death of the license holder before the license expires.

(2) A personal representative may apply for a refund.

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§ 26-1501

(a) Section 4–207 (“Licenses issued to minors”) of Division I of this article applies in the county without exception or variation.

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of License Applications”) do not apply in the county:

(1) § 4–206 (“Limitations on retail floor space”) and is superseded by § 26–1504 of this subtitle;

(2) § 4–210 (“Approval or denial of license application”) and is superseded by § 26–1513 of this subtitle; and

(3) § 4–214 (“Waiting periods after denial of license applications”) and is superseded by § 26–1516 of this subtitle.

(c) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:

(1) § 4–202 (“Authority of local licensing boards”), in addition to §§ 26–1502 and 26–1503 of this subtitle;

(2) § 4–203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to § 26–1505 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;

(3) § 4–204 (“Prohibition against issuing multiple licenses for same premises”), subject to § 26–1505 of this subtitle and Subtitle 13, Part III of this title;

(4) § 4–205 (“Chain store, supermarket, or discount house”), subject to § 26–1509 of this subtitle;

(5) § 4–208 (“Notice of license application required”), subject to § 26–1512 of this subtitle;

(6) § 4–209 (“Hearing”), in addition to § 26–1511 of this subtitle;

(7) § 4–211 (“License forms; effective date; expiration”), in addition to § 26–1508 of this subtitle;

(8) § 4–212 (“License not property”), subject to § 26–1506 of this subtitle; and

(9) § 4–213 (“Replacement licenses”), subject to § 26–1517 of this subtitle.

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§ 26-1502

The Board may issue a license before the construction or alteration of the premises to be licensed is completed.

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§ 26-1503

(a) Subject to subsection (b) of this section, the Board may not issue a license to an applicant unless the Board is provided verification from the Comptroller and the county that the applicant has:

(1) paid all undisputed taxes payable to the Comptroller and the county; or

(2) provided for payment of the taxes described in item (1) of this subsection in a manner satisfactory to the governmental unit responsible for collection.

(b) If an application for the issuance of a license is made on behalf of a corporation, a club, or any other entity, the verification requirements specified in subsection (a) of this section apply to undisputed taxes payable by each owner or principal of the entity.

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§ 26-1504

(a) Except as provided in subsection (d) of this section, a license holder may not devote more than 10,000 square feet of floor space to off-sale use.

(b) (1) Except as provided in subsection (d) of this section, floor space is the space devoted to the sale of alcoholic beverages for off-premises consumption, including:

(i) a basement on the licensed premises; and

(ii) any other area off the licensed premises where the alcoholic beverages are lawfully stored.

(2) For a license with only an off-sale privilege, floor space is the space within the four walls of the building from which the licensed establishment operates.

(3) For a license with on-sale and off-sale privileges, floor space is the space actually used for the sale, display, or storage of alcoholic beverages.

(c) (1) The floor space used for the sale, display, or storage of alcoholic beverages may not be expanded beyond 10,000 square feet.

(2) The Board is not required to approve a request by a license holder to expand the floor space devoted to off-sale use up to 10,000 square feet unless the Board finds evidence, based on the evidence presented to the Board, that:

(i) the expansion is necessary to accommodate the public; and

(ii) the license holder otherwise continues to meet the criteria for the issuance or transfer of a license and any other condition that the Board imposes.

(d) (1) A food store for which a license was issued on or before January 1, 1995:

(i) is exempt from the 10,000 square foot floor space restriction under subsection (a) of this section;

(ii) may have the license renewed or ownership or location of the license transferred even if the food store had more than 10,000 square feet devoted to off-sale use; but

(iii) may not expand the square footage of its alcoholic beverages department, including sales, display, and storage areas, beyond 10,000 square feet.

(2) The 10,000 square foot limit specified under paragraph (1)(iii) of this subsection is to be determined without regard to the total area available within the four walls of the establishment.

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§ 26-1505

(a) Unless otherwise authorized by this article, a person may not have an interest in more than one license issued by the Board, regardless of whether the person acts on the person's own behalf or on behalf of another person.

(b) The prohibition against issuing multiple licenses for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company does not apply if:

(1) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters; and

(2) the licenses were issued before June 1, 1982.

(c) The prohibition against issuing multiple licenses for the same person or premises does not apply to a Class B-ECF/DS license.

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§ 26-1506

A license is not subject to:

(1) a writ of execution by a judgment creditor of a license holder; or

(2) except as provided in § 26-1507 of this subtitle, a distraint for rent.

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§ 26-1507

(a) A license holder may create a security interest in the license in favor of a landlord or a creditor of the license holder.

(b) The security interest shall be perfected in accordance with the Commercial Law Article.

(c) The license holder shall deliver to the Board a copy of the underlying security agreement that is signed by or on behalf of the individual or entity that holds the license.

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§ 26-1508

A license shall expire:

- (1) for a Class B license, on the next May 31 after its issuance; and
- (2) for a Class C or Class D license, on the next June 30 after its issuance.

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§ 26-1509

(a) Except as provided in subsection (b) of this section, the Board may not issue a license that has an off-sale privilege to:

- (1) an establishment commonly known as a chain store, supermarket, or discount house; or
- (2) a franchisor, franchisee, or concessionaire of the establishment.

(b) An establishment described in subsection (a) of this section that held a license on July 1, 1973:

- (1) may continue to hold the license; and
- (2) at the discretion of the Board, may change the class of the license.

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§ 26-1510

(a) (1) A person may obtain a Class A license of any kind to have the Board declare the license to be extinguished.

(2) (i) The person shall inform the Board of the purpose for obtaining the license.

(ii) The Board shall declare the license to be extinguished when the person comes into possession of the license.

(3) A person that obtains a license under this section may not exercise the privileges of, sell, assign, or apply for transfer of the license.

(4) A license that is extinguished under this section:

- (i) may not be replaced by the Board; and
- (ii) counts as one of the number of licenses in the appropriate class listed in § 26-1601 of this title.

(b) Within 10 days after coming into possession of the license from a transfer, the person shall:

- (1) surrender the license to the Board; and
- (2) provide evidence to satisfy the Board that all taxes or obligations owed by the transferors to wholesalers or other persons have been paid.

(c) The Board may impose on a person who violates this section a penalty not exceeding \$1,000.

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§ 26-1511

(a) (1) The Board may adopt a calendar that establishes:

- (i) filing dates by which license applications are required to be filed; and
- (ii) hearing dates for license application hearings.

(2) A filing date for a license application shall be at least 60 days before the hearing at which the application is to be heard.

(b) (1) The Board shall determine the number of licenses of each class that may be applied for at a hearing.

(2) The number of licenses that the Board makes available for issuance at a hearing may be less than the total number of licenses in each class that remains unissued by the Board.

(3) If, after a hearing, the applicants who are qualified for the issuance of a license of a certain class outnumber the licenses of that class authorized to be issued at the hearing, the Board shall determine the applicants who are best qualified to be license holders.

(4) The Board may not issue additional licenses of any class that were not determined and published as available for the hearing.

(c) (1) Before holding a hearing, the Board shall publish a notice of the hearing in at least two newspapers of general circulation in the county.

(2) The notice shall be published at least 30 days before the date by which license applications are required to be filed for consideration at the hearing.

(3) The notice shall contain:

(i) the number of licenses of each class that are available for issuance;

(ii) a description of each class;

(iii) the date by which license applications must be filed to be considered at the license application hearing; and

(iv) the date of the hearing.

(d) (1) In addition to any other notice required under this article, the Board shall provide notice of the date, time, and location of a hearing, as soon as practicable after the hearing is scheduled, to all municipalities, civic associations, homeowners' associations, and condominium associations that:

(i) are within 1 mile of the location of the proposed place of business of the applicant; and

(ii) request to receive notice of hearings by signing up on a registry on the Board's website.

(2) A municipality, civic association, homeowners' association, or condominium association that requests to receive notice of hearings under paragraph (1)(ii) of this subsection may elect to receive written or electronic notice.

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§ 26-1512

(a) In addition to the newspaper notice required under § 4-208 of this article, the Board shall post a suitable notice in a conspicuous place at the location described in an application for at least 10 days before the application hearing.

(b) A notice under subsection (a) of this section shall state the class of license for which the application is made and the date, time, and location set by the Board for an application hearing.

(c) (1) If the location described in the application is in a municipality, written notice of the application shall be made to the governing body of the municipality.

(2) A municipality that receives written notice under this subsection has standing to appear at the application hearing.

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§ 26-1513

(a) The Board shall approve an application and issue the license for which application is made if the Board determines that:

(1) issuing the license is necessary for the accommodation of the public;

(2) the applicant is a fit person to receive the license for which application is made;

(3) the applicant has not made a material false statement in the application;

(4) the applicant has not acted fraudulently in connection with the application or the operation of the underlying business;

(5) if the license is issued, the operation of the business will not unduly disturb the peace of the residents of the neighborhood in which the business is to be located; and

(6) there are no other reasons, in the discretion of the Board, why the license should not be issued.

(b) The Board shall maintain a record of licenses issued.

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§ 26-1514

The Board may impose restrictions on a license holder to enable the Board to carry out the duties imposed on it by this article if the Board develops:

- (1) written restrictions that are reasonable, clear, and understandable; and
- (2) written regulations to enforce the restrictions that comply with due process, including providing for notice and a hearing.

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§ 26-1515

The Board may not approve a license application and shall deny the license if the Board determines that more than 50% of the owners of real or leasehold property within 1,000 feet of the location described in the application are opposed to the issuance of the license.

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§ 26-1516

(a) Except as provided in subsection (b) of this section, if a license is denied, another license application for the same location may not be made for 6 months after the denial.

(b) This section does not apply to:

- (1) an application for the transfer of a license; or
- (2) a license application that is denied:
 - (i) because of a legal defect or omission;
 - (ii) if the Board expressly states that the denial was directed solely against the applicant and not against the location described in the application; or
 - (iii) if, after a hearing, the Board determines that another applicant is better qualified to be a license holder.

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§ 26-1517

The fee for a replacement license is \$10.

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§ 26-1601

(a) (1) Except as otherwise provided in this title, the number of licenses in a class issued by the Board may not exceed:

- (i) Class A beer, 4;
- (ii) Class B beer, 23;
- (iii) Class C beer, 3;
- (iv) Class D beer, 33;
- (v) Class A beer and light wine, 7;
- (vi) Class B beer and light wine, 45;
- (vii) Class B–GC beer and light wine, 4;
- (viii) Class C beer and light wine, 8;
- (ix) Class D beer and light wine, 99;
- (x) Class A beer, wine, and liquor, 143;
- (xi) Class B beer, wine, and liquor, 215;
- (xii) Class B–AE beer, wine, and liquor, 15;
- (xiii) Class BCE beer, wine, and liquor, 8;

- (xiv) Class B—CI beer, wine, and liquor, 2;
- (xv) Class B—DD beer, wine, and liquor:
 - 1. under § 26–1614(a)(1) of this subtitle, 4;
 - 2. under § 26–1614(a)(2) of this subtitle, 4;
 - 3. under § 26–1614(a)(3) of this subtitle, 6;
 - 4. under § 26–1614(a)(4) of this subtitle, 6;
 - 5. under § 26–1614(a)(5) of this subtitle, 4;
 - 6. under § 26–1614(a)(6) of this subtitle, 10;
 - 7. under § 26–1614(a)(7) of this subtitle, 3;
 - 8. under § 26–1614(a)(8) of this subtitle, 5;
 - 9. under § 26–1614(a)(9) of this subtitle, 2;
 - 10. under § 26–1614(a)(10) of this subtitle, 1;
 - 11. under § 26–1614(a)(11) of this subtitle, 1;
 - 12. under § 26–1614(a)(12) of this subtitle, 1;
 - 13. under § 26–1614(a)(13) of this subtitle, 1; and
 - 14. under § 26–1614(a)(14) of this subtitle, 10;
- (xvi) Class B/ECF beer, wine, and liquor, 1;
- (xvii) Class B—ECF/DS beer, wine, and liquor, 2;
- (xviii) Class B—ECR beer, wine, and liquor, 1;
- (xix) Class B—Stadium (baseball stadium) beer, wine, and liquor, 1;
- (xx) Class B—Stadium (football stadium) beer, wine, and liquor, 1;
- (xxi) Class B—WPL (waterfront pavilion) beer, wine, and liquor, 3; and
- (xxii) Class C beer, wine, and liquor:
 - 1. under § 26–1002 of this title, 1;
 - 2. under § 26–1005 of this title, 12;
 - 3. under § 26–1011 of this title, 25;
 - 4. under § 26–1017 of this title, 30; and
 - 5. under § 26–1019 of this title, 4.

(2) The Board may not issue a new Class A license for or approve the transfer of a Class A license to a location within three-fourths of a mile of a correctional facility, as defined in § 1–101 of the Correctional Services Article, in Upper Marlboro.

(b) This section does not invalidate a license in a class that exceeded the maximum number for the class as of June 1, 1955.

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§ 26-1602

(a) Except as provided in subsection (b) of this section, in Hyattsville, the Board may issue a license only for:

- (1) beer;
- (2) light wine; and
- (3) liquor for consumption on the premises of a holder of a Class B license.

(b) (1) The Board may approve the transfer of one Class B beer, wine, and liquor license with an off-sale privilege for use in Hyattsville.

(2) The annual fee for a license transferred under paragraph (1) of this subsection is \$1,500.

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§ 26-1603

(a) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, the Board may not issue a new license with an off-sale privilege in, or approve the transfer of a license with an off-sale privilege into, a part of the 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, or 47th alcoholic beverages district in the county.

(2) The Board may issue a license in or approve the transfer of a license into an area specified in paragraph (1) of this subsection if the off-sale privilege of the license is waived.

(3) The Board may convert one Class D (on-sale) beer and wine license issued for premises in the 7100 block of Baltimore Avenue in College Park to a Class D (on- and off-sale) beer and wine license for premises in the 7100 to 7200 block of Baltimore Avenue in College Park.

(4) The Board may approve the transfer of a Class A beer, wine, and liquor license to a premises located in any area specified in paragraph (1) of this subsection if there is no Class A beer, wine, and liquor license operating within 1 mile of the premises.

(b) The alcoholic beverages districts described in this section at all times are coterminous with the legislative districts, or parts of the legislative districts located in the county, as ordered by the Supreme Court of Maryland on June 21, 2002.

(c) The part of the 21st alcoholic beverages district located in the county consists of:

(1) election district 1;

(2) election district 10, precincts 1 through 5, 9, 12, and 13;

(3) election district 21, precincts 1, 2, 4, 14, 15, and 17;

(4) the part of election district 21, precinct 5 consisting of census tract 8073.05, block 1014; and

(5) the part of election district 21, precinct 10 consisting of:

(i) census tract 8067.03, blocks 1010, 1011, and 1014;

(ii) census tract 8069.00, blocks 1000 through 1019 and 3000 through 3021;

(iii) census tract 8070.00, blocks 1000 through 1025; and

(iv) census tract 8074.08, blocks 4015 and 4016.

(d) The 22nd alcoholic beverages district consists of:

(1) election district 19;

(2) election district 2, precincts 6 and 10;

(3) election district 14, precinct 8;

(4) election district 16, precincts 2 through 5;

(5) election district 17, precincts 9 and 12;

(6) election district 20, precincts 1, 2, 6, 7, and 11;

(7) election district 21, precincts 3, 6 through 9, 11 through 13, and 16;

(8) the part of election district 2, precinct 5 consisting of:

(i) census tract 8039.00, blocks 1000 through 1013, 2000 through 2007, and 3000 through 3015;

(ii) census tract 8040.01, blocks 2001 and 2002; and

(iii) census tract 8040.02, blocks 1003, 1010, 2000 through 2002, and 2004;

(9) the part of election district 2, precinct 8 consisting of census tract 8063.00, block 2016;

(10) the part of election district 16, precinct 1 consisting of:

- (i) census tract 8040.02, blocks 2049 and 2995;
- (ii) census tract 8063.00, blocks 1000, 1012 through 1035, 1996 through 1999, 2001, 2003 through 2015, and 2997 through 2999; and
- (iii) census tract 8065.01, blocks 2996, 2997, 3011 through 3015, 3996, and 3997; and
- (11) the part of election district 21, precinct 10 consisting of:
 - (i) census tract 8067.03, block 1001; and
 - (ii) census tract 8074.08, block 4014.
- (e) The 23rd alcoholic beverages district consists of:
 - (1) delegate district 23A (two member delegate district) consisting of:
 - (i) election district 7, precincts 1 through 5;
 - (ii) election district 10, precincts 6 through 8, 10, and 11;
 - (iii) election district 14, precincts 1 through 7, 9, and 10;
 - (iv) election district 20, precincts 9 and 10; and
 - (v) the part of election district 20, precinct 5 consisting of:
 - 1. census tract 8004.08, blocks 2013, 2020, 2021, and 2022;
 - 2. census tract 8036.07, blocks 3009 through 3011; and
 - 3. census tract 8036.08, blocks 1000 through 1002, 1005 through 1009, 1011 through 1015, 2000 through 2006, and 2008 through 2010; and
 - (2) delegate district 23B (single member delegate district) consisting of:
 - (i) election district 3, precincts 2 and 3; and
 - (ii) election district 7, precincts 6 through 11.
- (f) The 24th alcoholic beverages district consists of:
 - (1) election district 6, precincts 3, 6, 9, 12, 15, and 19;
 - (2) election district 13, precincts 1, 3, 5, 7, 8, 10, and 14 through 17;
 - (3) election district 18, precincts 1 through 4 and 7 through 11;
 - (4) election district 20, precincts 4 and 8;
 - (5) the part of election district 18, precinct 5 consisting of:
 - (i) census tract 8031.00, blocks 1003 through 1015, 1021, 1022, 1024 through 1029, and 2000 through 2017; and
 - (ii) census tract 8033.00, blocks 3006 and 3008; and
 - (6) the part of election district 18, precinct 6 consisting of census tract 8028.04, blocks 4005 and 4006.
- (g) The 25th alcoholic beverages district consists of:
 - (1) election district 3, precinct 4;
 - (2) election district 6, precincts 1, 4, 5, 7, 10, 11, 14, 16, 18, and 20 through 23;
 - (3) election district 7, precinct 12;
 - (4) election district 9, precincts 1, 3, 10, and 11;
 - (5) election district 13, precincts 4, 6, 9, and 11 through 13;
 - (6) election district 15, precinct 2; and
 - (7) the part of election district 18, precinct 6 consisting of census tract 8028.04, blocks 1006 through 1009, 2000 through 2003, 3000 through 3021, 4000, and 4002 through 4004.
- (h) The 26th alcoholic beverages district consists of:

- (1) election district 12;
- (2) election district 5, precincts 2, 3, and 5 through 7;
- (3) election district 6, precincts 2, 8, 13, and 17; and
- (4) election district 9, precincts 2 and 5.
- (i) The part of the 27th alcoholic beverages district located in the county is in delegate district 27A (two member delegate district) and consists of:
 - (1) election districts 4, 8, and 11;
 - (2) election district 3, precinct 1;
 - (3) election district 5, precincts 1, 4, and 8;
 - (4) election district 9, precincts 4 and 6 through 9; and
 - (5) election district 15, precincts 1, 3, and 4.
- (j) The 47th alcoholic beverages district consists of:
 - (1) election district 2, precincts 1 through 4, 7, and 9;
 - (2) election district 13, precinct 2;
 - (3) election district 17, precincts 1 through 8, 10, 11, 13, and 14;
 - (4) election district 20, precinct 3;
 - (5) the part of election district 2, precinct 5 consisting of:
 - (i) census tract 8040.01, block 2000; and
 - (ii) census tract 8040.02, block 2003;
 - (6) the part of election district 2, precinct 8 consisting of:
 - (i) census tract 8039.00, blocks 3016 and 3017;
 - (ii) census tract 8040.01, blocks 1000 through 1006, 2003, and 2004;
 - (iii) census tract 8040.02, blocks 1000, 1001, 1002, 1004 through 1009, 1011 through 1017, 2005, 2006, 2007, 2009 through 2034, 2040, 2047, 2048, 2994, and 2996 through 2999; and
 - (iv) census tract 8043.00, blocks 1000 through 1005, 1011, and 1014 through 1018;
 - (7) the part of election district 16, precinct 1 consisting of census tract 8040.02, block 2008;
 - (8) the part of election district 18, precinct 5 consisting of:
 - (i) census tract 8031.00, blocks 1000, 1001, 1002, 1016 through 1020, and 1023; and
 - (ii) census tract 8033.00, block 3007;
 - (9) the part of election district 20, precinct 5 consisting of:
 - (i) census tract 8036.01, blocks 1001 through 1005; and
 - (ii) census tract 8036.08, blocks 1003, 1004, 1010, 2007, 3000 through 3005, 4000, and 4002 through 4011; and
 - (10) the part of election district 21, precinct 5 consisting of:
 - (i) census tract 8073.01, block 1001; and
 - (ii) census tract 8073.05, blocks 1002 through 1013, 2001 through 2009, and 2011 through 2014.

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§ 26-1604

- (a) This section does not apply to:
 - (1) a holder of a Class B (RT) beer, wine, and liquor license, a Class BH (hotel) license, a Class BLX license, a Class BCE license, a Class B-DD (development district) license, a Class B-TP (theme park) license, a Class B-AE (arts and

entertainment) license, or a per diem license;

(2) an establishment that is within:

(i) the 500-foot restricted distance of a place of worship, if the governing body of the place of worship consents in writing to the issuance of the license and the consent is filed with the license application; or

(ii) the 1,000-foot restricted distance of a private kindergarten or nursery school;

(3) a renewal or extension of a license issued for an establishment that is within the 500-foot restricted distance of a place of worship or the 1,000-foot restricted distance of a school building;

(4) (i) a transfer of a license within 1,000 feet of a place of worship or a school building to another establishment within the same restricted distance; or

(ii) an assignee of a license within the same distance of the same place of worship or school building;

(5) the issuance of a license for an establishment to which a license of the same class had been issued and was in effect on June 1, 1965;

(6) the renewal of a license if a place of worship or school was built within 1,000 feet of the establishment after the original issuance of the license; and

(7) the issuance of a license for an establishment that is within 500 feet of a place of worship or within 1,000 feet of a school building if a license of the same class had been issued and was:

(i) held by the same person seeking the new license; and

(ii) in effect for the establishment before the place of worship or school building was built.

(b) (1) Except as provided in subsections (c) and (d) of this section, the Board may not issue a license for an establishment that is within 500 feet of a place of worship or within 1,000 feet of a school building.

(2) The distance from an establishment to a place of worship or school is to be measured from the front door or main entrance of the establishment, whichever is nearest the street abutting the site, along the nearest usual pedestrian route to:

(i) the closest door that is used as an entrance or exit to the school; or

(ii) the main entrance of the place of worship.

(c) The restriction on the distance between the location of a school and a licensed premises does not apply to a Class B–ECF/DS license.

(d) (1) In the part of the Gateway Arts and Entertainment District located in Hyattsville, as designated by the Secretary of Commerce, the front door or main entrance of an establishment for which a Class D beer and wine license is issued may be used if the door or entrance is at least 350 feet from a place of worship.

(2) In College Park, the Board may issue a license for an establishment that is more than 400 feet from a school building if the land on which the establishment is located is in a commercial district.

(3) In Laurel, the Board may issue a license for an establishment regardless of its distance from a place of worship.

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§ 26-1605

The Board may not issue a license for use in an establishment with a commercial fuel pump that is:

(1) on the site; and

(2) used by the public to purchase fuel.

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§ 26-1606

(a) Except as provided in subsection (b) of this section and § 26–1616(b)(2) of this subtitle, the Board may not issue a license for use on the site of a movie theater.

(b) This section does not prohibit the issuance of a Class B–DH (draffhouse) license for use on the site of a draffhouse, as defined in § 26–1007 of this title.

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§ 26-1607

(a) A license with an off–sale privilege may not be issued or used if the license applicant or license holder proposes or restricts the sale of alcoholic beverages to a specific group or limited membership.

(b) A license holder who restricts the sale of alcoholic beverages to a specific group or limited membership shall:

- (1) report the restriction to the Board within 30 days after the restricted sale began; and
- (2) surrender the license to the Board.

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§ 26-1608

While a holder of a Class –TP type license issued by the Montgomery County Board of License Commissioners remains in the same location where the license was located on July 1, 1997, the Prince George’s County Board of License Commissioners may not issue or approve the transfer of a license for an establishment that is within 300 feet of that location.

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§ 26-1611

(a) An interest shall be conclusively presumed to exist between two license holders or a license holder and an applicant for a license if any of the following conditions exist between them:

- (1) a franchise agreement;
- (2) a licensing agreement;
- (3) a concession agreement;
- (4) both are part of a chain of businesses commonly owned and operated and so portrayed to the public;
- (5) any sharing of directors or stockholders or any sharing of directors or stockholders of parents or subsidiaries;
- (6) common direct or indirect sharing of profit from the sale of alcoholic beverages; or
- (7) sharing of a common trade name, trademark, logo, or theme, or mode of operation identifiable by the public, except hotels and motels.

(b) (1) The Board shall make determinations under this section without regard to whether a particular license holder or proposed license holder is or may be an independent contractor for purposes other than the application of this section.

(2) If the Board determines after a hearing that an interest exists in more than one license, the Board shall refuse to issue a new license or shall revoke an existing license unless the license is operational and complied with law applicable at the time of the issuance of the license.

(c) A wholesale license holder is considered a license holder for purposes of this section and may not hold or have an interest, directly or indirectly, in a license of a class that authorizes retail sale of alcoholic beverages in the county.

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§ 26-1612

(a) This section does not apply to a restaurant within a chain store, supermarket, discount house, drug store, or convenience store.

(b) The Board may allow a person to hold or have an interest in more than one Class B beer, wine, and liquor license if the restaurant for which the license is sought is within:

- (1) any of the following areas that are underserved by restaurants:

(i) Suitland business district, consisting of properties fronting on or having access to Silver Hill Road between Suitland Parkway and Sunset Lane, and on Suitland Road between Arnold Road and Eastern Lane;

(ii) part of the Port Towns business district, consisting of properties fronting on or having access to Rhode Island Avenue, Bladensburg Road, Annapolis Road, or 38th Street, in legislative district 22; or

(iii) Largo area, consisting of properties within the area bounded by:

1. the Capital Beltway (I-495) on the west;
2. Central Avenue and Landover Road on the south and southeast;
3. Campus Way North on the east; and
4. Route 214 and Landover Road on the north and northwest; or

(2) (i) a waterfront entertainment retail complex as defined by a county zoning ordinance; or

(ii) a commercial establishment on 100 or more acres that is designated by the County Executive as a recreational, destination, or entertainment attraction.

(c) (1) Except as provided in paragraph (2) of this subsection, a license holder may not hold more than four Class B beer, wine, and liquor licenses within all of the underserved areas described in subsection (b)(1) of this section.

(2) (i) A license holder may be issued or transferred a fifth Class B beer, wine, and liquor license only if the date of the application for the fifth license is at least 1 year after the date the license holder was issued or transferred the fourth license.

(ii) A license holder may be issued or transferred a sixth Class B beer, wine, and liquor license only if the date of the application for the sixth license is at least 1 year after the date the license holder was issued or transferred the fifth license.

(d) A person that holds or has an interest in a license in an underserved area described in subsection (b)(1) of this section may not hold or have an interest in more than one license located outside all the underserved areas.

(e) A person may not hold or have an interest in more than one license in a commercial establishment described in subsection (b)(2) of this section.

(f) A Class B license obtained under this section does not confer an off-sale privilege.

(g) The limit on the maximum number of Class B beer, wine, and liquor licenses in the county under § 26-1601 of this subtitle applies to the issuance of licenses under this section.

(h) The annual license fee for a Class B license obtained under this section is \$2,500.

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§ 26-1613

(a) There is a Class B-DD (Development District) 7-day beer, wine, and liquor license.

(b) (1) The Board may issue the license for use in a restaurant in any single area designated in § 26-1614 of this subtitle.

(2) Except as provided in paragraph (3) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption.

(3) (i) Notwithstanding any other provision of this title, for each area designated in § 26-1614 of this subtitle that is not located inside the Capital Beltway, the Board may issue the license with an off-sale privilege for use in one restaurant in the area if:

1. the restaurant has at least 100 permanent seats;
2. the combined area of the kitchen, bar, and dining area of the restaurant, including permanent year-round outdoor seating, is greater than 3,500 square feet;
3. the restaurant is located at least 1 mile away from any other establishment that holds a Class A beer, wine, and liquor license or a Class B-Plus beer, wine, and liquor license that is exercising its off-sale privileges;
4. the restaurant has a minimum capital investment of more than \$1,000,000, excluding the costs of the land, building, or lease;
5. the individual applicants holding a combined ownership interest of at least 75% in the restaurant have operated a restaurant in the county that has held an alcoholic beverages license under this title for at least 7 years prior to the filing of

an application for a license under this section;

6. the restaurant is open at least 5 days per week and serves lunch and dinner at least five times per week; and

7. the restaurant does not hold an ownership interest in more than two restaurants that hold a license under this section with an off-sale privilege.

(ii) A holder of a license under this section with an off-sale privilege shall maintain "off-sale" shelves or counters in an area of the licensed premises that is:

1. partitioned or otherwise separated from the main bar and the usual serving area for on-premises consumption; and
2. contiguous to the restaurant.

(iii) The portion of the restaurant dedicated to the sale of alcoholic beverages for off-premises consumption may not:

1. be considered when calculating the square footage of the restaurant under subparagraph (i)2 of this paragraph; and
2. be greater than 3,500 square feet.

(iv) Off-sale privileges under the license authorize the license holder to sell beer, wine, and liquor for off-premises consumption on Monday through Sunday, from 9:00 a.m. to 10:00 p.m.

(c) (1) An applicant for a license for a restaurant in a single area described in § 26-1614 of this subtitle is not eligible for a Class B-DD license unless:

(i) the restaurant meets all of the requirements set out in paragraph (2) of this subsection; and

(ii) the average daily receipts of the restaurant from the sale of food and nonalcoholic beverages exceed the average daily receipts of the restaurant from the sale of alcoholic beverages for on-premises consumption only.

(2) A restaurant shall:

(i) be located in a permanent building with sufficient space and accommodations for preparing, serving, and selling hot meals to the public during the restaurant's hours of operation;

(ii) have the minimum sanitary facilities required by the county health department regulations;

(iii) meet the minimum health requirements adopted by the county health department regulations;

(iv) have a dining area with sufficient tables, chairs, or booths to comfortably seat and accommodate the public;

(v) be equipped with a kitchen that has complete facilities and utensils for preparing hot and cold meals for the public;

(vi) employ a sufficient number of cooks and wait staff to serve the public using the dining area;

(vii) maintain and display a menu that advertises the serving of a variety of hot meals; and

(viii) maintain sufficient food on the premises at all times to fill an order made from the menu.

(3) The Board may revoke a license to enforce this subsection.

(4) The license holder shall submit to the Board a monthly report of the restaurant's average daily receipts from the sale of food and nonalcoholic beverages and the restaurant's average daily receipts from the sale of alcoholic beverages to verify that the restaurant has met the requirements of paragraph (1) of this subsection.

(d) (1) Except as provided in paragraph (2) of this subsection, the Board shall determine:

(i) the number of licenses to be issued;

(ii) to whom the licenses may be issued; and

(iii) the number of licenses each recipient may hold.

(2) The Board may not issue the license for use by a restaurant in a single area described in § 26-1614 of this subtitle if the applicant is the license holder of three Class B-DD licenses.

(e) (1) A license holder may hold a Class B-DD license in addition to any other license issued under this article.

(2) Subject to paragraph (3) of this subsection, for each Class B-DD license a person is issued, the person may obtain one other Class B license located anywhere in the county if all requirements for the Class B license are met.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a Class B license that is issued for use in a restaurant in a development district under § 26-1614 of this subtitle to a holder of a Class B-DD license remains in effect only as long as the restaurant in the development district remains open for business as a restaurant.

(ii) If a restaurant in the development district is closed for not more than 6 months, the Class B license shall remain in effect.

(f) The Board may approve the transfer of the ownership of a license for use at the same location but not for use at a different location.

(g) The Board may not issue the license for use by a restaurant in a chain store, supermarket, discount house, drug store, or convenience store.

(h) (1) Except as provided in paragraph (2) of this subsection, the annual license fee is \$3,025.

(2) The annual license fee for a license with an off-sale privilege issued under subsection (c)(3) of this section is \$5,000.

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§ 26-1614

(a) The Board may issue:

(1) up to four Class B-DD (Development District) licenses for restaurants located within the Capital Plaza commercial area, consisting of commercial properties within the area bounded by the Baltimore-Washington Parkway on the west and northwest, Maryland Route 450 on the south, and Cooper Lane on the east and northeast;

(2) up to four Class B-DD (Development District) licenses for restaurants located within the area of Greenbelt Station, located inside the Capital Beltway and adjacent to the Greenbelt Metro Station;

(3) up to six Class B-DD (Development District) licenses for restaurants located within the area of Ritchie Station Marketplace;

(4) subject to subsection (b) of this section, up to six Class B-DD (Development District) licenses for restaurants located within the Towne Centre at Laurel;

(5) up to five Class B-DD (Development District) licenses to restaurants located within the area of Riverdale Park Station inside the Capital Beltway and adjacent to U.S. Route 1;

(6) up to two Class B-DD (Development District) licenses to restaurants located within the area of Riverdale Park Town Center, bounded by Rhode Island Avenue on the west and Queensbury Road on the south;

(7) up to two Class B-DD (Development District) licenses to restaurants located within the Buena Vista West mixed-use development, located in the northwest quadrant of the intersection of MD-704/Martin Luther King Jr. Highway and MD-450/Annapolis Road;

(8) up to five Class B-DD (Development District) licenses to restaurants located within the South Lake mixed-use development, located in the southwest quadrant of the intersection of MD-214/Central Avenue and US-301/Crain Highway;

(9) up to two Class B-DD (Development District) licenses to restaurants located within the Clinton Marketplace mixed-use development, located in the southwest quadrant of the intersection of MD-223/Piscataway Road and Brandywine Road;

(10) one Class B-DD (Development District) license to a restaurant located within 1.5 miles surrounding Rivertowne Commons, at the intersection of Livingston Road and Oxon Hill Road;

(11) one Class B-DD (Development District) license to a restaurant located at the intersection of Route 373 and Route 210/Indian Head Highway;

(12) one Class B-DD (Development District) license to a restaurant located within 1.5 miles surrounding Iverson Mall, at the intersection of Iverson Street and Branch Avenue;

(13) one Class B-DD (Development District) license to a restaurant located within 1 mile surrounding the intersection of East-West Highway and Belcrest Road;

(14) up to 10 Class B–DD (Development District) licenses to restaurants located within the Carillon development, located near the Arena Drive exit of the Capital Beltway;

(15) up to 50 Class B–DD (Development District) licenses to restaurants located on Central Avenue, within the area from the Capital Beltway to the District of Columbia border; and

(16) up to five Class B–DD (Development District) licenses to restaurants located within Main Street Laurel, from northbound Washington Boulevard to 7th Street, between the Patuxent River to the north and Prince George Street to the south.

(b) (1) Subject to paragraph (2) of this subsection, the Board may convert one Class B–DD license to a Class A beer, wine, and liquor license, to be issued to an establishment in the Towne Centre at Laurel.

(2) If the Board converts a Class B–DD license to a Class A beer, wine, and liquor license under paragraph (1) of this subsection, the Board may not issue more than five Class B–DD licenses under subsection (a)(4) of this section.

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§ 26-1615

The Board may authorize a person to hold or have an interest in an unlimited number of BH licenses.

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§ 26-1616

(a) There is a Class BLX license.

(b) The Board may issue the license for use in:

(1) a luxury–type restaurant, as defined in regulations of the Board, that has:

(i) a minimum capital investment of \$1,000,000 for a dining room facility and kitchen equipment, not including the cost of the land, building, or lease; and

(ii) seating for at least 100 individuals; and

(2) subject to subsection (c) of this section, a movie theater if:

(i) the owner or operator of the movie theater has invested at least \$5,000,000 in renovating or remodeling the movie theater;

(ii) excluding candy and popcorn, the average daily receipts from the sale of food of the movie theater exceed the average daily receipts from the sale of alcoholic beverages; and

(iii) any employee who serves alcoholic beverages is certified by an approved alcohol awareness program.

(c) The Board may not issue a Class BLX license to a movie theater in the 26th legislative district.

(d) The holder of a Class BLX license issued for a movie theater may serve only customers who have proof of admission to the movie theater.

(e) (1) If the criteria under subsection (b)(1) of this section are met, the Board may issue or transfer one Class BLX license for use in a luxury–type restaurant on behalf of:

(i) the county;

(ii) the Maryland–National Capital Park and Planning Commission; or

(iii) a private concessionaire under contract with:

1. the county; or

2. the Maryland–National Capital Park and Planning Commission.

(2) The Board may determine:

(i) the number of licenses to be issued;

(ii) to whom the license may be issued; and

(iii) whether a holder of an alcoholic beverages license may have an interest in one Class BLX license.

(3) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption.

(f) (1) Subject to paragraphs (2) and (3) of this subsection, a person may not hold more than 15 Class BLX licenses.

(2) The Board may issue:

(i) a fifth license to a license holder only if the date of application for the fifth license is at least 1 year after the date the license holder was issued the fourth license; and

(ii) a sixth license only if the date of application for the sixth license is at least 1 year after the date the license holder was issued the fifth license.

(3) In determining whether to issue a fifth, sixth, or subsequent license to a single license holder, the Board:

(i) shall consider the number of licensed establishments existing in the area surrounding the site of the proposed licensed establishment; and

(ii) may issue an additional license only if the Board determines that the proposed licensed establishment will enhance the recreational, business, and economic development of the area.

(g) The profit realized from the sale of an alcoholic beverage under a license issued under subsection (e)(1) of this section may be for the use and benefit of the license holder.

(h) (1) This subsection applies only to a license that is issued for an establishment that is located on the campus of the University of Maryland, College Park within an area that is bounded as follows: from the intersection of Rossborough Lane and Diamondback Drive, north on Diamondback Drive to the intersection with Campus Drive, southeast on Campus Drive to the point where Campus Drive runs directly parallel to Rossborough Lane where it intersects with Rhode Island Avenue, south from the roadway of Campus Drive to the intersection of Rossborough Lane and Rhode Island Avenue, then northwest along Rossborough Lane back to the intersection of Rossborough Lane and Diamondback Drive.

(2) Notwithstanding § 26–1103.1 of this title, the license holder may offer entertainment when individuals under the age of 21 years are present if:

(i) the license holder enters into an agreement with the College Park City–University Partnership, the city of College Park, and the University of Maryland to work together to provide a quality restaurant experience and appropriate community-oriented entertainment targeted toward both the local and campus communities; and

(ii) the lease of the property on which the licensed premises is located includes provisions that require the license holder to:

1. immediately notify the landlord of any violation or citation relating to the license;
2. work closely with the College Park City–University Partnership and its members to maintain a safe and healthy community-oriented establishment;
3. provide to the College Park City–University Partnership and its members each month a list of upcoming events;
4. participate in reviews;
5. maintain and operate the facility in a manner that is safe, healthy, and community-oriented; and
6. refrain from advertisements or inducements that may be interpreted to encourage consumption of alcoholic beverages by underage patrons.

(3) The agreement under paragraph (2)(i) of this subsection shall provide that:

(i) live music and entertainment will generally start by 8:00 p.m. or 9:00 p.m. and end by midnight, but may on occasion occur between 8:00 a.m. and 8:00 p.m.;

(ii) if an event is anticipated to extend later than midnight, the license holder shall inform and request comment from the University of Maryland and the College Park City–University Partnership; and

(iii) the license holder shall employ appropriate levels of security for every live music and entertainment event.

(4) The license holder shall meet with the College Park City–University Partnership Board of Directors every 6 months to review reports and security measures and to assist in improvement of community-oriented events.

(5) The license holder shall indemnify the College Park City–University Partnership for any recommendations the license holder makes to the Board.

(i) The annual license fee is \$3,875.

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§ 26-1617

(a) There is a Class B–RD (revitalization district) license.

(b) (1) The Board may issue the license to an applicant that:

(i) is located and remains in:

1. a designated Maryland main street with a local management authority;
2. a designated revitalization area; or
3. an area with a revitalization plan that has been adopted locally;

(ii) has gross sales:

1. that do not exceed \$150,000 per year; and
2. of which at least 80% are derived from the sale of food; and

(iii) is primarily a restaurant at which customers are seated to eat.

(2) The license authorizes the holder to sell liquor at retail for on–premises consumption in any premises licensed for Class B–RD sales.

(c) The hours and days for sale are as provided in § 26–2005(h) of this title.

(d) The Board shall determine the number of licenses to be issued.

(e) The annual license fee is \$725.

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§ 26-1618

(a) This section does not apply to a restaurant located in a chain store, supermarket, discount house, drug store, or convenience store.

(b) In accordance with the license quota limitations under § 26–1601 of this subtitle, the Board may issue or transfer a Class B beer (on–sale) license or Class B beer and wine (on–sale) license for use by:

(1) a franchisee who operates a restaurant under a franchise agreement with a franchisor; or

(2) a person who operates a restaurant under a business licensing agreement that:

(i) is made with a licensor; and

(ii) authorizes a person, in the operation of a restaurant, to use a trademark, trade name, or other identifying symbol owned by a licensor.

(c) The Board may issue or transfer a license under subsection (b) of this section regardless of whether a Class B beer (on–sale) license or Class B beer and wine (on–sale) license has been issued or transferred for use by:

(1) another franchisee operating a restaurant under a franchise agreement with the same franchisor; or

(2) another person operating a restaurant under a business licensing agreement with the same licensor.

(d) A licensor or franchisor:

(1) is prohibited from having an ownership interest in an entity that receives a Class B beer (on–sale) license or Class B beer and wine (on–sale) license under this section; but

(2) under a business licensing agreement or franchise agreement, may be paid a fee that is based on a percentage of revenue by a person that receives a Class B beer (on–sale) license or Class B beer and wine (on–sale) license.

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§ 26-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

- (1) § 4-303 ("Chain store, supermarket, or discount house"); and
- (2) § 4-304 ("Compliance with Bulk Transfers Act required").

(b) Section 4-306 ("Substitution of names of officers on license") of Division I of this article does not apply in the county and is superseded by § 26-1708 of this subtitle.

(c) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

- (1) § 4-302 ("Transfer of place of business; transfer of license and inventory"), subject to § 26-1709 of this subtitle; and
- (2) § 4-305 ("Filing fee and endorsement"), subject to § 26-1706 of this subtitle.

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§ 26-1702

(a) The Board may not approve the transfer of a license from one location to another:

- (1) except as provided in subsection (b) of this section, for at least 2 years after the issuance of a new license; and
- (2) unless the Board determines that:

- (i) the transfer to the new location is necessary to accommodate the public; and
- (ii) the transferee has complied with the residency requirements specified in § 26-1406(c) of this title.

(b) Subject to the approval of the Board, a receiver or trustee may transfer ownership and location of a license for the benefit of creditors of a license holder within 6 months after:

- (1) appointment as the receiver or trustee; or
- (2) the death of the license holder.

(c) (1) The Board may approve a transfer of location or ownership within 2 years after a transfer of location has been authorized.

(2) This paragraph does not prohibit a transfer of ownership for continuance of a business in the same location, unless there has been a transfer of location for the license within 2 years.

(d) A transfer of a license in accordance with a security agreement is subject to approval by the Board like any other license transfer, except that the written consent and cooperation of the existing license holder is not required.

(e) (1) In addition to any other notice required under this article, the Board shall provide notice of the time, date, and location of a hearing, as soon as practicable after a hearing for a license transfer is scheduled, to all municipalities, civic associations, homeowners' associations, and condominium associations that:

- (i) are within 1 mile of the location of the proposed place of business of the applicant; and
- (ii) request to receive notice of hearings by signing up on a registry on the Board's website.

(2) A municipality, civic association, homeowners' association, or condominium association that requests to receive notice of hearings under paragraph (1)(ii) of this subsection may elect to receive written or electronic notice.

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§ 26-1703

The Board may not approve the transfer of a license that has an off-sale privilege to:

- (1) an establishment commonly known as a chain store, supermarket, or discount house; or
- (2) a franchisor, franchisee, or concessionaire of the establishment.

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§ 26-1704

The residency requirements under § 26-1406(c) of this title apply to a transfer of a license.

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§ 26-1705

A hearing on an application for a license transfer shall occur and follow the requirements for a hearing on an application for a new license under §§ 26–1511 through 26–1513 of this title.

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§ 26-1706

The fee for a transfer of a license is \$500.

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§ 26-1707

The Board may not transfer a license to an establishment with a commercial fuel pump on a premises that the public uses to purchase fuel.

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§ 26-1708

(a) For a Class C beer, wine, and liquor license issued for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

- (1) has died;
- (2) has retired; or
- (3) no longer holds an office in the corporation or club.

(b) The license holder shall file an affidavit with the Board that contains:

- (1) the substitution of the officer; and
- (2) an explanation for the substitution.

(c) On receipt of the affidavit, the Board shall:

- (1) amend its record; and
- (2) issue a corrected license.

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§ 26-1709

(a) Subject to subsection (b) of this section, if a transfer and issuance of a license is sought, the Board may approve the transfer, but condition the actual issuance of the license to the transferee on verification:

- (1) of payment of all undisputed taxes payable by the transferor to the Comptroller or the county; or
- (2) that payment of the taxes described in item (1) of this subsection has been provided for in a manner satisfactory to the governmental unit responsible for collection.

(b) If the license of the transferor was issued on behalf of a corporation, club, or other entity, the verification requirements specified in subsection (a) of this section apply to undisputed taxes payable by each owner or principal of the entity.

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§ 26-1710

Section 26–1515 of this title does not apply to an application for a transfer of a license for the same premises.

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§ 26-1801

(a) The following sections of Title 4, Subtitle 4 (“Renewal of Local Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 4-402 ("Eligibility for renewal; process");

(2) § 4-403 ("Renewal application");

(3) § 4-408 ("Issuance of renewed licenses");

(4) § 4-409 ("Multiple licenses"); and

(5) § 4-410 ("Chain store, supermarket, or discount house").

(b) Section 4-404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 26-1802 of this subtitle.

(c) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county:

(1) § 4-405 ("Contents of renewal application"), subject to § 26-1804 of this subtitle;

(2) § 4-406 ("Protests"), subject to § 26-1803 of this subtitle; and

(3) § 4-407 ("Denial of renewal application"), subject to § 26-1806 of this subtitle.

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§ 26-1802

(a) Subject to subsection (b) of this section, to renew a license, a license holder shall file a license renewal application with the Board in accordance with the following schedule of renewal deadlines and license expiration dates:

(1) for a Class A license, which shall expire on April 30, the application deadline is March 1;

(2) for a Class B license, which shall expire on May 31, the application deadline is April 1; and

(3) for a Class C and a Class D license, both of which shall expire on June 30, the application deadline is May 1.

(b) The Board may extend the deadline by which a license holder must file a license renewal application.

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§ 26-1803

(a) A protest of a license renewal shall be filed with the Board on or before March 1.

(b) A municipality in which the licensed premises is located may make a protest of a license renewal after holding a public hearing concerning the protest.

(c) (1) In addition to any other notice required under this article, the Board shall provide notice of the time, date, and location of a hearing, as soon as practicable after the hearing is scheduled, to all municipalities, civic associations, homeowners' associations, and condominium associations that:

(i) are within 1 mile of the location of the proposed place of business of the applicant; and

(ii) request to receive notice of hearings by signing up on a registry on the Board's website.

(2) A municipality, civic association, homeowners' association, or condominium association that requests to receive notice of hearings under paragraph (1)(ii) of this subsection may elect to receive written or electronic notice.

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§ 26-1804

A license holder may renew the license without obtaining a consent statement from the owner of the building that contains the licensed premises if:

(1) the license holder has a lease on the entire building for at least the term of the renewed license; and

(2) the building owner has previously filed a consent statement with the original or another renewal application.

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§ 26-1805

The Board may not require a license renewal applicant to hold a lease on the licensed premises for the full term or any portion of the license renewal period.

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§ 26-1806

(a) Except as provided in subsection (c) of this section, the Board may approve or deny a license renewal if the license holder or a stockholder of the corporation that uses the license has been convicted of a felony.

(b) The Board:

(1) shall hold a public hearing before approving or denying the license renewal; and

(2) may inquire into all relevant facts and circumstances concerning the felony offense at the hearing.

(c) In the case of a conviction for a felony that is related to operations under the license, the Board may not approve a license renewal for a license holder or stockholder of a corporation that uses the license until at least 10 years have elapsed after the date of the felony conviction.

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§ 26-1807

(a) Before a license may be renewed, the Board shall verify:

(1) (i) through the Comptroller, that the license holder has paid all undisputed taxes payable to the Comptroller; and

(ii) through the county, that the license holder has paid all undisputed taxes payable to the county; or

(2) that the license holder has provided for payment of the taxes described in item (1) of this subsection in a manner satisfactory to the governmental unit responsible for the collection.

(b) If the information provided to the Board states that the license holder owes undisputed taxes and has not provided for payment in a manner satisfactory to the governmental unit responsible for collection, the Board may not renew the license.

(c) If the license was issued on behalf of a corporation, club, or other entity, the renewal requirements in subsection (a) of this section apply to undisputed taxes payable by each owner or principal of the entity.

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§ 26-1808

Except for a Class B–WPL (waterfront pavilion) beer, wine, and liquor license, the residency requirements under § 26–1406(c) of this title apply to a renewal of a license.

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§ 26-1809

Notwithstanding § 26–1509 of this title, the holder of a license that has an off–sale privilege may renew the license if the holder of the license is:

(1) an establishment commonly known as a chain store, supermarket, or discount house; or

(2) a franchisor, franchisee, or concessionaire of the establishment.

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§ 26-1810

Section 26–1515 of this title does not apply to an application for a license renewal for the same premises.

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§ 26-1901

(a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county without exception or variation:

(1) § 4–502 (“Storage of alcoholic beverages”);

(2) § 4–503 (“Solicitations and sales outside licensed premises”);

- (3) § 4–506 (“Evidence of purchaser’s age”);
- (4) § 4–507 (“Retail delivery of alcoholic beverages”); and
- (5) § 4–508 (“Display of license”).

(b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county:

- (1) § 4–504 (“Employment of underage individuals”), subject to § 26–1902 of this subtitle; and
- (2) § 4–505 (“Alcohol awareness program”), subject to § 26–1902.1 of this subtitle.

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§ 26-1902

An individual under the age of 18 years may not be employed to sell, deliver, or otherwise deal with alcoholic beverages.

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§ 26-1903

A license holder may not impose a cover charge, offer facilities for patron dancing, or provide entertainment unless the license holder:

- (1) is authorized to do so under this article; and
- (2) meets all requirements of county law.

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§ 26-1904

An individual regardless of age may enter or remain on a licensed premises if a bowling alley is on the licensed premises and in use.

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§ 26-2001

(a) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(b) An owner, an operator, or a manager of a premises licensed under this title or a holder of an on-sale license may not allow alcoholic beverages to be consumed on the premises licensed under this title:

- (1) from 2 a.m. to 6 a.m.; or
- (2) if the holder may sell alcoholic beverages under § 26–2005 of this subtitle, from 3 a.m. to 6 a.m.

(c) (1) An individual found consuming alcoholic beverages on the premises or in a place during the hours prohibited under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

(2) An owner, a manager, or an employee of a premises or place who knowingly allows consumption during the hours prohibited under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 2 years or both.

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§ 26-2002

(a) (1) A holder of a Class A beer license may sell beer on Monday through Saturday, from 6 a.m. to midnight.

(2) A license holder that offers for sale commodities that are not alcoholic beverages and is open on Sunday shall keep all alcoholic beverages on the premises that are stored in areas open to the public in a separate beverage department that is securely closed and locked from midnight on Sunday to 6 a.m. on Monday.

(b) (1) Subject to paragraph (2) of this subsection, a holder of a Class B beer license may sell beer:

- (i) for on-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for off-premises consumption, from 6 a.m. to midnight.

(2) The license holder may not sell beer for on-premises consumption:

(i) except as provided in § 26-2005 of this subtitle, from 2 a.m. to 6 a.m.; and

(ii) at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

(c) (1) Subject to paragraph (2) of this subsection, a holder of a Class C beer license may sell beer from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

(d) (1) Subject to paragraph (2) of this subsection, a holder of a Class D beer license may sell beer:

(i) for on-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for off-premises consumption, from 6 a.m. to midnight.

(2) The license holder may not sell beer for on-premises consumption from 2 a.m. to 6 a.m.

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§ 26-2003

(a) (1) A holder of a Class A beer and light wine license may sell beer and light wine on Monday through Saturday, from 6 a.m. to midnight.

(2) A license holder that offers for sale commodities that are not alcoholic beverages and is open on Sunday shall keep all alcoholic beverages on the premises that are stored in areas open to the public in a separate beverage department that is securely closed and locked from midnight on Sunday to 6 a.m. on Monday.

(b) (1) Subject to paragraph (2) of this subsection, a holder of a Class B beer and light wine license may sell beer and light wine:

(i) for on-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for off-premises consumption, from 6 a.m. to midnight.

(2) The license holder may not sell beer or light wine for on-premises consumption:

(i) except as provided in § 26-2005 of this subtitle, from 2 a.m. to 6 a.m.; or

(ii) at a bar or counter on Sunday from 6 a.m. to 2 a.m. the following day.

(c) (1) Subject to paragraph (2) of this subsection, a holder of a Class C beer and light wine license may sell beer and light wine from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer or light wine:

(i) from 2 a.m. to 6 a.m.; or

(ii) at a bar or counter on Sunday, from 5 p.m. to 1:30 a.m. the following day.

(d) (1) Subject to paragraph (2) of this subsection, unless the license is restricted under § 26-601(c), § 26-604(c), or § 26-801(c) of this title, a holder of a Class D beer and light wine license may sell beer and light wine:

(i) for on-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for off-premises consumption, from 6 a.m. to midnight.

(2) The license holder may not sell beer or light wine from 2 a.m. to 6 a.m.

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§ 26-2004

(a) (1) A holder of a Class A beer, wine, and liquor (off-sale) license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to midnight.

(2) A license holder that offers for sale commodities that are not alcoholic beverages and is open on Sunday shall keep all alcoholic beverages on the premises that are stored in areas open to the public in a separate beverage department that is securely closed and locked between midnight on Sunday and 6 a.m. on Monday.

(b) (1) Subject to paragraph (3) of this subsection, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) except as provided in § 26–2005 of this subtitle, for on–premises consumption, on Monday through Saturday, from 6 a.m. to 2 a.m. the following day;

(ii) from 8 a.m. on Sunday to 2 a.m. the following day; and

(iii) for off–premises consumption, on Monday through Saturday, from 6 a.m. to midnight.

(2) For off–premises consumption on Sunday, the license holder:

(i) if issued a Sunday off–sale permit under § 26–1104 of this title, may sell alcoholic beverages that the holder is licensed to sell from 8 a.m. to midnight;

(ii) may sell beer and light wine from 8 a.m. to midnight at an off–sale store that is attached to and part of the licensed premises; but

(iii) may not sell beer, wine, or liquor at a separate off–sale store established on the premises.

(3) The Board shall adopt reasonable standards to define the term “off–sale store” for the purposes of paragraph (2) of this subsection.

(c) (1) A holder of a Class B–AE (arts and entertainment) license may not sell beer, wine, or liquor:

(i) except as provided in § 26–2005 of this subtitle, for on–premises consumption;

(ii) except as provided in § 26–2005 of this subtitle, from 2 a.m. to 6 a.m.; and

(iii) at a bar or counter on Sunday, unless the Sunday is December 24 or December 31.

(2) The Board shall adopt regulations to carry out this subsection, including regulations specifying hours and days of sale.

(d) (1) Except as provided in § 26–2005 of this subtitle, a holder of a Class B–DD (Development District) 7–day beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

(e) (1) Subject to paragraph (2) of this subsection, a holder of a Class BH license may sell beer, wine, and liquor for on–premises consumption:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday, from 10 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor:

(i) except as provided in § 26–2005 of this subtitle, from 2 a.m. to 6 a.m.; or

(ii) at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

(f) (1) (i) Subject to subparagraph (ii) of this paragraph, the holder of a Class BLX license issued for a luxury–type restaurant may sell beer, wine, and liquor for on–premises consumption from 6 a.m. to 2 a.m. the following day.

(ii) A license holder may not sell beer, wine, or liquor for on–premises consumption:

1. except as provided in § 26–2005 of this subtitle, from 2 a.m. to 6 a.m.; or

2. at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

(2) A holder of a Class BLX license issued for a movie theater may sell beer, wine, and liquor for on–premises consumption from noon to 12:30 a.m. the following day.

- (g) A holder of a Class B–MB/22 license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.
- (h) (1) Subject to paragraph (2) of this subsection, a holder of a Class B–RD (revitalization district) license may sell beer, wine, and liquor for on–premises consumption from 6 a.m. to 2 a.m. the following day.
- (2) The license holder may not sell beer, wine, or liquor for on–premises consumption:
- (i) except as provided in § 26–2005 of this subtitle, from 2 a.m. to 6 a.m.; or
- (ii) at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.
- (i) A holder of a Class B–WPL (waterfront pavilion) license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.
- (j) (1) Subject to paragraph (2) of this subsection, a holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.
- (2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

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§ 26-2005

If the holder of a Class B on–sale license has live entertainment on the licensed premises on Friday or Saturday night, the license holder may sell alcoholic beverages for on–premises consumption in accordance with the license on Friday or Saturday from 6 a.m. to 3 a.m. the following day.

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§ 26-2006

- (a) A holder of a Class A beer, wine, and liquor license may not sell beer, wine, or liquor on Sunday unless:
- (1) the Sunday is December 24 or December 31; or
- (2) the holder of a Class A beer, wine, and liquor license holds a Sunday off–sale permit under § 26–1104 of this title.
- (b) A holder of a Class B restaurant license that allows the sale of alcoholic beverages for off–premises consumption may not sell alcoholic beverages for off–premises consumption Monday through Sunday from midnight to 8 a.m.
- (c) A holder of a license that allows the sale of alcoholic beverages for on–premises consumption may sell the alcoholic beverages that the license allows until 2 a.m. on January 1.

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§ 26-2007

- (a) This section applies in the 24th and 25th alcoholic beverages districts of the county as described in § 26–1603(f) and (g) of this title.
- (b) The Board may change the closing hour and reduce the hours of sale of a license holder if the Board:
- (1) receives a complaint concerning the licensed premises; and
- (2) makes the change after holding a hearing on the complaint.
- (c) Under Subtitle 24 of this title, a party may seek judicial review of a decision of the Board made under this section.

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§ 26-2101

- (a) The following sections of Title 4, Subtitle 6 (“Revocation and Suspension of Local Licenses”) of Division I of this article apply in the county without exception or variation:
- (1) § 4–602 (“Power of local licensing board”);
- (2) § 4–603 (“Revocation and suspension procedures”);
- (3) § 4–605 (“Nudity and sexual displays”); and

(4) § 4–606 (“Effects of revocation”).

(b) Section 4–604 (“Grounds for revocation or suspension”) of Division I of this article applies in the county, subject to § 26–2102 of this subtitle.

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§ 26-2102

(a) In this section, “conviction” includes:

- (1) a verdict or plea of guilty;
- (2) the forfeiture of a bond or collateral accepted on a pending charge, warrant, or indictment before a court; or
- (3) the revocation or suspension of a license by the Board because of a violation of this article or regulations adopted under this article.

(b) (1) The Board shall revoke a license if a license holder or a stockholder of a corporation that uses the license is convicted of a felony that is related to operations under the license.

(2) The Board may revoke a license if:

(i) within 2 years a license holder is convicted twice for a violation concerning an illegal sale of alcoholic beverages in or on the licensed premises on Sunday; or

(ii) within 2 years there are two convictions of the same agent or employee of a license holder for a violation concerning illegal sales of alcoholic beverages in or on the licensed premises on Sunday.

(3) The Board may revoke a license for:

(i) a felony conviction of a license holder or a stockholder of a corporation having the use of a license; or

(ii) failure to comply with § 26–1613(c) of this title.

(4) The Board may:

(i) allow a closing of the licensed premises for a reasonable period of time; but

(ii) revoke the license for the closing of the licensed premises for more than 30 days without the approval of the Board.

(c) The Board may suspend a license for at least 30 days for:

(1) a conviction of the license holder for a violation concerning an illegal sale of alcoholic beverages in or on the licensed premises on Sunday; or

(2) two or more convictions of different agents or employees of a license holder for a violation concerning an illegal sale of alcoholic beverages in or on the licensed premises on Sunday.

(d) (1) If a license holder has not complied with the residency requirements specified in § 4–103, § 4–104, or § 4–105 of this article or Subtitle 14 of this title, the Board may revoke or suspend the license.

(2) The Board may revoke or suspend a license:

(i) for a conviction of the license holder for a violation of any State law concerning gambling in or on the licensed premises; or

(ii) if, within 2 years, there are two convictions of one or more of the agents or employees of a license holder for violations concerning gambling in or on the licensed premises.

(3) The Board may revoke or suspend a license that has been issued or transferred if the license has not been placed in operation after 6 months following the issuance or transfer.

(e) The Board may revoke, suspend, or refuse to renew a license, or refuse to issue a license to an applicant, if the license holder or applicant willfully failed or refused to pay hotel/motel taxes due to the county within 60 days after the license holder or applicant received the first notice of delinquency.

(f) Two or more violations against the same license holder, agent, or employee or affecting the same premises occurring on the same day are considered one offense.

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§ 26-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 26-2301

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

- (1) § 4–802 ("Expiration of license on death of license holder");
- (2) § 4–804 ("Transfer or reinstatement of license");
- (3) § 4–805 ("Rights of protest, revocation, suspension, and restriction"); and
- (4) § 4–806 ("Refund").

(b) Section 4–803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 26–2302 of this subtitle.

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§ 26-2302

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

- (i) the surviving spouse;
- (ii) the surviving partners for the benefit of the partnership; or
- (iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

- (i) for the balance of the license year; and
- (ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

- (1) the surviving spouse;
- (2) the surviving partners of a partnership; or
- (3) the senior surviving officer of a corporation for the benefit of the corporation.

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§ 26-2401

(a) The following sections of Title 4, Subtitle 9 ("Judicial Review") of Division I of this article apply in the county without exception or variation:

- (1) § 4–902 ("Judicial review of decision of local licensing board");
- (2) § 4–904 ("Stay of local board's petition");
- (3) § 4–905 ("Scope of judicial review");
- (4) § 4–906 ("Representation of local licensing board"); and
- (5) § 4–908 ("Appeals to Appellate Court of Maryland and Supreme Court of Maryland").

(b) The following sections of Title 4, Subtitle 9 ("Judicial Review") of Division I of this article apply in the county:

- (1) § 4–903 ("Petitioners"), subject to § 26–2402 of this subtitle; and
- (2) § 4–907 ("Affirmations, modifications, and reversals"), subject to § 26–2405 of this subtitle.

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§ 26-2402

On payment of all costs incident to the hearing before the Board, a governing body of a municipality within the county in which a licensed place of business is located or proposed to be located may petition for judicial review of a decision of the Board under § 4-902 of this article to the circuit court for the county.

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§ 26-2403

(a) Before docketing an action for judicial review under Title 4, Subtitle 9 of this article, the clerk of the circuit court for the county shall:

- (1) collect all court costs from the petitioner; and
- (2) receive a statement from the clerk of the Board that the costs for getting records and transcripts of proceedings of the hearing before the Board have been paid.

(b) The costs described in subsection (a)(1) of this section may not be assessed against the Board.

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§ 26-2404

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

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§ 26-2405

(a) Before the date set for a hearing before the circuit court of a petition under Title 4, Subtitle 9 of this article, a petitioner or a party in interest properly before the court may petition the court in writing for leave to present additional evidence on an issue for which judicial review is sought.

(b) If, after a hearing, the court is satisfied that the additional evidence is material and that there were good reasons for failure to present the evidence in the proceeding before the Board, the court shall remand the case to the Board and order that the evidence be taken before the Board on the conditions the court considers proper.

(c) (1) On remand for the taking of additional evidence, the Board may modify or reverse the previous findings and decision of the Board by reason of the additional evidence.

(2) If the Board modifies or reverses a previous finding or decision as described in paragraph (1) of this subsection, the Board shall file with the reviewing court, to become a part of the record, the additional evidence together with the modification, new finding, or new decision.

(d) On the filing of a finding or decision after remand as described in subsection (c) of this section, if the court determines that the substantial rights of a petitioner may have been prejudiced, the court may reverse or modify the decision or modified decision of the Board or again remand the proceedings to the Board.

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§ 26-2501

(a) This section applies to an establishment:

- (1) for which the Board has not issued a license;
- (2) that is subject to any other license issued by the State or county; and
- (3) that is:
 - (i) a restaurant, hotel, club, room, dance studio, or disco;
 - (ii) a place of adult entertainment that allows any form of sexual display or attire prohibited under § 4-605 of this article; or
 - (iii) any other place open to the public.

(b) A person, including an owner or operator of an establishment may not:

- (1) serve, keep, or allow to be consumed by a customer, alcoholic beverages:

- (i) from supplies that the customer purchased, reserved, or otherwise brought to the establishment; or
- (ii) from supplies purchased or otherwise brought to the establishment by the owner or operator of the establishment or an agent of the owner or operator; or
- (2) (i) serve setups, including drinking containers and ice; or
- (ii) serve, keep, or allow to be consumed other component parts of mixed alcoholic drinks.
- (c) (1) The Board or an inspector of the Board may order that an establishment be closed immediately if the Board or the inspector determines that the public health, safety, or welfare requires emergency action.
- (2) If an immediate closure is ordered, the Board or the inspector who ordered the closure shall give the owner or operator of the establishment:
 - (i) written notice of and the reasons for the closure; and
 - (ii) written notice of a hearing on the closure at which the owner or operator may be heard and present evidence.
- (3) The Board shall hold the hearing within 3 business days after the closure.
- (4) (i) At the hearing, the Board shall determine whether the threat to the public health, safety, or welfare causing the closure continues to exist.
- (ii) Subject to subparagraph (iii) of this paragraph, if the Board determines under subparagraph (i) of this paragraph that the threat continues, the Board may:
 - 1. order the permanent closure of the establishment; or
 - 2. impose conditions under which the establishment may reopen.
- (iii) The Board shall order the establishment to be permanently closed if:
 - 1. the closure under paragraph (1) of this subsection for which the hearing is being held is the third closure in a 2-year period; and
 - 2. the previous two closures under paragraph (1) of this subsection were not overturned by the Board or on judicial review.
- (5) The Board shall issue a decision within 3 business days after a hearing is held under paragraph (4) of this subsection.
- (6) An owner or operator who is aggrieved by a decision of the Board may petition for judicial review to a circuit court.
- (d) The Board may impose a fine not exceeding \$12,500 for each violation on a person who the Board finds has violated this section.
- (e) In addition to any other penalty authorized by law, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 26-2502

- (a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages:
 - (1) in an establishment open to the public;
 - (2) in a place of public entertainment;
 - (3) at an establishment occupied regularly by a private club or organization; or
 - (4) in a place at which setups or other component parts of mixed alcoholic drinks are sold directly or indirectly.
- (b) An owner, a manager, or an employee of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.
- (c) (1) A person who violates subsection (a)(1) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.
- (2) An owner, a manager, or an employee of a premises or place who violates subsection (a)(2) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

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§ 26-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

- (1) § 6–202 ("Inspections");
- (2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");
- (3) § 6–204 ("Power to summon witnesses");
- (4) § 6–205 ("Peace officers");
- (5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");
- (6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");
- (7) § 6–208 ("Regulating possession or consumption of alcohol in public places");
- (8) § 6–209 ("Adoption of standards for authorization of consumption"); and
- (9) § 6–211 ("Fines and forfeitures").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 26–2602 of this subtitle.

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§ 26-2602

The county may:

- (1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and
- (2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

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§ 26-2603

An inspector who investigates a license violation may issue a civil citation as provided in § 10–119 of the Criminal Law Article.

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§ 26-2604

- (a) The Board may subpoena records pertaining to a licensed establishment.
- (b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.
- (2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

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§ 26-2605

(a) The Board shall:

- (1) obtain from the appropriate law enforcement agencies information regarding citations issued and arrests made on licensed premises for violations of § 14–139.03 of the Prince George's County Code; and
- (2) maintain a comprehensive database of:
 - (i) the information obtained under item (1) of this subsection; and
 - (ii) fines imposed under subsection (b) of this section.

(b) The Board may impose a fine under § 26–2802 of this title on a license holder if at least 3 citations are issued or arrests are made on the licensed premises for violations of § 14–139.03 of the Prince George's County Code in a 12-month period.

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§ 26-2606

(a) (1) This section applies only to inspections performed by or on behalf of the Board.

(2) Unless the inspection is performed on behalf of the Board and does not relate to health and safety, this section does not apply to inspections conducted by one or more of the following persons:

(i) a police department;

(ii) a fire department or fire inspector; or

(iii) a health department.

(b) An inspection of a licensed premises may be conducted with or without prior notice in order to:

(1) provide assistance to the Board in any matter pertaining to alcoholic beverages;

(2) conduct background investigations and criminal history records checks on all license applicants;

(3) make routine inspections of licensed establishments in the county to ensure that they are in compliance with all appropriate State laws, local laws, restrictions, and Board rules and regulations;

(4) coordinate information with other appropriate regulatory agencies;

(5) take appropriate action on any written report of violations forwarded by a uniformed officer of a municipal or county police department, the Maryland–National Capital Park Police, or the State Police;

(6) investigate complaints made against a licensed establishment; or

(7) initiate covert inspections and investigations of licensed establishments that may be necessary to ensure compliance or to prove or disprove alleged violations.

(c) Within 5 business days after an inspection under this section, the inspector shall provide to the license holder and the Board a report of the inspection.

(d) On or before December 31 each year, the Board shall publish on the Board's website a list of the total number of inspections conducted of each licensed premises by the Board in the prior calendar year.

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§ 26-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with alcoholic beverage container");

(9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(11) § 6–316 ("Maximum alcohol content");

- (12) § 6–317 (“Multiple serving purchase required”);
- (13) § 6–320 (“Disorderly intoxication”);
- (14) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);
- (15) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);
- (16) § 6–327 (“Unlicensed out-of-state sale of alcoholic beverages”);
- (17) § 6–328 (“Tax evasion”);
- (18) § 6–329 (“Destruction of evidence”); and
- (19) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

- (1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 26–2702 of this subtitle;
- (2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 26–2703 of this subtitle;
- (3) § 6–319 (“On-premises consumption of alcoholic beverages not purchased from license holder”), subject to § 26–2704 of this subtitle;
- (4) § 6–321 (“Consumption of alcoholic beverages in public”), subject to § 26–2705 of this subtitle; and
- (5) § 6–322 (“Possession of open container”), subject to § 26–2706 of this subtitle.

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§ 26-2702

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
- (2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

- (1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and
- (2) the individual was not a resident of the State.

(c) The Board may not proceed against a license holder for a violation of § 6–304 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

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§ 26-2703

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
- (2) may not be required to post bail pending trial in any court in the State.

(b) The Board may not proceed against a license holder for a violation of § 6–307 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

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§ 26-2704

Residents and their guests in a continuing care retirement community that holds a Class C (on-sale) beer, wine, and liquor license may consume wine not purchased from the continuing care retirement community if:

- (1) the wine is consumed with a meal in the dining room; and

(2) the continuing care retirement community:

- (i) is operated by a nonprofit organization for the continuing care retirement of individuals at least 60 years old;
- (ii) has been incorporated for at least 1 year;
- (iii) has obtained a certificate of registration from the Department of Aging under Title 10, Subtitle 4 of the Human Services Article; and
- (iv) prepares and serves meals during regular operating hours to residents and their guests.

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§ 26-2705

An individual who is charged with a misdemeanor under § 6–321 of this article shall comply with the command in the charging document to appear in court by appearing in court in person.

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§ 26-2706

(a) An individual may possess an alcoholic beverage in an open container on private property described under § 6–322(a)(1) of this article only if the individual possesses and presents the written consent of the owner of the property.

(b) An individual charged with a misdemeanor under § 6–322 of this article shall comply with the command in the charging document to appear in court by appearing in court in person.

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§ 26-2707

(a) An individual under the age of 21 years may not:

- (1) enter the premises of a license holder to obtain alcoholic beverages; or
- (2) possess alcoholic beverages.

(b) An individual under the age of 18 years may not enter between 10 p.m. and 6 a.m. the premises of the holder of a Class B or Class D beer license, a Class B or Class D beer and light wine license, or a Class B–WPL (waterfront pavilion) beer, wine, and liquor license unless the individual is in the company of a parent, the legal guardian, or the spouse of the individual.

(c) The Board may adopt regulations regarding the presence of an individual under the age of 21 years on a licensed premises.

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§ 26-2708

(a) A license holder may not sell alcoholic beverages by means of a self–scanning cash register or other automated system that is:

- (1) capable of recovering stored information related to the sale price of individual retail items; and
- (2) operated on a self–service basis by a customer.

(b) If a license holder violates this section, the Board may impose on the license holder:

- (1) for a first offense, a fine not exceeding \$1,000;
- (2) for a second offense, a fine not exceeding \$2,500; and
- (3) for a third or subsequent offense:
 - (i) a fine not exceeding \$2,500; or
 - (ii) suspension or revocation of the license.

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§ 26-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county, subject to § 26–2801.1 of this subtitle.

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§ 26-2802

(a) This section applies to a violation that is cause for suspension or revocation of a license.

(b) Instead of or in addition to suspending or revoking the license, the Board may:

(1) for a first offense:

(i) except as provided in item (ii) of this item, impose a fine not exceeding \$1,500; or

(ii) for a violation of § 10–117 of the Criminal Law Article, impose a fine of \$1,500;

(2) for a second offense in the same 24–month period, impose a fine not exceeding \$6,000; and

(3) for a third offense in the same 24–month period, impose a fine of \$7,500.

(c) For a fourth offense in the same 24–month period, the Board shall suspend the license for 30 days, unless the Board revokes the license.

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§ 26-2803

(a) The Board shall establish a standard fine structure for violations of this title that gives the Board flexibility to consider aggravating or mitigating factors when determining the amount of a fine imposed under this title.

(b) The Board shall publish monthly and maintain on its website:

(1) a list of penalties for violations of this title; and

(2) the standard fine structure established under subsection (a) of this section, including a list of aggravating and mitigating factors that the Board may consider when determining the amount of a fine imposed under this title.

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Title 27 — Title 27

§ 27-101

(a) In this title:

(1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Queen Anne’s County.

(c) “County” means Queen Anne’s County.

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§ 27-102

This title applies only in Queen Anne’s County.

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§ 27-103

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 27-201

There is a Board of License Commissioners for Queen Anne’s County.

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§ 27-202

- (a) (1) The County Commissioners shall appoint five members to the Board.
- (2) At least two members of the Board shall be members of the political party that at the last preceding gubernatorial election polled the second highest number of votes in the county for Governor.
- (b) (1) The term of a member is 4 years.
- (2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.
- (c) (1) The County Commissioners shall appoint an individual to fill a vacancy during the remainder of the term of office of a member who refuses or is unable to serve.
- (2) A member who is appointed after a term has begun serves for the remainder of the term and until a successor is appointed and qualifies.
- (d) The County Commissioners may remove a member for misconduct in office, incompetence, or willful neglect of duty.

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§ 27-203

The County Commissioners shall designate a chair from among the members of the Board.

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§ 27-204

- (a) Three members of the Board are a quorum for transacting business.
- (b) (1) Subject to paragraph (2) of this subsection, the County Commissioners shall determine the rate of compensation for the Board.
- (2) The rate may not be less than:
 - (i) \$65 per meeting for the chair; and
 - (ii) \$60 per meeting for each other member.
- (c) Subject to subsection (d) of this section and § 27–205 of this subtitle, the Board may:
 - (1) employ:
 - (i) a secretary;
 - (ii) inspectors; and
 - (iii) clerical and other assistants as are necessary; and
 - (2) set the compensation of the employees.
- (d) (1) The County Commissioners shall appoint an attorney at a salary that the County Commissioners set.
- (2) The attorney shall handle legal matters for the Board.

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§ 27-205

- (a) The Board shall appoint an inspector at not less than \$3,000 annually and with a mileage allowance that the County Commissioners determine.
- (b) An individual may not qualify or continue service as an inspector if the inspector or any member of the inspector's immediate family has a personal or financial interest, directly or indirectly, in a license, license holder, or premises licensed under this article.
- (c) An inspector shall:
 - (1) investigate all applicants for a license or transfer of a license;
 - (2) inspect at unannounced times every licensed premises in the county at least once every 180 days;

(3) except as provided in subsections (d) and (e) of this section, enforce all alcoholic beverages laws with the same power as a law enforcement officer of the State;

(4) investigate all violations of the alcoholic beverages laws and report them to the Board;

(5) submit monthly reports in writing to the Board of the inspector's activities, setting forth complaints and listing violations that the inspector observed or that were reported to the inspector; and

(6) conduct compliance checks relating to the sale of alcoholic beverages to an individual under the age of 21 years in violation of § 6–304 of this article for every licensed premises in accordance with regulations adopted by the Board.

(d) The Office of the Sheriff shall enforce violations of § 6–304 of this article.

(e) An inspector has no power of arrest.

(f) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

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§ 27-206

The Board may adopt regulations to carry out this article.

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§ 27-301

There is no liquor control board or department of liquor control in the county.

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§ 27-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Executive Director");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–209 ("Class 7 micro–brewery license");

(9) § 2–210 ("Class 8 farm brewery license");

(10) § 2–211 ("Residency requirement");

(11) § 2–212 ("Additional licenses");

(12) § 2–213 ("Additional fees");

(13) § 2–214 ("Sale or delivery restricted");

(14) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(15) § 2–216 ("Interaction between manufacturing entities and retailers");

(16) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(17) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2–208 ("Class 6 pub–brewery license") of Division I of this article applies in the county, subject to § 27–403 of this subtitle.

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§ 27-402

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 27-403

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) Section 2–208(d) of this article does not apply in the county.

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§ 27-501

Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article applies in the county without exception or variation.

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§ 27-502

Except as provided in § 27–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 27-503

(a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 27-601

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is \$250.

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§ 27-602

(a) There is a Class B beer license.

(b) The license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on– and off–premises consumption.

(c) The annual license fee is \$250.

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§ 27-603

(a) There is a Class C beer license.

(b) (1) Subject to paragraphs (2) and (3) of this subsection, the license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(2) A license may be issued to a local unit of a nationwide nonprofit organization or club that:

- (i) is composed solely of members who served in the armed forces of the United States in a war in which the United States has engaged;
 - (ii) has a charter from a national veterans' organization before applying for the license; and
 - (iii) operates only for the use of its members and their guests, when the guests are accompanied by members.
- (3) A license may be issued to a yacht club, golf club, fraternal club or order, country club, or social or recreational club that:
- (i) is not operated for profit;
 - (ii) for 1 year immediately preceding the year for which the license is issued, has had at least 50 adult members who paid annual dues of at least \$25;
 - (iii) owns or operates a clubhouse that has, or meeting rooms that have, facilities for preparing and serving food on the premises;
 - (iv) is principally used for members and their guests, when the guests are accompanied by members; and
 - (v) is not directly or indirectly owned or operated as a public business.
- (c) The annual license fee is \$50.

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§ 27-604

- (a) There is a Class D beer license.
- (b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on- and off-premises consumption.
- (2) A license may not be issued for a drugstore.
- (c) The annual license fee is \$250.

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§ 27-701

- (a) There is a Class A wine license in the county.
- (b) The license may be issued to a holder of a Class 4 limited winery license.
- (c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.
- (2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (d) The annual license fee is \$50.

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§ 27-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

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§ 27-802

- (a) There is a Class A beer and wine license.
- (b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.
- (2) The license holder shall sell the beer and wine in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.
- (c) The annual license fee is \$500.

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§ 27-803

- (a) There is a Class B beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on- and off-premises consumption.
- (c) The annual license fee is \$500.

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§ 27-804

A Class C beer and wine license may not be issued in the county.

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§ 27-805

- (a) There is a Class D beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on- and off-premises consumption.
- (c) The license may not be issued for use by a drugstore.
- (d) The annual license fee is \$500.

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§ 27-901

- (a) There is a Class A beer, wine, and liquor license.
- (b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.
- (2) The license holder shall sell the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (c) A license under this section may not be issued for a drugstore unless the applicant:
 - (1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;
 - (2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or
 - (3) has been engaged in the retail drug business for at least 3 years.
- (d) The annual license fee is \$2,000.

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§ 27-902

- (a) A hotel for which a Class B license of any type is issued shall:
 - (1) be a building constructed for hotel purposes;
 - (2) have at least 20 bedrooms;
 - (3) provide services ordinarily found in hotels to accommodate the public;
 - (4) have a dining room with facilities for preparing and serving meals; and
 - (5) have average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages.
- (b) A restaurant for which a Class B license of any type is issued shall:
 - (1) be a business establishment to accommodate the public;

- (2) be fully equipped with a proper and adequate dining room with seating for at least 12 individuals;
- (3) have sufficient facilities that have been approved by the Board for preparing and serving meals; and
- (4) have average daily receipts from the sale of food that are at least 51% of the average daily receipts of the business.

(c) The Board:

(1) shall require a holder of a Class B license at least every 2 years, on dates that the Board sets, to file with the Board a sworn statement that the gross receipts from food sales in the restaurant for the 6 months immediately before the filing of the report exceed the gross receipts from the sale of alcoholic beverages; and

(2) may require a license holder to provide supporting data to establish that the requirements of subsection (b) of this section relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages have been met.

(d) (1) Before a Class B license of any type is issued, the applicant shall attest in a sworn statement that gross receipts from food sales in the restaurant will exceed the gross receipts from the sale of alcoholic beverages.

(2) If the license holder fails to maintain gross receipts from the sale of food that exceed the gross receipts from the sale of alcoholic beverages during any 6-month period, the Board may revoke the license.

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§ 27-903

(a) There is a Class B beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant that meets the requirements in § 27-902 of this subtitle at retail at the place described in the license for on-premises consumption.

(c) The annual license fee is \$1,000.

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§ 27-904

(a) There is a Class B–D beer, wine, and liquor license.

(b) The Board may issue the license for use at an establishment:

(1) that has facilities for preparing and serving food to the public;

(2) that derives at least 25% of the average daily gross receipts of the establishment that are from the sale of food; and

(3) whose average daily gross receipts are approved by the Board.

(c) The license authorizes the license holder to sell at retail at the place described in the license:

(1) beer, wine, and liquor for on-premises consumption; and

(2) beer for off-premises consumption.

(d) A holder of a Class B beer, wine, and liquor license may convert the license to a Class B–D license.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 27-2004(c) of this title.

(f) The annual license fee is \$1,800.

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§ 27-905

(a) There is a Class C beer, wine, and liquor license.

(b) The Board may issue the license for use by:

(1) a nonprofit organization or club that:

(i) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged; and

- (ii) operates only for the use of its members and guests when accompanied by members; or
- (2) a yacht club, golf club, fraternal club or order, country club, or social or recreational club that:
 - (i) has at least 50 adult members paying dues of at least \$20 per year per member for the year immediately before the year for which the license is issued; and
 - (ii) owns or operates a clubhouse or meeting room that has facilities for preparing and serving food on the premises, which are principally used for members and guests when accompanied by members.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at retail at a club, at the place described in the license, for on– or off–premises consumption.
- (d) The annual license fee is \$500.

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§ 27-906

- (a) There is a Class D beer, wine, and liquor license.
- (b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell:
 - (i) beer, wine, and liquor for on–premises consumption; and
 - (ii) beer for off–premises consumption.
- (2) A holder of a Class D beer, wine, and liquor license and a Class 9 limited distillery license:
 - (i) may sell:
 - 1. beer, wine, and liquor for on–premises consumption; and
 - 2. liquor that is distilled at the location described in the license for off–premises consumption; but
 - (ii) may not sell beer for off–premises consumption.
- (c) The license may not be issued for use by a drugstore.
- (d) The annual license fee is \$1,800.

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§ 27-1001

- (a) There is a beauty salon and barbershop beer and wine license.
- (b) The Board may issue the license to a holder of:
 - (1) a beauty salon permit issued under § 5–501 of the Business Occupations and Professions Article; or
 - (2) a barbershop permit issued under § 4–301 of the Business Occupations and Professions Article.
- (c) The license authorizes the license holder to sell beer or wine by the glass for on–premises consumption to a customer while the customer is provided:
 - (1) a cosmetology service under § 5–101(n) of the Business Occupations and Professions Article or an esthetic service under § 5–101(o) of the Business Occupations and Professions Article; or
 - (2) a barbering service under § 4–101(l) of the Business Occupations and Professions Article.
- (d) A customer may consume not more than 5 ounces of wine or 12 ounces of beer during any one visit.
- (e) The license may not be transferred to another location.
- (f) The license holder may provide beer and wine during normal business hours but not later than 9 p.m.
- (g) An establishment for which the license is issued is subject to the alcohol awareness training requirements under § 4–505 of this article.
- (h) The annual license fee is \$100.

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§ 27-1101

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4-1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4-1104 ("Refillable container permit — Draft beer"), subject to § 27-1102 of this subtitle; and

(2) § 4-1106 ("Nonrefillable container permit — Draft beer"), subject to § 27-1103 of this subtitle.

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§ 27-1102

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A, Class B, Class C, or Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The annual permit fees are:

(1) \$50 for an applicant whose license has an off-sale privilege; and

(2) \$500 for an applicant whose license does not have an off-sale privilege.

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§ 27-1103

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, a Class B license, a Class C license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:

(i) \$50 for an applicant whose license has an off-sale privilege; and

(ii) \$500 for an applicant whose license does not have an off-sale privilege.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

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§ 27-1201

(a) There is a local caterer's license.

(b) The Board may issue the license to a holder of a Class B restaurant or hotel (on-sale) beer, wine, and liquor license.

(c) The license authorizes a holder to:

(1) provide alcoholic beverages at an event that is held off the premises for which the holder's Class B restaurant or hotel (on-sale) beer, wine, and liquor license is issued; and

(2) exercise the privileges of the license only during the hours and on the days authorized for a Class B restaurant or hotel (on-sale) beer, wine, and liquor license.

(d) The license holder shall provide food for consumption at the catered event.

(e) The annual license fee is \$100.

(f) This section does not require a holder of a Class B restaurant or hotel (on-sale) beer, wine, and liquor license to obtain a local caterer's license for catering on the premises for which the Class B license is issued.

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§ 27-1301

Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article applies in the county without exception or variation.

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§ 27-1304

(a) In this section, "Festival" means a Beer and Wine Festival (BWF) in Queen Anne's County.

(b) There is a Beer and Wine Festival (BWF) license.

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.

(d) The license authorizes the holder to display and sell:

(1) wine that is:

(i) manufactured and processed in any state; and

(ii) distributed in the State when the license application is filed; or

(2) beer that is brewed by a brewer:

(i) that brews less than 60,000 barrels of beer annually; and

(ii) whose product is distributed in the State when the license application is filed.

(e) A license holder shall display and sell beer and wine:

(1) at retail for on- and off-premises consumption; and

(2) during the hours and days designated for the Festival.

(f) The Board:

(1) each year may choose for the Festival a maximum of 4 weekends, each of which:

(i) extends from Friday through Sunday, inclusive; but

(ii) is not within 14 days before or after the weekend chosen for the Maryland Wine Festival in Carroll County;

(2) shall choose a location that is not already licensed; and

(3) shall ensure that the primary focus of the Festival is the promotion of Maryland beer and wine.

(g) The license holder may hold another license of a different class or nature.

(h) Beer and wine displayed and sold shall be:

(1) invoiced to the license holder by a licensed wholesaler, Class 3 winery, or Class 4 limited winery; and

(2) delivered to the Festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.

(i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder to:

(1) deliver beer and wine not earlier than 2 days before the effective date of the license; and

(2) accept returns not later than 2 days after the expiration date of the license.

(j) The Board may set the license fee.

(k) The Board shall adopt regulations to carry out this section.

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§ 27-1305

- (a) There is a wine tasting (WT) license.
- (b) The Board may issue the license to a holder of a Class A beer and wine license or Class A beer, wine, and liquor license.
- (c) The license authorizes the holder to allow, for tasting, the on-premises consumption of wine that contains not more than 22% of alcohol by volume.
- (d) The license holder may serve:
 - (1) not more than 2 ounces from each offering to an individual; and
 - (2) not more than 4 ounces to an individual in a day.
- (e) In addition to the fee for any other license, the annual license fee is \$100.

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§ 27-1306

- (a) There is a beer, wine, and liquor tasting (BWLTL) license.
- (b) The Board may issue the license to a holder of a Class A beer, wine, and liquor license.
- (c) (1) The license authorizes the holder to allow the consumption for tasting in a quantity of:
 - (i) not more than 1 ounce of beer from each offering and 4 ounces from all offerings;
 - (ii) not more than 2 ounces of wine from each offering and 4 ounces from all offerings; and
 - (iii) not more than one-half ounce of liquor from each offering and 1.5 ounces from all offerings.
- (2) The limits on consumption specified in paragraph (1) of this subsection apply to one individual in a day.
- (d) In addition to the fee for any other license held by the license holder, the annual license fee is \$100.

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§ 27-1401

- (a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:
 - (1) § 4-102 ("Applications to be filed with local licensing board");
 - (2) § 4-106 ("Payment of notice expenses");
 - (3) § 4-108 ("Application form required by Comptroller");
 - (4) § 4-111 ("Payment of license fees");
 - (5) § 4-112 ("Disposition of license fees"); and
 - (6) § 4-114 ("Fees for licenses issued for less than 1 year").
- (b) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article do not apply in the county:
 - (1) § 4-107 ("Criminal history records check");
 - (2) § 4-110 ("Required information on application — Petition of support"); and
 - (3) § 4-113 ("Refund of license fees"), which is superseded by § 27-1406 of this subtitle.
- (c) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:
 - (1) § 4-103 ("Application on behalf of partnership"), subject to § 27-1402 of this subtitle;
 - (2) § 4-104 ("Application on behalf of corporation or club"), subject to § 27-1403 of this subtitle;
 - (3) § 4-105 ("Application on behalf of limited liability company"), subject to § 27-1403 of this subtitle; and
 - (4) § 4-109 ("Required information on application — In general"), subject to §§ 27-1402 and 27-1404 of this subtitle.

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§ 27-1402

(a) At the time an application for an alcoholic beverages license is filed, at least one of the applicants shall be a resident of the State.

(b) The license remains valid only for as long as at least one of the applicants remains a resident of the State.

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§ 27-1403

(a) (1) An individual on behalf of a corporation or limited liability company may not be issued a Class A beer, wine, and liquor license unless the corporation or limited liability company is:

(i) a Maryland entity in good standing; or

(ii) a foreign entity registered to do business in the State.

(2) A Class A beer, wine, and liquor license may not be issued for a corporation if more than one class of common stock is authorized by the corporate charter.

(b) (1) This subsection does not apply to:

(i) a Class A beer, wine, and liquor license; or

(ii) any other license issued before May 1, 1976.

(2) An applicant for a license on behalf of a corporation or limited liability company is not required to be a resident of the county.

(3) Except as provided in subsection (c) of this section, each applicant applying for a license for a corporation or limited liability company shall own at least 15% of the total outstanding shares of common stock of the corporation or at least a 15% interest in the limited liability company, entitling the applicant to vote at a meeting of stockholders or members.

(4) A license may not be issued for a corporation if more than one class of common stock is authorized by the corporate charter.

(5) Except as provided in subsection (c) of this section, each year, an applicant, the corporation, or the limited liability company shall submit to the Board a sworn statement that contains:

(i) the name and address of each stockholder of the corporation and the number of shares the stockholder owns and is entitled to vote at a stockholder meeting; or

(ii) the name and address of each member of the limited liability company and the amount of interest the member owns and is entitled to vote at a meeting of members.

(6) The Board may require an applicant to submit other information regarding the background and prior activities of the applicant.

(c) (1) Subsection (b)(3) and (5) of this section does not apply to:

(i) a Class B beer, wine, and liquor (on-sale) license for use in a conference center; or

(ii) any alcoholic beverages license issued within the municipal limits of any incorporated town.

(2) (i) Subject to subparagraph (ii) of this paragraph, in addition to the exemptions in paragraph (1) of this subsection, the Board may exempt up to four other licenses from subsection (b)(3) and (5) of this section.

(ii) The Board may not grant an exemption for licensed premises located within the Kent Narrows Commercial Management and Waterfront Improvement District.

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§ 27-1404

(a) In this section, "controlling interest" means the ownership or control of sufficient shares or interest in a business to allow for an exercise of control over that business.

(b) An applicant for a license shall:

(1) include a statement in the application that the applicant is at least 21 years old; and

(2) submit an affidavit verifying the application.

(c) (1) Except as provided in paragraph (2) of this subsection, a license holder shall meet all requirements of the respective licenses.

(2) The term "financial interest" as used in § 4–109(a)(11), (13), and (16) of this article refers to an applicant who is the owner of a controlling interest in a place of business for which a license has been applied for or issued.

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§ 27-1405

(a) (1) All licenses shall be issued for 6 or 12 months.

(2) The term of a 6–month license begins on November 1.

(3) The term of a 12–month license begins on May 1.

(b) The fee for a 6–month license is half of the annual fee.

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§ 27-1406

In cases of hardship, the Board may refund a portion of the fee for a license it has issued.

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§ 27-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–208 ("Notice of license application required");

(5) § 4–209 ("Hearing");

(6) § 4–210 ("Approval or denial of license application");

(7) § 4–211 ("License forms; effective date; expiration");

(8) § 4–212 ("License not property");

(9) § 4–213 ("Replacement licenses"); and

(10) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), subject to § 27–1502 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 27–1503 of this subtitle and Subtitle 13, Part III of this title; and

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 27–1503 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title.

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§ 27-1502

The Board may not issue a Class A beer, wine, and liquor license to a person or on behalf of a firm or corporation that has been convicted of a violation of this article.

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§ 27-1503

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 27-1504

(a) (1) Before a Class B license of any type may be issued, the applicant shall attest in a sworn statement that gross receipts from food sales in the restaurant will be more than the gross receipts from the sale of alcoholic beverages.

(2) If the license holder fails to maintain more gross receipts from the sale of food than gross receipts from the sale of alcoholic beverages for a 6-month period, the Board may revoke the license.

(b) (1) Subject to paragraph (2) of this subsection, a license holder of a Class B license of any type shall file with the Board a sworn statement that the gross receipts from food sales in the restaurant for the 6-month period immediately before the filing of the report are more than the gross receipts from the sale of alcoholic beverages.

(2) The Board may require a license holder to provide:

(i) the sworn statement required under paragraph (1) of this subsection at least biannually, on dates to be set by the Board; and

(ii) supporting data to establish that the requirements of paragraph (1) of this subsection have been met.

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§ 27-1505

The Board may:

(1) give tentative approval to issuing a license for an establishment that is not completed, based on plans and specifications that accompany the application; and

(2) issue the license when the construction is completed in accordance with the plans and specifications.

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§ 27-1601

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment unless the establishment is located at least 500 feet away from:

- (i) an elementary or secondary school;
- (ii) a public library; or
- (iii) a youth center sponsored or conducted by a governmental unit.

(2) The distance is to be measured from the nearest point of the building of the establishment to the nearest point of the property line of the elementary or secondary school, public library, or youth center.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

- (1) the renewal or transfer of a license issued before May 1, 1976; or
- (2) the issuance of a Class B (on-sale) hotel and restaurant license of any type.

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§ 27-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

- (1) § 4-302 ("Transfer of place of business; transfer of license and inventory");
- (2) § 4-303 ("Chain store, supermarket, or discount house");

(3) § 4–304 (“Compliance with Bulk Transfers Act required”); and

(4) § 4–305 (“Filing fee and endorsement”).

(b) Section 4–306 (“Substitution of names of officers on license”) of Division I of this article applies in the county, subject to § 27–1702 of this subtitle.

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§ 27-1702

(a) For a Class C license issued for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

(1) has died;

(2) has retired; or

(3) no longer holds an office in the corporation or club.

(b) The license holder shall file an affidavit with the Board that contains:

(1) the substitution of the officer; and

(2) an explanation for the substitution.

(c) On receipt of the affidavit, the Board shall:

(1) amend its record; and

(2) issue a corrected license.

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§ 27-1801

Title 4, Subtitle 4 (“Renewal of Local Licenses”) of Division I of this article applies in the county without exception or variation.

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§ 27-1901

(a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county without exception or variation:

(1) § 4–502 (“Storage of alcoholic beverages”);

(2) § 4–503 (“Solicitations and sales outside of licensed premises”);

(3) § 4–506 (“Evidence of purchaser’s age”);

(4) § 4–507 (“Retail delivery of alcoholic beverages”); and

(5) § 4–508 (“Display of license”).

(b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county:

(1) § 4–504 (“Employment of underage individuals”), subject to § 27–1902 of this subtitle; and

(2) § 4–505 (“Alcohol awareness program”), subject to § 27–1903 of this subtitle.

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§ 27-1902

(a) This section applies to the holder of:

(1) a Class A (off-sale) license;

(2) a Class B (on-sale) license; or

(3) a Class C (on-sale) beer, wine, and liquor license.

(b) (1) Except as provided in paragraph (2) of this subsection, an individual under the age of 21 years may not be employed to sell, deliver, or otherwise deal with alcoholic beverages.

(2) An individual at least 18 years old may be employed to:

(i) stock alcoholic beverages in a premises for which a Class A license is issued;

(ii) serve alcoholic beverages while acting as a server on the licensed premises other than a premises for which a Class A license is issued; and

(iii) operate a lottery ticket terminal in a premises for which a Class A license is issued.

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§ 27-1903

(a) A license holder or an individual designated by the license holder who has completed training in an approved alcohol awareness program as required under § 4-505(e) of this article shall be present on the licensed premises at all times when alcoholic beverages may be sold.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a \$100 fine; and

(2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

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§ 27-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 27-2002

(a) A holder of a Class A beer license may sell beer:

(1) on Monday through Saturday, from 6 a.m. to midnight; and

(2) on Sunday, from 8 a.m. to midnight.

(b) A holder of a Class B beer license may sell beer:

(1) on Monday through Saturday, from 6 a.m. to midnight; and

(2) on Sunday, from 8 a.m. to midnight.

(c) A holder of a Class C beer license may sell beer:

(1) on Monday through Saturday, from 6 a.m. to midnight; and

(2) on Sunday, from 8 a.m. to midnight.

(d) A holder of a Class D beer license may sell beer:

(1) on Monday through Saturday, from 6 a.m. to midnight; and

(2) on Sunday, from 8 a.m. to midnight.

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§ 27-2003

(a) A holder of a Class A beer and wine license may sell beer and wine:

(1) on Monday through Saturday, from 6 a.m. to midnight; and

(2) on Sunday, from 8 a.m. to midnight.

(b) A holder of a Class B beer and wine license may sell beer and wine:

(1) on Monday through Saturday, from 6 a.m. to midnight; and

(2) on Sunday, from 8 a.m. to midnight.

(c) Reserved.

(d) A holder of a Class D beer and wine license may sell beer and wine:

(1) on Monday through Saturday, from 6 a.m. to midnight; and

(2) on Sunday, from 8 a.m. to midnight.

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§ 27-2004

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 6 a.m. to midnight; and

(2) on Sunday, from 8 a.m. to midnight.

(b) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 8 a.m. to 2 a.m. the following day.

(c) A holder of a Class B–D beer, wine, and liquor license may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 8 a.m. to 2 a.m. the following day.

(d) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 8 a.m. to 2 a.m. the following day.

(e) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 8 a.m. to 2 a.m. the following day.

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§ 27-2005

On January 1, a holder of a license with an on-sale privilege may sell alcoholic beverages authorized by the license for on-premises consumption at any time.

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§ 27-2101

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 27-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 27-2301

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

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§ 27-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 27-2501

(a) A person may not serve setups, including drinking containers and ice, or serve, keep, or allow to be consumed alcoholic beverages or other component parts of mixed alcoholic drinks in a place of adult entertainment that:

- (1) does not hold a license under this article; and
- (2) allows at its location any form of sexual display or attire prohibited under § 4–605 of this article.

(b) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 27-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

- (1) an establishment open to the public;
- (2) a place of public entertainment; or
- (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 27-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

- (1) § 6–202 ("Inspections");
- (2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");
- (3) § 6–204 ("Power to summon witnesses");
- (4) § 6–205 ("Peace officers");
- (5) § 6–208 ("Regulating possession or consumption of alcohol in public places"); and
- (6) § 6–209 ("Adoption of standards for authorization of consumption").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county.

(c) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county:

- (1) § 6–206 ("Charging document for unlawful sale of alcoholic beverage"), in addition to § 27–2608 of this subtitle;
- (2) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale"), in addition to § 27–2609 of this subtitle; and
- (3) § 6–211 ("Fines and forfeitures"), subject to §§ 27–2614 and 27–2615 of this subtitle.

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§ 27-2602

- (a) The intention of this subtitle is to prevent the evasion and violation of alcoholic beverages laws in the county.
- (b) This subtitle shall be liberally construed to carry out this purpose.

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§ 27-2603

This subtitle does not apply to a shipment by a common carrier if the common carrier has no knowledge that the shipment contains alcoholic beverages.

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§ 27-2604

(a) A judge in the District Court may issue a search warrant if a police officer or any other applicant files a complaint or an affidavit that:

- (1) is sworn to by the applicant;
 - (2) describes with particularity the place or thing to be searched;
 - (3) describes with particularity the things to be searched for; and
 - (4) states that the applicant has reason to believe that alcoholic beverages are sold or kept to be sold or otherwise disposed of in violation of law.
- (b) A warrant issued under this section shall:
- (1) be directed to the sheriff, deputy sheriff, or proper police officer;
 - (2) include a copy of the affidavit;
 - (3) require the officer to whom the warrant is directed to search the place or thing described in the warrant and seize any:
 - (i) alcoholic beverages found in quantities that suggest that they are being kept for sale;
 - (ii) means to sell alcoholic beverages, including furniture, implements, and equipment;
 - (iii) paraphernalia of a barroom or saloon that sells alcoholic beverages; and
 - (iv) United States Internal Revenue tax receipts for the sale of alcoholic beverages dated during the time of the alleged offense; and
 - (4) require the officer to report in writing on the search and make an immediate return on the warrant.

(c) An affidavit, a warrant for search, and a report and return shall be substantially in the following form:

State of Maryland, Queen Anne's County, to wit: To:, of Queen Anne's County: Greetings: Whereas, there has been filed with the undersigned an affidavit, of which the following is a copy, to wit: Whereas on this day of, 20..., before the Subscriber, ... in and for said County, personally appeared, and made complaint and oath that the applicant has just and reasonable cause to suspect and believe and does suspect and believe that intoxicating liquor is sold, or except for the purpose of being sold or otherwise disposed of in violation of the law in the of at, in of said County, and that in and upon said premises and at said place and house will be found upon search thereof, the following: Intoxicating liquors, and the vessels and bottles in which the same are contained, and barroom, and drinking saloon paraphernalia, and the United States Internal Revenue tax receipt for sale of intoxicating liquor at this time effective (and any other facts material): These Are Therefore, in the name of the State of Maryland, to command you, together with the necessary and proper assistance, to enter into the said of the said at, in in the County aforesaid, and there diligently search for the said intoxicating liquor and means used for the sale of same, or any part thereof as described in the foregoing affidavit of complaint, and that you bring the same, or any part thereof, found in such search, and the person or persons in whose custody they are found forthwith before me to be disposed of and dealt with according to law; and have you there this warrant. Given under my hand this day of, 20... Judge of the District Court

REPORT AND RETURN

To Hon., Judge of the District Court in Queen Anne's County. This Return and Report, made this day of, 20.., is to certify, That pursuant and in obedience to the commands of the annexed warrant to me directed, I did on the day of, 20.., enter and search the place, house and premises described in said warrant and found and seized the following, to wit: (here set forth what was found and seized), and do forthwith bring the same, and one the person in whose custody the same were found before you. (Person serving warrant)

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§ 27-2605

An applicant for a warrant under this subtitle or an agent of the applicant may:

- (1) accompany the officer who serves the warrant;
- (2) point out and enter the place or thing to be searched; and
- (3) assist the officer in searching the place or thing.

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§ 27-2606

(a) Except as provided in subsection (b) of this section, a warrant may not be issued to search a residence unless:

- (1) the residence or part of the residence is used as a store, hotel, restaurant, or boarding house;
- (2) the residence is used as a public resort; or
- (3) the residence is used to keep, hide, or provide alcoholic beverages to sell or for another use that violates the law.

(b) A judge of the District Court may issue a warrant after determining that the issuance would be proper, based on an examination of:

- (1) the applicant for the warrant; or
- (2) other evidence.

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§ 27-2607

If an owner or operator of the establishment or thing from which alcoholic beverages or other items are seized cannot be served under this subtitle, the officer seizing the items shall:

- (1) post a copy of the warrant in a conspicuous location at the place searched or at or near the thing searched; and
- (2) hold the items subject to the order of the court and make return of that action.

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§ 27-2608

In a prosecution under this title:

- (1) it is not necessary to:
 - (i) describe the place where the alcoholic beverage is sold or handled;
 - (ii) show knowledge on the part of the principal to convict for the acts of the agent; or
 - (iii) state the name of any person to whom the alcoholic beverage is sold; but
- (2) it is sufficient to state that the violation charged took place in the county.

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§ 27-2609

In a prosecution under this article, the issuance of a receipt issued by the United States in the county to a person as a wholesaler or retail dealer in alcoholic beverages or malt liquor is prima facie evidence of the sale of the class of alcoholic beverages or malt liquor authorized to be sold under the receipt:

- (1) by the person;

- (2) in the county or a place of business of the person where the receipt is posted; and
- (3) at the time charged in a suit or prosecution under this article, if the time is within the life of the receipt.

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§ 27-2610

(a) Alcoholic beverages and items used to sell alcoholic beverages that are seized shall be held subject to the order of the court to be used as evidence in the prosecution of a violation of this article.

(b) Prima facie evidence of the violation of this article includes:

- (1) alcoholic beverages and items used to sell alcoholic beverages;
- (2) the means or materials to manufacture, transport, or dispose of the alcoholic beverages; and
- (3) the paraphernalia of a barroom or saloon.

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§ 27-2611

(a) Except as provided in subsection (b) of this section, if alcoholic beverages are seized and intended to be used as evidence in a prosecution under this article, the trial must take place within 30 days after the start of the prosecution.

(b) The trial may be postponed not more than 15 days beyond the 30-day period:

- (1) if at the time of trial, a return has not been properly made; or
- (2) for other sufficient cause.

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§ 27-2612

(a) (1) After scheduling a hearing to determine the purpose for which the alcoholic beverages are kept, the court shall issue a hearing notice to the officer who carried out the search.

(2) On receipt of the notice, the officer shall post the notice at or near the place or thing where the alcoholic beverages were found.

(b) If no one appears to claim the alcoholic beverages or other seized items at the hearing scheduled in accordance with this section or within 30 days after the hearing, the court shall order that the alcoholic beverages and other items be disposed of.

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§ 27-2613

(a) If a prosecution under this article results in a conviction and an appeal is not taken:

- (1) alcoholic beverages seized in connection with the prosecution shall be ordered to be destroyed; and
- (2) other property seized in connection with the prosecution shall continue to be held as the property of the defendant or the owner.

(b) If a prosecution under this article does not result in a conviction, property seized in connection with the prosecution shall be returned to the person from whom it was taken.

(c) (1) Subject to paragraph (2) of this subsection, a person's claim of insufficiency of the description of the alcoholic beverages seized under this subtitle or the place or thing searched provided in the complaint or warrant does not result in the immediate return of the alcoholic beverages to the person.

(2) The person with a claim of insufficiency under paragraph (1) of this subsection is entitled to a hearing on the claim when the case is tried.

(3) A conviction under this subtitle bars an action for:

- (i) the recovery of alcoholic beverages or the value of alcoholic beverages; or
- (ii) damages alleged to have arisen from seizing alcoholic beverages.

(4) Alcoholic beverages or other items seized under this subtitle may not be taken from the custody of the officer by a writ of replevin or other process while a prosecution under this subtitle is pending.

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§ 27-2614

Fines imposed in the county shall be paid as follows:

- (1) one-half of each fine to the clerk of the court for use as provided in § 7–507 of the Courts Article; and
- (2) the other half to the county.

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§ 27-2615

- (a) (1) The county may use any part of the fines for a violation of this article to hire detectives or undercover agents.
- (2) A detective or an undercover agent hired under this section shall be deputized as an officer.
- (b) When money is not available from fines, the County Commissioners may appropriate not more than \$200 annually from the general fund of the county to enforce this subtitle.

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§ 27-2616

- (a) A place where alcoholic beverages are sold in violation of this article or Title 5 of the Tax – General Article is a public nuisance.
- (b) (1) On conviction of the owner or operator of the place, the place may be closed and the public nuisance may be abated until a \$2,000 bond is posted, payable to the State.
- (2) The bond shall be conditioned on the owner or operator:
 - (i) not selling alcoholic beverages in violation of this article; and
 - (ii) paying all fines, costs, and damages assessed against the owner.
- (3) If a condition of the bond is violated, the county may bring action against the owner or operator for fines, costs, and damages.
- (c) If a jury trial is requested or an appeal is taken in a case in which a place is alleged to be a public nuisance, the place shall be closed until the defendant posts a \$2,000 bond under the same conditions as those specified under subsection (b) of this section.
- (d) A person who owns or operates a public nuisance as described in subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to:
 - (1) for a first offense, a fine not exceeding \$500 or imprisonment not exceeding 1 year or both; and
 - (2) for each subsequent offense, a fine not exceeding \$2,000 and imprisonment not exceeding 2 years or both.

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§ 27-2701

- (a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:
 - (1) § 6–305 (“Proof of age for sale of alcoholic beverages”);
 - (2) § 6–306 (“Defense to prosecution for sale to underage individual”);
 - (3) § 6–308 (“Allowing on–premises consumption of alcoholic beverages not purchased from license holder”);
 - (4) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);
 - (5) § 6–310 (“Providing free food”);
 - (6) § 6–311 (“Restrictions on purchases and sales by retail dealer”);

- (7) § 6–312 (“Beverage misrepresentation”);
 - (8) § 6–313 (“Tampering with alcoholic beverage container”);
 - (9) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);
 - (10) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);
 - (11) § 6–316 (“Maximum alcohol content”);
 - (12) § 6–317 (“Multiple serving purchase required”);
 - (13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);
 - (14) § 6–320 (“Disorderly intoxication”);
 - (15) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);
 - (16) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);
 - (17) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);
 - (18) § 6–328 (“Tax evasion”);
 - (19) § 6–329 (“Destruction of evidence”); and
 - (20) § 6–330 (“Perjury”).
- (b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article do not apply in the county:
- (1) § 6–321 (“Consumption of alcoholic beverages in public”); and
 - (2) § 6–322 (“Possession of open container”).
- (c) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:
- (1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 27–2702 of this subtitle; and
 - (2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 27–2703 of this subtitle.

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§ 27-2702

- (a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:
- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
 - (2) may not be required to post bail pending trial in any court in the State.
- (b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:
- (1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and
 - (2) the individual was not a resident of the State.
- (c) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 27-2703

- (a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:
- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
 - (2) may not be required to post bail pending trial in any court in the State.
- (b) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 27-2704

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding \$50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

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§ 27-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 27-2802

(a) The Board may impose a fine not exceeding \$2,000 or suspend a license or both for a violation that is cause for license suspension under the alcoholic beverages laws affecting the county.

(b) The penalties imposed under this section are:

(1) in addition to and do not limit other penalties for the same violation; and

(2) independent of any related court action based on the same violation.

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Title 28 — Title 28

§ 28-101

(a) In this title:

(1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for St. Mary’s County.

(c) “County” means St. Mary’s County.

(d) “Taxpayer” means a resident who pays real estate or income tax to the county.

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§ 28-102

This title applies only in St. Mary’s County.

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§ 28-103

The County Commissioners may regulate by ordinance the consumption of alcoholic beverages on public property, including buildings, grounds, streets, highways, alleys, sidewalks, and other structures or roads on land in the county owned by:

(1) the county;

(2) the county board of education; or

(3) the State.

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§ 28-104

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 28-201

There is a Board of License Commissioners for St. Mary's County.

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§ 28-202

(a) (1) The Governor shall appoint five members to the Board, subject to the advice and consent of the Senate.

(2) Of the five members:

(i) one shall be appointed from each of the County Commissioner districts; and

(ii) one shall be appointed at large.

(b) A member of the Board shall be:

(1) (i) of good moral character and integrity; and

(ii) at least 21 years old; and

(2) except for the at-large member, a resident of the County Commissioner district at the time of appointment and during the term of office.

(c) (1) In this subsection, "direct or indirect interest" means an interest that is proprietary or obtained by a loan, mortgage, or lien.

(2) A member of the Board may not:

(i) have a direct or indirect interest in or on a premises where alcoholic beverages are manufactured or sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture or sale of alcoholic beverages;

(iii) own stock in:

1. a corporation that has a direct or indirect interest in a premises where alcoholic beverages are manufactured or sold; or

2. a business wholly or partly devoted to the manufacture or sale of alcoholic beverages; or

(iv) hold any elective public office or position of public employment.

(3) A person who violates this subsection is guilty of a misdemeanor and is subject to a fine not exceeding \$1,000.

(d) (1) The term of a member is 4 years.

(2) Except as provided in subsection (e) of this section, a member may serve a maximum of two consecutive terms.

(3) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(e) A member who is appointed to fill a vacancy serves only for the remainder of the term and is eligible to serve the next consecutive term if otherwise qualified and appointed.

(f) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty required by law.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

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§ 28-203

The at-large member of the Board is the chair.

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§ 28-204

(a) A majority of the members then serving on the Board is a quorum.

(b) (1) The Board shall meet at least once a month.

(2) Each hearing that the Board holds shall be open to the public.

(c) The County Commissioners shall:

(1) set the annual salary for the chair and each other member of the Board; and

(2) provide for the reasonable and necessary expenses of the Board.

(d) Subject to this section and § 28-206 of this subtitle, the Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

(e) (1) The Board shall appoint an attorney.

(2) The County Commissioners shall set the annual salary for the attorney.

(f) (1) The Board shall appoint an administrator.

(2) The administrator shall carry out the duties assigned by the Board.

(3) The County Commissioners:

(i) shall set the salary of the administrator; and

(ii) may assign clerical assistants to discharge the duties of the Board.

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§ 28-205

The Board may appoint advisory committees composed of responsible individuals in the county to advise the Board on administering alcoholic beverages laws.

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§ 28-206

(a) The Board shall appoint an inspector.

(b) An inspector shall:

(1) possess the power of a peace officer in the State arising out of or relating to the enforcement of this article; and

(2) carry out the duties that the Board requires.

(c) The County Commissioners shall set the salary of the inspector.

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§ 28-207

The Board may regulate the playing time and noise level of live music, a mechanical music box, or a sound making device on licensed premises if the sound disturbs the peace, tranquility, safety, and health of the surrounding neighborhood.

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§ 28-208

The Board may adopt regulations to carry out this article.

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§ 28-301

There is no liquor control board or department of liquor control in the county.

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§ 28-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2–201 ("Issuance by Comptroller");
- (2) § 2–203 ("Class 9 limited distillery license");
- (3) § 2–204 ("Class 2 rectifying license");
- (4) § 2–205 ("Class 3 winery license");
- (5) § 2–206 ("Class 4 limited winery license");
- (6) § 2–207 ("Class 5 brewery license");
- (7) § 2–209 ("Class 7 micro–brewery license");
- (8) § 2–210 ("Class 8 farm brewery license");
- (9) § 2–211 ("Residency requirement");
- (10) § 2–212 ("Additional licenses");
- (11) § 2–213 ("Additional fees");
- (12) § 2–214 ("Sale or delivery restricted");
- (13) § 2–215 ("Beer sale on credit to retail dealer prohibited");
- (14) § 2–216 ("Interaction between manufacturing entities and retailers");
- (15) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and
- (16) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

- (1) § 2–202 ("Class 1 distillery license"), subject to § 28–403 of this subtitle; and
- (2) § 2–208 ("Class 6 pub–brewery license"), subject to § 28–404 of this subtitle.

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§ 28-402

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday or an election day.

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§ 28-403

(a) The Board may grant an on–site consumption permit for use at the location of the Class 1 distillery license to a holder of a Class 1 distillery license in the county.

(b) An application for a permit shall be made at least 30 days before the day when the permit is to take effect.

(c) The annual permit fee is \$650.

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§ 28-404

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) Section 2–208(d) of this article does not apply in the county.

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§ 28-501

Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article applies in the county without exception or variation.

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§ 28-502

Except as provided in § 28–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 28-503

(a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 28-601

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is \$200.

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§ 28-602

A Class B beer license may not be issued in the county.

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§ 28-603

A Class C beer license may not be issued in the county.

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§ 28-604

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fees are:

(1) \$200 for a 6–day license; and

(2) \$250 for a 7–day license.

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§ 28-701

- (a) There is a Class A wine license in the county.
- (b) The license may be issued to a holder of a Class 4 limited winery license.
- (c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.
- (2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (d) The annual license fee is \$50.

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§ 28-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

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§ 28-802

- (a) There is a Class A–3 beer and wine license.
- (b) (1) The license authorizes the license holder to sell beer and wine at retail at the place described in the license.
- (2) The license holder shall sell the beer and wine in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.
- (c) The annual license fee is \$350.

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§ 28-803

- (a) There is a Class B beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine at a hotel or restaurant at retail at the place described in the license, for on– and off–premises consumption.
- (c) The annual license fee is \$400.

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§ 28-804

A Class C beer and wine license may not be issued in the county.

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§ 28-805

A Class D beer and wine license may not be issued in the county.

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§ 28-901

- (a) There are:
 - (1) a Class A–1 beer, wine, and liquor 7–day license; and
 - (2) a Class A–2 beer, wine, and liquor 6–day license.
- (b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.
- (2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (c) The license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fees are:

(1) \$400 for a Class A–1 7–day license; and

(2) \$300 for a Class A–2 6–day license.

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§ 28-902

(a) There is a Class B beer, wine, and liquor hotel/restaurant license.

(b) The Board may issue the license for use by a hotel that:

(1) accommodates the public and provides service ordinarily found in hotels; and

(2) has:

(i) at least 25 rooms;

(ii) a lobby with a registration and mail desk and seating facilities; and

(iii) a dining room that serves full–course meals at least twice daily.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption at retail at the place described in the license.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 28–2004(b) of this title.

(e) The annual license fee is \$1,000.

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§ 28-903

(a) There is a Class B beer, wine, and liquor restaurant license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at a restaurant at retail at the place described in the license for on– and off–premises consumption.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 28–2004(b) of this title.

(d) The annual license fee is \$650.

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§ 28-904

(a) There is a Class C beer, wine, and liquor license.

(b) The Board may issue the license for use by a nonprofit organization or club that:

(1) is composed only of members who have served in the armed forces of the United States in a war in which the United States has been engaged;

(2) operates only for its members and guests accompanied by members; and

(3) meets in a clubhouse that is principally used for club purposes.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at a club at the place described in the license for on–premises consumption.

(d) The annual license fee is \$350.

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§ 28-905

(a) There are:

- (1) a Class D beer, wine, and liquor 6-day license; and
- (2) a Class D beer, wine, and liquor 7-day license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on- and off-premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fees are:

- (1) \$250 for a 6-day license; and
- (2) \$650 for a 7-day license.

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§ 28-1001

(a) There is an art establishment license.

(b) The Board may issue the license for use by a for-profit retail business that is engaged in:

- (1) the display, sale, or demonstration of original art by an individual artist or a group of artists; or
- (2) the instruction of participating clients in creating art.

(c) (1) Subject to paragraph (2) of this subsection, a holder of the license may sell or serve beer and wine at retail for on-premises consumption.

(2) Beer or wine may not be sold or served after 10 p.m.

(d) The license authorizes the license holder to sell or serve to a participating client or customer not more than two 12-ounce offerings of beer or two 5-ounce offerings of wine.

(e) The license may not be transferred from the location for which the license was originally issued to another location.

(f) A business for which the license is issued is subject to the alcohol awareness training requirements under § 4-505 of this article.

(g) The annual license fee is \$300.

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§ 28-1002

(a) There is a beauty salon beer and wine license.

(b) The Board may issue the license to a person who holds a beauty salon permit under § 5-501 of the Business Occupations and Professions Article.

(c) The license authorizes the license holder to sell or serve not more than two 12-ounce offerings of beer or two 5-ounce offerings of wine for on-premises consumption by a beauty salon customer while the customer undergoes a cosmetology procedure listed under § 5-101(n)(1) of the Business Occupations and Professions Article.

(d) The license may not be transferred to another location.

(e) A holder of the license may sell or serve beer and wine for on-premises consumption during normal business hours but not later than 9 p.m.

(f) An establishment for which the license is issued is subject to the alcohol awareness training requirements under § 4-505 of this article.

(g) The annual license fee is \$300.

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§ 28-1003

(a) This section applies only to a golf course that is:

- (1) on land that is owned by the county; and
 - (2) operated by a county golf course manager or a golf course manager under a management agreement with the county.
- (b) There is a Class M–G beer, wine, and liquor license.
- (c) The Board may issue the license to a golf course manager.
- (d) The license authorizes the license holder to sell beer, wine, and liquor for consumption on the land and in the facilities used for golfing purposes.
- (e) (1) The license holder may designate an agent to sell beer, wine, and liquor at the golf course.
- (2) The agent shall be considered the vendor for collecting and remitting the sales and use tax.
- (f) On request of the county, the Board may transfer a Class M–G license to a different golf course manager.
- (g) The Board shall adopt regulations to carry out this section.
- (h) The annual license fee is \$600.

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§ 28-1004

(a) In this section, “nonprofit performing arts theater” means an area, a building, or a structure designed and used for plays, acts, dramas, concerts, or similar events by individuals performing on a stage.

(b) There is a nonprofit performing arts theater beer and wine license.

(c) (1) The Board may issue the license for use on the premises of a performing arts theater that:

- (i) has seating; and
- (ii) is operated by a nonprofit organization.

(2) The president and two other officers of the nonprofit performing arts theater shall sign the application for the license.

(d) The license authorizes the holder to sell or serve beer and wine at retail for on–premises consumption.

(e) The license holder may sell or serve beer and wine from 1 hour before to 1 hour after:

- (1) a regular performance; or
- (2) a fund–raiser performance that benefits the nonprofit performing arts theater.

(f) The license holder may purchase beer and wine from a licensed wholesaler.

(g) The annual license fee is \$300.

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§ 28-1101

(a) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–1102 (“Corkage — Consuming wine not purchased from license holder on licensed premises”); and
- (2) § 4–1103 (“Removal of partially consumed bottle of wine from licensed premises”).

(b) Section 4–1105 (“Refillable container permit — Wine”) of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article apply in the county:

- (1) § 4–1104 (“Refillable container permit — Draft beer”), subject to § 28–1102 of this subtitle; and
- (2) § 4–1106 (“Nonrefillable container permit — Draft beer”), subject to § 28–1103 of this subtitle.

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§ 28-1102

- (a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for the permit:
 - (1) begin at the same time as those for the underlying license; and
 - (2) end at midnight.
- (d) The Board shall adopt regulations to carry out this section.
- (e) The Board may charge annual permit fees of up to:
 - (1) \$50 for an applicant who holds an underlying license with an off-sale privilege; or
 - (2) \$500 for an applicant who holds an underlying license without an off-sale privilege.

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§ 28-1103

- (a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for the permit:
 - (1) begin at the same time as those for the underlying license; and
 - (2) end at midnight.
- (d) The Board shall adopt regulations to carry out this section.
- (e) (1) Except as provided in paragraph (2) of this subsection, the Board may charge annual permit fees of up to:
 - (i) \$50 for an applicant who holds an underlying license with an off-sale privilege; or
 - (ii) \$500 for an applicant who holds an underlying license without an off-sale privilege.
- (2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

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§ 28-1201

- (a) There is a local caterer's license.
- (b) The Board may issue the license to a holder of a Class B restaurant or hotel (on-sale) beer, wine, and liquor license.
- (c) The license authorizes a holder to:
 - (1) provide beer, wine, and liquor at an event that is held off the premises for which the holder's Class B restaurant or hotel (on-sale) beer, wine, and liquor license is issued; and
 - (2) exercise the privileges of the license only during the hours and on the days authorized for a Class B restaurant or hotel (on-sale) beer, wine, and liquor license.
- (d) The license holder shall provide food for consumption at the catered event.
- (e) The annual license fee is \$250.
- (f) This section does not require a holder of a Class B restaurant or hotel (on-sale) beer, wine, and liquor license to obtain a local caterer's license for catering on the premises for which the Class B license is issued.

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§ 28-1301

- (a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4–1202 (“Per diem licenses”);
- (2) § 4–1206 (“License to dispose of stock”);
- (3) § 4–1207 (“Temporary move of licensed premises”);
- (4) § 4–1208 (“Hours and days of sale”); and
- (5) § 4–1209 (“Wine permit for fund–raising event”).

(b) The following sections of Title 4, Subtitle 12 (“Temporary Licenses”) of Division I of this article do not apply in the county:

- (1) § 4–1203 (“Class C per diem beer and Class C per diem beer and wine licenses”), which is superseded by § 28–1309 of this subtitle;
- (2) § 4–1204 (“Class C per diem beer, wine, and liquor license”), which is superseded by § 28–1309 of this subtitle; and
- (3) § 4–1205 (“License fees”), which is superseded by § 28–1310 of this subtitle.

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§ 28-1304

- (a) There is a beer festival (BF) license.
- (b) The Board may issue the license to a holder of a retail license authorizing the sale of beer, a Class 5 brewery license, a Class 6 pub–brewery license, a Class 7 micro–brewery license, or a Class 8 farm brewery license.
- (c) The license authorizes the holder to display and sell beer that is:
 - (1) manufactured and processed in any state; and
 - (2) distributed in the State when the license application is filed.
- (d) A license holder shall display and sell beer:
 - (1) at retail for on– and off–premises consumption; and
 - (2) during the hours and days designated for the festival.
- (e) The Board shall:
 - (1) choose 1 weekend each year for the beer festival that does not fall on the dates chosen for the Sotterley Wine Festival;
 - (2) choose a location in Historic St. Mary’s City for the festival; and
 - (3) ensure that the primary focuses of the festival are the promotions of both Maryland beer and tourism in Historic St. Mary’s City.
- (f) The license holder may hold another license of a different class or nature.
- (g) The license fee is \$15.
- (h) The Board shall adopt regulations to carry out this section.

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§ 28-1305

- (a) There is a wine festival (WF) license.
- (b) The Board may issue the license to a holder of a retail license that authorizes the sale of wine, Class 3 winery license, or Class 4 limited winery license.
- (c) The license authorizes the holder to display and sell wine that is:
 - (1) manufactured and processed in any state; and
 - (2) distributed in the State when the license application is filed.
- (d) A license holder shall display and sell wine:
 - (1) at retail for on– and off–premises consumption; and

- (2) during the hours and days designated for the festival.
- (e) The Board shall:
 - (1) choose 1 weekend each year for the festival;
 - (2) choose a location that is not already licensed; and
 - (3) ensure that the primary focus of the festival is the promotion of Maryland wine.
- (f) The license holder may hold another license of a different class or nature.
- (g) The license fee is \$15.
- (h) The Board shall adopt regulations to carry out this section.

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§ 28-1306

- (a) There is a 1-day Class BWTS beer and wine tasting or sampling license.
- (b) The Board may issue the license to:
 - (1) a holder of a current alcoholic beverages license; or
 - (2) a religious, fraternal, civic, veterans', hospital, or charitable:
 - (i) club;
 - (ii) society;
 - (iii) association; or
 - (iv) organization.
- (c) The license authorizes the holder to allow the consumption of beer or wine for tasting or sampling if:
 - (1) the beer or wine is given to consumers at no charge; and
 - (2) all consumption of the beer or wine occurs at the location of the license holder.
- (d) The Board need not publish a license application before issuing the license.
- (e) The Board may issue a license to a person not more than 12 times in a calendar year.
- (f) An individual may consume beer or wine covered by the license in a quantity not exceeding:
 - (1) 1 ounce from each offering and 4 ounces from all offerings of wine in a day; and
 - (2) 2 ounces from each offering and 8 ounces from all offerings of beer in a day.
- (g) At the end of the day for which the license is valid, the license holder shall dispose of any beer or wine that remains in a container opened for tasting or sampling.
- (h) The license fee is \$50.

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§ 28-1307

- (a) There is a BWT beer and wine tasting permit.
- (b) The Board may issue the permit only to a holder of a Class A license.
- (c) The permit authorizes the holder to allow the on-premises consumption of beer and wine for tasting purposes only.
- (d) The holder of a Class A license may apply for and the Board may issue the permit that is effective for a maximum of:
 - (1) any 26 days in a licensing period;
 - (2) any 52 days in a licensing period; or
 - (3) 365 days in a licensing period.
- (e) A permit holder shall notify the Board of the holder's intent to have a tasting at least 7 days before the event if the permit is effective for any:

- (1) 26 days in a licensing period; or
- (2) 52 days in a licensing period.
- (f) An individual may consume beer or wine covered by the license in a quantity not exceeding:
 - (1) 1 ounce from each offering and 4 ounces from all offerings of wine in a day; and
 - (2) 2 ounces from each offering and 8 ounces from all offerings of beer in a day.
- (g) The permit authorizes the consumption of beer or wine only on the licensed premises of the holder.
- (h) The permit fees are:
 - (1) for a permit that is effective for any 26 days in a licensing period, \$150;
 - (2) for a permit that is effective for any 52 days in a licensing period, \$200; and
 - (3) for a permit that is effective for 365 days in a licensing period, \$250.

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§ 28-1308

- (a) There is a BWLT beer, wine, and liquor tasting permit.
- (b) The Board may issue the permit only to a holder of a Class A license.
- (c) The permit authorizes the holder to allow the on-premises consumption of beer, wine, and liquor for tasting purposes only.
- (d) The holder of a Class A license may apply for and the Board may issue the permit that is effective for a maximum of:
 - (1) any 26 days in a licensing period;
 - (2) any 52 days in a licensing period; or
 - (3) 365 days in a licensing period.
- (e) A permit holder shall notify the Board of the holder's intent to have a tasting at least 7 days before the event if the permit is effective for any:
 - (1) 26 days in a licensing period; or
 - (2) 52 days in a licensing period.
- (f) An individual may consume beer, wine, or liquor covered by the license in a quantity not exceeding:
 - (1) 0.5 ounce from each offering and 1.5 ounces from all offerings of liquor in a day;
 - (2) 1 ounce from each offering and 4 ounces from all offerings of wine in a day; and
 - (3) 2 ounces from each offering and 8 ounces from all offerings of beer in a day.
- (g) The permit authorizes the consumption of beer, wine, or liquor only on the licensed premises of the holder.
- (h) The permit fees are:
 - (1) for a permit that is effective for any 26 days in a licensing period, \$200;
 - (2) for a permit that is effective for any 52 days in a licensing period, \$250; and
 - (3) for a permit that is effective for 365 days in a licensing period, \$300.

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§ 28-1309

- (a) There is:
 - (1) a Class C per diem beer license;
 - (2) a Class C per diem beer and wine license; and
 - (3) a Class C per diem beer, wine, and liquor license.
- (b) The Board may:

- (1) issue a license to a:
 - (i) religious, fraternal, civic, veterans', or charitable organization, association, club, or society; or
 - (ii) hospital supporting organization; and
- (2) impose conditions on the license.
- (c) The period for which a license under this section may be issued is:
 - (1) for a Class C per diem beer license, not longer than 10 days;
 - (2) for a Class C per diem beer and wine license, 1 day; and
 - (3) for a Class C per diem beer, wine, and liquor license, 1 day.
- (d) A license holder may purchase the alcoholic beverages to be sold under the license from a retail dealer.
- (e) The license holder may hold another license of a different class or nature.

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§ 28-1310

The license fees under this part are:

- (1) for a Class C per diem beer license, \$10 per period for which the license is issued;
- (2) for a Class C per diem beer and wine license, \$10 per day; and
- (3) for a Class C per diem beer, wine, and liquor license, \$10 per day.

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§ 28-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4–102 ("Applications to be filed with local licensing board");
- (2) § 4–103 ("Application on behalf of partnership");
- (3) § 4–104 ("Application on behalf of corporation or club");
- (4) § 4–105 ("Application on behalf of limited liability company");
- (5) § 4–106 ("Payment of notice expenses");
- (6) § 4–108 ("Application form required by Comptroller");
- (7) § 4–109 ("Required information on application — In general");
- (8) § 4–111 ("Payment of license fees");
- (9) § 4–113 ("Refund of license fees"); and
- (10) § 4–114 ("Fees for licenses issued for less than 1 year").

(b) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:

- (1) § 4–107 ("Criminal history records check"), subject to §§ 28–1402 through 28–1407 of this subtitle;
- (2) § 4–110 ("Required information on application — Petition of support"), subject to § 28–1408 of this subtitle; and
- (3) § 4–112 ("Disposition of license fees"), subject to § 28–1410 of this subtitle.

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§ 28-1402

- (a) The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.
- (b) The Board may obtain criminal history record information on license applicants and their agents from the county police.

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§ 28-1403

The Board shall make criminal history record information in its possession available only to the administrator, inspector, members, and designees of the Board.

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§ 28-1404

The hearing for a new applicant and the issuance of a license may not be delayed because of the failure of the Federal Bureau of Investigation to provide the requested criminal history record check by the date of the scheduled hearing.

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§ 28-1405

The Board shall destroy the criminal history record information obtained under § 4–107 of this article or § 28–1402 of this subtitle on completion of the application process.

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§ 28-1406

The Board may set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

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§ 28-1407

The Board shall adopt regulations to carry out §§ 28–1403, 28–1404, and 28–1406 of this subtitle.

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§ 28-1408

An individual is eligible to sign the petition of support required under § 4–110 of this article that must be included as part of an application for a license if the individual:

- (1) owns real property within 5 miles of the premises for which the license is sought; and
- (2) is a registered voter in the county.

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§ 28-1409

A license may not be issued for the use of a corporation unless the owners of at least 15% of the total stock of the corporation are residents in the county at the time the application for the license is filed.

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§ 28-1410

The County Treasurer shall:

- (1) collect the license fees; and
- (2) pay over to the Commissioners of Leonardtown the fees received for licenses issued for premises within the limits of the incorporated Town of Leonardtown.

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§ 28-1411

- (a) Within 90 days after the Board approves an application for a license, the applicant shall attend Responsible Alcohol Service Training.
- (b) Attendance at the Responsible Alcohol Service Training does not fulfill the alcohol awareness training requirement under § 4–505 of this article.

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§ 28-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-205 ("Chain store, supermarket, or discount house");
- (2) § 4-206 ("Limitations on retail sales floor space");
- (3) § 4-207 ("Licenses issued to minors");
- (4) § 4-208 ("Notice of license application required");
- (5) § 4-209 ("Hearing");
- (6) § 4-210 ("Approval or denial of license application");
- (7) § 4-211 ("License forms; effective date; expiration");
- (8) § 4-212 ("License not property");
- (9) § 4-213 ("Replacement licenses"); and
- (10) § 4-214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

- (1) § 4-202 ("Authority of local licensing boards"), subject to §§ 28-1502 and 28-1503 of this subtitle;
- (2) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 28-1505 of this subtitle and Subtitle 13, Part III of this title; and
- (3) § 4-204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 28-1505 of this subtitle and Subtitle 13, Part III of this title.

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§ 28-1502

The Board may not issue a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license to a person that holds an out-of-state alcoholic beverages license.

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§ 28-1503

A license application shall be disapproved and the license shall be denied if the Board determines that the applicant has been convicted of a felony.

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§ 28-1504

The County Treasurer shall collect license fees and may issue licenses.

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§ 28-1505

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 28-1506

(a) The Board may authorize a license holder to install an additional bar or serving counter within a reasonable distance of the main building of the premises served by the license held by the license holder.

(b) The Board shall determine what is a reasonable distance for an additional bar or serving counter.

(c) An additional license is not required for an additional bar or serving counter.

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§ 28-1507

Cider and native wine may be sold by their makers without a license.

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§ 28-1601

(a) The Board may not:

(1) issue more than one Class A license:

(i) for every 1,350 individuals that live in an election district in the county other than the 8th election district; and

(ii) for every 4,000 individuals that live in the 8th election district; or

(2) approve the transfer of a license issued under item (1) of this subsection from one election district to another election district unless the transfer can be made without exceeding the license quotas provided in item (1) of this subsection.

(b) The Board shall use the population statistics from the most recent County Planning Commission annual report to maintain the license quotas provided in subsection (a)(1) of this section.

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§ 28-1602

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment that is within 300 feet of a place of worship or a public or nonpublic kindergarten, elementary, or secondary school.

(2) The distance from the establishment to the place of worship or the public or nonpublic kindergarten, elementary, or secondary school is to be measured from the nearest wall of the establishment in a direct line to the nearest point of the main building of the place of worship or the school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply:

(1) in Leonardtown; or

(2) if a place of worship or school locates its building within 300 feet of a premises that is already licensed.

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§ 28-1603

The Board may not issue any license with an off-sale privilege for use in a business that is intended to be operated as a drive-through sales facility at which alcoholic beverages are:

(1) sold at retail; and

(2) dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

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§ 28-1606

(a) (1) Subject to subsections (b) and (c) of this section, the Board may issue to an individual or for the use of a person not more than three Class B beer, wine, and liquor restaurant licenses.

(2) The licenses specified in paragraph (1) of this subsection are for separate premises.

(3) Only one of the licenses specified in paragraph (1) of this subsection may authorize the sale of alcohol for off-premises consumption.

(b) (1) Subject to paragraph (2) of this subsection, a person may not have a direct or indirect interest in more than three Class B beer, wine, and liquor restaurant licenses.

(2) A person may not have a direct or indirect interest in more than one Class B beer, wine, and liquor restaurant license that authorizes the sale of alcohol for off-premises consumption.

(c) An indirect interest is presumed to exist between any combination of persons if any of the following conditions exist between them:

- (1) a common parent company;
- (2) a franchise agreement;
- (3) a licensing agreement;
- (4) a concession agreement;
- (5) dual membership in a chain of businesses commonly owned and operated;
- (6) (i) a sharing of directors, stockholders, partners, or members; or
(ii) a sharing of directors, stockholders, partners, or members of parents or subsidiaries;
- (7) common direct or indirect sharing of profit from the sale of alcoholic beverages; or
- (8) a sharing of a common trade name, trademark, logo, or theme or mode of operation identifiable by the public.

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§ 28-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

- (1) § 4-302 ("Transfer of place of business; transfer of license and inventory");
- (2) § 4-303 ("Chain store, supermarket, or discount house");
- (3) § 4-304 ("Compliance with Bulk Transfers Act required"); and
- (4) § 4-306 ("Substitution of names of officers on license").

(b) Section 4-305 ("Filing fee and endorsement") of Division I of this article applies in the county, subject to § 28-1702 of this subtitle.

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§ 28-1702

The fee for a transfer of a license is \$100.

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§ 28-1703

The Board may not transfer an off-sale license for use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

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§ 28-1801

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-402 ("Eligibility for renewal; process");
- (2) § 4-403 ("Renewal application");
- (3) § 4-405 ("Contents of renewal application");
- (4) § 4-406 ("Protests");

(5) § 4–409 (“Multiple licenses”); and

(6) § 4–410 (“Chain store, supermarket, or discount house”).

(b) The following sections of Title 4, Subtitle 4 (“Renewal of Local Licenses”) of Division I of this article do not apply in the county:

(1) § 4–404 (“Filing period for renewal application”) and is superseded by § 28–1802 of this subtitle; and

(2) § 4–408 (“Issuance of renewed licenses”) and is superseded by § 28–1803 of this subtitle.

(c) Section 4–407 (“Denial of renewal application”) of Division I of this article applies in the county, subject to § 28–1804 of this subtitle.

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§ 28-1802

(a) To renew a license, the license holder shall file an application with the Administrator of the Board between February 1 and March 3, inclusive.

(b) A holder of an expired license may apply to the Board for a new license.

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§ 28-1803

(a) The Board may issue renewed licenses between April 1 and May 1, inclusive.

(b) A license expires on the first April 30 after its effective date.

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§ 28-1804

(a) The Board may deny a license renewal if the license holder or a stockholder of the corporation that uses the license has been convicted of a felony.

(b) The Board:

(1) shall hold a public hearing before renewing a license under the circumstances described in subsection (a) of this section; and

(2) may inquire into all relevant facts and circumstances concerning the felony offense at the hearing.

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§ 28-1805

Notwithstanding § 28–1502 of this title, the Board may renew a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license originally issued to a holder of an out-of-state alcoholic beverages license.

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§ 28-1806

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

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§ 28-1901

(a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county without exception or variation:

(1) § 4–502 (“Storage of alcoholic beverages”);

(2) § 4–503 (“Solicitations and sales outside of licensed premises”);

(3) § 4–505 (“Alcohol awareness program”);

(4) § 4–506 (“Evidence of purchaser’s age”);

(5) § 4–507 (“Retail delivery of alcoholic beverages”); and

(6) § 4–508 (“Display of license”).

(b) Section 4–504 (“Employment of underage individuals”) of Division I of this article applies in the county, subject to § 28–1902 of this subtitle.

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§ 28-1902

(a) An individual at least 18 years old may serve alcoholic beverages in a restaurant in connection with serving a meal.

(b) An individual under the age of 21 years may not act as a bartender or in a solely bar–related capacity.

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§ 28-1903

(a) Except as provided in subsection (b) of this section, a consumer may not remain on the premises of an establishment that sells alcoholic beverages after the hours of sale end.

(b) On Sunday morning, a consumer may remain on the premises of an establishment that sells alcoholic beverages for one–half hour after the hours of sale end.

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§ 28-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 28-2002

(a) A holder of a Class A beer license may sell beer on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) Reserved.

(c) Reserved.

(d) A holder of a Class D beer license may sell beer on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

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§ 28-2003

(a) A holder of a Class A beer and wine license may sell beer and wine on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer and wine license may sell beer and wine on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(c) Reserved.

(d) Reserved.

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§ 28-2004

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

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§ 28-2005

After a license holder has filed an application in a form and at a time that the Board requires, the Board may issue a permit authorizing the license holder to keep the licensed premises open on January 1.

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§ 28-2101

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 28-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 28-2301

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

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§ 28-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 28-2402

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

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§ 28-2501

(a) An establishment not licensed by the Board, at a location under the control or possession of the establishment, may not:

- (1) sell or serve alcoholic beverages to a member or guest;
- (2) keep alcoholic beverages for a member or guest;
- (3) allow a customer to consume or to be served alcoholic beverages from the supplies that the customer has previously purchased or reserved; or
- (4) sell, serve, keep, or allow to be consumed setups or other component parts of mixed alcoholic drinks to a member or guest.

(b) A person who operates an establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into or on the grounds of the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

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§ 28-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

- (1) an establishment open to the public;
- (2) a place of public entertainment; or
- (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 28-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

- (1) § 6-202 ("Inspections");
- (2) § 6-203 ("Use of equipment to measure quantity and quality of alcoholic beverages");
- (3) § 6-204 ("Power to summon witnesses");
- (4) § 6-205 ("Peace officers");
- (5) § 6-206 ("Charging document for unlawful sale of alcoholic beverage");
- (6) § 6-207 ("Display of alcoholic beverages as prima facie evidence of sale");
- (7) § 6-208 ("Regulating possession or consumption of alcohol in public places");
- (8) § 6-209 ("Adoption of standards for authorization of consumption"); and
- (9) § 6-211 ("Fines and forfeitures").

(b) Section 6-210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 28-2602 of this subtitle.

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§ 28-2602

The county may:

- (1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6-319 of this article; and
- (2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or on a highway.

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§ 28-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6-305 ("Proof of age for sale of alcoholic beverages");
- (2) § 6-306 ("Defense to prosecution for sale to underage individual");
- (3) § 6-309 ("Allowing on-premises consumption or possession of alcoholic beverages by individual under the age of 21 years");
- (4) § 6-310 ("Providing free food");
- (5) § 6-311 ("Restrictions on purchases and sales by retail dealer");

- (6) § 6–312 (“Beverage misrepresentation”);
- (7) § 6–313 (“Tampering with alcoholic beverage container”);
- (8) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);
- (9) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);
- (10) § 6–316 (“Maximum alcohol content”);
- (11) § 6–317 (“Multiple serving purchase required”);
- (12) § 6–320 (“Disorderly intoxication”);
- (13) § 6–321 (“Consumption of alcoholic beverages in public”);
- (14) § 6–322 (“Possession of open container”);
- (15) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);
- (16) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);
- (17) § 6–327 (“Unlicensed out-of-state sale of alcoholic beverages”);
- (18) § 6–328 (“Tax evasion”);
- (19) § 6–329 (“Destruction of evidence”); and
- (20) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

- (1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 28–2702 of this subtitle;
- (2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 28–2703 of this subtitle; and
- (3) §§ 6–308 (“Allowing on-premises consumption of alcoholic beverages not purchased from license holder”) and 6–319 (“On-premises consumption of alcoholic beverages not purchased from license holder”), subject to § 28–2704 of this subtitle.

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§ 28-2702

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and
- (2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

- (1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and
- (2) the individual was not a resident of the State.

(c) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 28-2703

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

- (1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or an employee; and
- (2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 28-2704

Sections 6–308 and 6–319 of this article do not apply to:

- (1) a Class C beer license, beer and wine license, or beer, wine, and liquor license issued to a bona fide religious, fraternal, civic, veterans', hospital, or charitable organization; or
- (2) a license issued to an outdoor motor sports facility that is located in Mechanicsville or Budds Creek.

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§ 28-2705

(a) A person engaged in the manufacture or sale of alcoholic beverages, an agent or employee of the person, or a license holder may not, directly or indirectly, offer or make a payment or gift to:

- (1) a member of the Board;
- (2) an employee of the Board; or
- (3) a person acting on behalf of a member or an employee of the Board.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

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§ 28-2801

Section 6–402 ("General penalty") of Division I of this article applies in the county.

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§ 28-2802

(a) (1) A person who violates a law relating to hours or days for the sale of alcoholic beverages is guilty of a misdemeanor and on conviction is subject to imprisonment or a fine not exceeding \$250 or both.

(2) If the Board finds that a person has violated a law relating to licensing the sale of alcoholic beverages, the Board may:

- (i) revoke or suspend the person's license;
- (ii) impose a civil penalty not exceeding \$2,500; or
- (iii) both revoke or suspend the person's license and impose a civil penalty not exceeding \$2,500.

(b) If an employee of a license holder sells alcoholic beverages to an individual under the age of 21 years the Board may impose a fine on the employee not exceeding \$500 per offense.

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Title 29 — Title 29

§ 29-101

(a) In this title:

- (1) the definitions in § 1–101 of this article apply without exception or variation; and
 - (2) the following words have the meanings indicated.
- (b) "Board" means the Board of License Commissioners for Somerset County.
- (c) "County" means Somerset County.

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§ 29-102

This title applies only in Somerset County.

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§ 29-103

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 29-201

There is a Board of License Commissioners for Somerset County.

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§ 29-202

(a) The Governor shall appoint three members to the Board, subject to the advice and consent of the Senate.

(b) (1) Each member of the Board shall be:

(i) a resident and voter of the county; and

(ii) an individual of high character and integrity and of recognized business capacity.

(2) Not more than two members may belong to the same political party.

(c) The term of a member is 2 years.

(d) (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings made on the charges.

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§ 29-203

In making the appointments, the Governor shall designate a chair from among the members of the Board.

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§ 29-204

(a) (1) The chair of the Board shall receive a salary of \$4,000 annually.

(2) Each other member of the Board shall receive a salary of \$3,500 annually.

(3) The County Commissioners shall pay the salaries of the members of the Board.

(4) The County Commissioners may pay for expenses of the Board, including:

(i) salaries of personnel other than members of the Board; and

(ii) costs of printing, supplies, and other expenses related to the operation of the Board.

(b) The Board may:

(1) employ:

(i) a secretary;

- (ii) inspectors; and
- (iii) clerical and other assistants as are necessary; and
- (2) except as otherwise provided in this section, set the compensation of the employees.
- (c) The Board:
 - (1) shall appoint a clerk to the Board at a salary of \$4,000 annually; and
 - (2) may designate an attorney for the Board at a salary of \$4,500 annually.

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§ 29-205

The Board may adopt regulations to carry out this article.

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§ 29-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2–201 ("Issuance by Comptroller");
- (2) § 2–202 ("Class 1 distillery license");
- (3) § 2–203 ("Class 9 limited distillery license");
- (4) § 2–204 ("Class 2 rectifying license");
- (5) § 2–205 ("Class 3 winery license");
- (6) § 2–206 ("Class 4 limited winery license");
- (7) § 2–207 ("Class 5 brewery license");
- (8) § 2–209 ("Class 7 micro–brewery license");
- (9) § 2–210 ("Class 8 farm brewery license");
- (10) § 2–211 ("Residency requirement");
- (11) § 2–212 ("Additional licenses");
- (12) § 2–213 ("Additional fees");
- (13) § 2–214 ("Sale or delivery restricted");
- (14) § 2–215 ("Beer sale on credit to retail dealer prohibited");
- (15) § 2–216 ("Interaction between manufacturing entities and retailers");
- (16) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and
- (17) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2–208 ("Class 6 pub–brewery license") of Division I of this article does not apply in the county.

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§ 29-402

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 29-501

The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2–301 ("Licenses issued by Comptroller");

- (2) § 2–302 (“Class 1 beer, wine, and liquor wholesaler’s license”);
- (3) § 2–303 (“Class 2 wine and liquor wholesaler’s license”);
- (4) § 2–304 (“Class 3 beer and wine wholesaler’s license”);
- (5) § 2–305 (“Class 4 beer wholesaler’s license”);
- (6) § 2–306 (“Class 5 wine wholesaler’s license”);
- (7) § 2–307 (“Class 6 limited wine wholesaler’s license”);
- (8) § 2–308 (“Class 7 limited beer wholesaler’s license”);
- (9) § 2–309 (“Sale and delivery of beer or wine from wholesaler’s vehicle”);
- (10) § 2–310 (“Sale and delivery to retail license holder”);
- (11) § 2–311 (“Additional wholesaler’s licenses”);
- (12) § 2–312 (“Direct importation of alcoholic beverages”);
- (13) § 2–313 (“Sale or delivery restricted to holder of license or permit”);
- (14) § 2–314 (“Beer sale on credit to retail dealer prohibited”);
- (15) § 2–315 (“Interaction between wholesaling entities and retailers”);
- (16) § 2–316 (“Distribution of alcoholic beverages — Prohibited practices”); and
- (17) § 2–317 (“Restrictive agreements between wholesalers and retailers — Prohibited”).

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§ 29-502

Except as provided in § 29–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 29-503

- (a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.
- (b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 29-601

- (a) There is a Class A beer license.
- (b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.
- (2) A license may not be issued for a premises having a direct or indirect connection with a drug or pharmaceutical dispensing business or other business establishment of a type commonly known as a drugstore.
- (3) The license holder shall sell the beer in a sealed package or container.
- (4) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.
- (c) The annual license fees are:
 - (1) \$126 for a 6–day license; and
 - (2) \$158 for a 7–day license.

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§ 29-602

- (a) There is a Class B beer license.
- (b) The license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on– and off–premises consumption.
- (c) The annual license fee is \$253.

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§ 29-603

- (a) There is a Class C beer license.
- (b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.
- (c) The annual license fee is \$32.

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§ 29-604

- (a) There is a Class D beer license.
- (b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.
- (2) A license may not be issued for a drugstore.
- (c) The annual license fee is \$253.

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§ 29-701

- (a) There is a Class A wine license in the county.
- (b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.
- (c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.
- (2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.
- (d) The annual license fee is \$63.

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§ 29-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

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§ 29-802

- (a) There is:
 - (1) a Class A beer and wine 6–day license; and
 - (2) a Class A beer and wine 7–day license.
- (b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.
- (2) The license holder shall sell the beer and wine in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.
- (c) A person may not hold the license for use by an establishment with a direct or indirect connection to a drugstore.
- (d) The annual license fees are:

- (1) \$190 for a 6–day license; and
- (2) \$221 for a 7–day license.

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§ 29-803

- (a) There is a Class B beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on– and off–premises consumption.
- (c) The annual license fee is \$253.

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§ 29-804

- (a) There is a Class C beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine to a member of a club and guests of members, at retail, at the place described in the license, for on–premises consumption.
- (c) The annual license fee is \$45.

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§ 29-805

- (a) There is a Class D beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on– and off–premises consumption.
- (c) The license may not be issued for use by a drugstore.
- (d) The annual license fee is \$253.

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§ 29-901

- (a) There is a Class A beer, wine, and liquor license.
- (b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail to consumers at the place described in the license.
- (2) A license may not be issued for a premises having a direct or indirect connection with a drug or pharmaceutical dispensing business or other business establishment of a type commonly known as a drugstore.
- (3) The license holder shall sell the beer, wine, and liquor in a sealed package or container.
- (4) The package or container may not be opened and its contents may not be consumed on the premises where the beer, wine, or liquor was sold.
- (c) The annual license fee is \$5,000.

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§ 29-902

- (a) There is a Class B beer, wine, and liquor license.
- (b) The Board may issue the license for use at a hotel or motel that:
 - (1) accommodates the public, providing services ordinarily found in a hotel or motel;
 - (2) has a lobby with registration, mail desk, and seating facilities; and
 - (3) maintains at least:
 - (i) 10 rooms for occupancy by guests if the hotel was in operation on June 1, 1967; or

(ii) 20 rooms for occupancy by guests if the hotel started operations after June 1, 1967, with the hotel facilities assessed for State and county taxation at an amount that is at least \$45,000.

(c) The Board may issue the license for use at a restaurant that:

- (1) serves full-course meals at least twice daily;
- (2) exclusive of bar seating or counter seating, has table seating for at least 50 individuals; and
- (3) for the 12 months immediately before the application for the license, has daily average receipts from the sale of food that exceed the daily average receipts from the sale of alcoholic beverages.

(d) The license authorizes the license holder to sell at retail at the place described in the license:

- (1) beer, wine, and liquor for on-premises consumption; and
- (2) beer for off-premises consumption.

(e) The annual license fee is \$1,265.

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§ 29-903

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§ 29-904

(a) There is a Class D beer, wine, and liquor license.

(b) The license authorizes the license holder to sell at retail at the place described in the license:

- (1) beer, wine, and liquor for on-premises consumption; and
- (2) beer and wine for off-premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is \$1,265.

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§ 29-1001

(a) There is a Class C (fraternal or sororal organization) beer, wine, and liquor license.

(b) The Board may issue the license for use by a lodge or chapter of a nonprofit and nationwide fraternal or sororal organization that:

- (1) is composed of inducted members;
- (2) was operating in the county for at least 1 year before the license application was made;
- (3) has at least 25 members paying dues of at least \$15 per year per member; and
- (4) owns or operates a home or clubhouse that is principally for the use of its members and guests when accompanied by members.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on-premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 29-2004 of this title.

(e) The annual license fee is \$316.

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§ 29-1002

(a) There is a Class C (veterans' organization or club) beer, wine, and liquor license.

(b) The Board may issue the license for use by a local unit of a nationwide nonprofit veterans' organization or club that:

- (1) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;
- (2) has held a charter from the national veterans' organization or club for at least 1 year before the license application was made;
- (3) has at least 35 members paying dues of at least \$4 per year per member; and
- (4) owns or operates a home or clubhouse that is only for the use of its members and guests when accompanied by members.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on-premises consumption.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 29-2004 of this title.
- (e) The annual license fee is \$316.

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§ 29-1003

- (a) There is a Class C (yacht or country and golf club) beer, wine, and liquor license.
- (b) The Board may issue the license for use by a club that:
 - (1) has at least 30 members paying dues of at least \$20 per year per adult member; and
 - (2) owns and operates a clubhouse on premises that are principally used for its members.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on-premises consumption.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 29-2004 of this title.
- (e) The annual license fee is \$316.

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§ 29-1101

- (a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:
 - (1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and
 - (2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").
- (b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article do not apply in the county:
 - (1) § 4-1104 ("Refillable container permit — Draft beer"); and
 - (2) § 4-1105 ("Refillable container permit — Wine").

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§ 29-1201

- (a) There is a local caterer's license.
- (b) The Board may issue the license to a holder of:
 - (1) a Class B restaurant or hotel (on-sale) beer and wine license; or
 - (2) a Class B restaurant or hotel (on-sale) beer, wine, and liquor license.
- (c) (1) The license authorizes:
 - (i) the holder of a Class B beer and wine license to provide beer and wine at events that are held off the premises of the restaurant or hotel; and

(ii) the holder of a Class B beer, wine, and liquor license to provide beer, wine, and liquor at events that are held off the premises of the restaurant or hotel.

(2) The holder may exercise the privileges under the license only during the hours and days that are allowed for the holder's Class B license.

(d) The license holder shall provide food for consumption at the catered event.

(e) The annual license fee is \$550.

(f) This section does not require a holder of an existing Class B restaurant or hotel (on-sale) beer and wine license or a Class B restaurant or hotel (on-sale) beer, wine, and liquor license to obtain a caterer's license for catering on the premises for which the Class B license is issued.

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§ 29-1301

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-1202 ("Per diem licenses");

(2) § 4-1206 ("License to dispose of stock");

(3) § 4-1207 ("Temporary move of licensed premises");

(4) § 4-1208 ("Hours and days of sale"); and

(5) § 4-1209 ("Wine permit for fund-raising event").

(b) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article do not apply in the county:

(1) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine licenses"), which is superseded by § 29-1308 of this subtitle;

(2) § 4-1204 ("Class C per diem beer, wine, and liquor license"), which is superseded by § 29-1308 of this subtitle; and

(3) § 4-1205 ("License fees"), which is superseded by § 29-1309 of this subtitle.

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§ 29-1304

(a) There is a Somerset County Maryland Wine Festival (SCMWF) license.

(b) The Board may issue the license to a holder of a temporary alcoholic beverages license, Class 3 winery license, or Class 4 limited winery license.

(c) The license authorizes the holder to display and sell wine that is produced and processed in the State.

(d) A license holder shall display and sell wine:

(1) at retail for on- and off-premises consumption; and

(2) during the hours and days designated for the Somerset County Maryland Wine Festival.

(e) The Board:

(1) each year may choose 1 weekend during the months of May or June for the Somerset County Maryland Wine Festival; and

(2) shall choose a location for the festival.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is \$19.

(h) The Board shall adopt regulations to carry out this section.

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§ 29-1305

- (a) There is a beer and wine tasting (BWT) license.
- (b) The Board may issue the license to a holder of a beer, wine, and liquor license or a beer and wine license.
- (c) The license authorizes the holder to allow the consumption of beer or wine that may be sold under the beer, wine, and liquor license or the beer and wine license for tasting if the consumer is not charged for the beer or wine.
- (d) The Board shall regulate:
 - (1) the quantity of beer or wine to be served to each individual; and
 - (2) the number of bottles of beer or wine from which this quantity is being served.
- (e) (1) In addition to the cost of the beer, wine, and liquor license or the beer and wine license, the annual BWT license fee is \$150.
- (2) In addition to the annual BWT license fee, the issuing fee is \$100.
- (f) The privileges granted by the license may not be exercised during a festival event.

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§ 29-1306

- (a) There is a liquor tasting license.
- (b) The Board may issue the license to a holder of a Class A beer, wine, and liquor license.
- (c) The license authorizes the holder to allow the consumption of liquor for tasting if:
 - (1) the license holder is authorized to sell the liquor; and
 - (2) the consumer is not charged for the liquor.
- (d) An individual may consume liquor at a liquor tasting in a quantity of not more than:
 - (1) one-half ounce from each offering of liquor; and
 - (2) five offerings in 1 day.
- (e) In addition to the cost of the Class A beer, wine, and liquor license, the liquor tasting license fees are:
 - (1) for a license that is effective for only 1 day in a licensing period, \$20;
 - (2) for a license that is effective for any 26 days in a licensing period, \$200;
 - (3) for a license that is effective for any 52 days in a licensing period, \$300; and
 - (4) for a license that is effective for any 104 days in a licensing period, \$400.

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§ 29-1308

- (a) The Board may issue a per diem license of any class.
- (b) A license holder may exercise the privileges of the license at any entertainment event held by a club.
- (c) The Board may not require that an application for a per diem license be published before issuing the license.
- (d) The period for which a license may be issued is:
 - (1) for a per diem beer license or a per diem beer and wine license, not longer than 7 consecutive days; and
 - (2) for a per diem beer, wine, and liquor license, not longer than 14 consecutive days.

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§ 29-1309

- (a) The fee for a per diem beer license, a per diem beer and wine license, and a per diem beer, wine, and liquor license is:
 - (1) \$63 each day for the first and second day of the license period; and
 - (2) \$32 each day after the second day of the license period.

(b) The fee shall be paid to the Board for deposit in the county treasury.

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§ 29-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-102 ("Applications to be filed with local licensing board");
- (2) § 4-103 ("Application on behalf of partnership");
- (3) § 4-104 ("Application on behalf of corporation or club");
- (4) § 4-105 ("Application on behalf of limited liability company");
- (5) § 4-106 ("Payment of notice expenses");
- (6) § 4-108 ("Application form required by Comptroller");
- (7) § 4-110 ("Required information on application — Petition of support");
- (8) § 4-111 ("Payment of license fees");
- (9) § 4-112 ("Disposition of license fees");
- (10) § 4-113 ("Refund of license fees"); and
- (11) § 4-114 ("Fees for licenses issued for less than 1 year").

(b) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:

- (1) § 4-107 ("Criminal history records check"), subject to §§ 29-1402 through 29-1404 of this subtitle; and
- (2) § 4-109 ("Required information on application — In general"), in addition to §§ 29-1405 and 29-1406 of this subtitle.

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§ 29-1402

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

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§ 29-1403

The Board may make criminal history record information available only to Board members and their designees.

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§ 29-1404

The Board shall charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

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§ 29-1405

An applicant shall include in the application a statement of consent to an investigation by the Board of the applicant's criminal history record information.

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§ 29-1406

In addition to the information required under Title 4, Subtitle 1 of this article, the Board may require an applicant for a license to include any other information that the Board considers necessary.

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§ 29-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-205 ("Chain store, supermarket, or discount house");
- (2) § 4-206 ("Limitations on retail sales floor space");
- (3) § 4-207 ("Licenses issued to minors");
- (4) § 4-209 ("Hearing");
- (5) § 4-210 ("Approval or denial of license application");
- (6) § 4-211 ("License forms; effective date; expiration");
- (7) § 4-212 ("License not property");
- (8) § 4-213 ("Replacement licenses"); and
- (9) § 4-214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

- (1) § 4-202 ("Authority of local licensing boards"), subject to § 29-1502 of this subtitle;
- (2) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 29-1503 of this subtitle and Subtitle 13, Part III of this title;
- (3) § 4-204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 29-1503 of this subtitle and Subtitle 13, Part III of this title; and
- (4) § 4-208 ("Notice of license application required"), subject to § 29-1504 of this subtitle.

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§ 29-1502

(a) After the Board approves a license application, the County Supervisor of Tax Collection shall issue the license on payment of the license fee and the fee required by subsection (b) of this section.

(b) A license applicant shall pay to the Board a fee of \$350 to cover the costs of:

- (1) the notice required under § 29-1504 of this subtitle; and
- (2) processing the application.

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§ 29-1503

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 29-1504

Notice of a license application shall be published once a week for 2 consecutive weeks in at least one newspaper published in the municipality or unincorporated area in which or nearest to which the location described in the application is situated.

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§ 29-1601

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment that is within 200 feet of a place of worship, school, public library, or youth center.

(2) The distance is to be measured from the nearest point of the establishment to the nearest point of the property line of the place of worship, public library, school, or youth center.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) a licensed establishment that existed before the place of worship, school, public library, or youth center was built within 200 feet of the licensed establishment;

(2) an establishment having any previous owner who was the holder of a license to sell alcoholic beverages; and

(3) a temporary license.

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§ 29-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4-303 ("Chain store, supermarket, or discount house"); and

(2) § 4-304 ("Compliance with Bulk Transfers Act required").

(b) Section 4-306 ("Substitution of names of officers on license") of Division I of this article does not apply in the county and is superseded by § 29-1705 of this subtitle.

(c) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4-302 ("Transfer of place of business; transfer of license and inventory"), subject to § 29-1703 of this subtitle; and

(2) § 4-305 ("Filing fee and endorsement"), subject to § 29-1704 of this subtitle.

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§ 29-1702

An applicant for a transfer of a license is subject to a State and national criminal history records check under § 4-107 of this article.

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§ 29-1703

The Board may waive the publication notice required under § 4-302 of this article for the transfer of a Class C club license if:

(1) the person whose name appears on the license becomes ineligible; and

(2) a new application for the same class of license is properly filed with the Board within 10 days after the person becomes ineligible.

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§ 29-1704

The fee for a transfer of a license is \$50, in addition to the costs of publication, notice, and any hearing fees required.

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§ 29-1705

(a) (1) Subject to paragraph (2) of this subsection, for a license issued for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

(i) has died;

(ii) has retired; or

(iii) no longer holds an office in the corporation or club.

(2) A substitute officer shall be an individual approved by the Board who meets all the requirements applicable to the original officer.

(b) The license holder shall file an affidavit with the Board that contains:

(1) the substitution of the officer; and

(2) an explanation for the substitution.

(c) On receipt of the affidavit by the Board and payment of a \$50 fee to the County Treasurer, the Board shall:

(1) amend its records; and

(2) issue a corrected license.

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§ 29-1801

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-402 ("Eligibility for renewal; process");

(2) § 4-403 ("Renewal application");

(3) § 4-406 ("Protests");

(4) § 4-407 ("Denial of renewal application");

(5) § 4-408 ("Issuance of renewed licenses");

(6) § 4-409 ("Multiple licenses"); and

(7) § 4-410 ("Chain store, supermarket, or discount house").

(b) Section 4-404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 29-1802 of this subtitle.

(c) Section 4-405 ("Contents of renewal application") of Division I of this article applies in the county, subject to § 29-1803 of this subtitle.

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§ 29-1802

(a) An applicant for license renewal shall pay a renewal application fee of \$50 to the County Treasurer in addition to the license fee.

(b) If an applicant fails to renew a license in a timely manner as determined by the Board, the applicant shall pay a late renewal fee of \$100 in addition to the renewal application fee.

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§ 29-1803

The Board may not renew a license until the license holder has presented the Board with a certificate of receipt issued by the County Finance Office showing that there are no unpaid taxes on the inventory and personal property of the renewal applicant due to the county or State.

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§ 29-1804

The Board may exempt applicants for license renewal from the requirement for a criminal history records check under § 4-107 of this article.

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§ 29-1901

Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article applies in the county without exception or variation.

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§ 29-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 29-2002

(a) (1) A holder of a 6-day Class A beer license may sell beer on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) A holder of a 7-day Class A beer license may sell beer:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday, from 8 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer license may sell beer:

(1) on Monday, from 8 a.m. to 2 a.m. the following day; and

(2) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer license may sell beer:

(1) on Monday, from 8 a.m. to 2 a.m. the following day; and

(2) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer license may sell beer:

(1) on Monday, from 8 a.m. to 2 a.m. the following day; and

(2) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

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§ 29-2003

(a) (1) A holder of a Class A beer and wine license may sell beer and wine:

(i) on Monday, from 8 a.m. to 2 a.m. the following day; and

(ii) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) A holder of a 7-day Class A beer and wine license may sell beer and wine on Sunday, from 8 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer and wine license may sell beer and wine:

(1) on Monday, from 8 a.m. to 2 a.m. the following day; and

(2) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer and wine license may sell beer and wine:

(1) on Monday, from 8 a.m. to 2 a.m. the following day; and

(2) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer and wine license may sell beer and wine:

(1) on Monday, from 8 a.m. to 2 a.m. the following day; and

(2) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

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§ 29-2004

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 8 a.m. to 2 a.m. the following day.

(b) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B beer, wine, and liquor (on-sale) license may sell beer, wine, and liquor:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday, from 12:30 p.m. to midnight if food is available for purchase on the premises.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.

(c) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class C beer, wine, and liquor (on-sale) license may sell beer, wine, and liquor:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday, from 12:30 p.m. to midnight if food is available for purchase on the premises.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.

(d) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:

(1) on Monday, from 8 a.m. to 2 a.m. the following day; and

(2) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

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§ 29-2005

The Board shall determine the hour when a license holder shall stop selling alcoholic beverages on December 31 and January 1, regardless of the day of the week on which these dates fall.

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§ 29-2006

Alcoholic beverages may not be consumed on a licensed premises from 2 a.m. on Sunday to 8 a.m. on the following day except for alcoholic beverages sold:

(1) for on-premises consumption, by a holder of a Class B beer, wine, and liquor license or Class C beer, wine, and liquor license, who may sell beer, wine, and liquor from 12:30 p.m. to midnight on Sunday, if food is available for purchase on the premises; or

(2) for off-premises consumption, by a holder of a 7-day Class A beer license or a 7-day Class A beer and wine license, who may sell alcoholic beverages as authorized by the license from 8 a.m. on Sunday to 2 a.m. the following day.

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§ 29-2101

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-602 ("Power of local licensing board");

(2) § 4-603 ("Revocation and suspension procedures");

(3) § 4-604 ("Grounds for revocation or suspension"); and

(4) § 4-606 ("Effects of revocation").

(b) Section 4-605 ("Nudity and sexual displays") of Division I of this article does not apply in the county.

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§ 29-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 29-2301

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

- (1) § 4–802 ("Expiration of license on death of license holder");
- (2) § 4–804 ("Transfer or reinstatement of license");
- (3) § 4–805 ("Rights of protest, revocation, suspension, and restriction"); and
- (4) § 4–806 ("Refund").

(b) Section 4–803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 29–2302 of this subtitle.

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§ 29-2302

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

- (i) the surviving spouse;
- (ii) the surviving partners for the benefit of the partnership; or
- (iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

- (i) for the balance of the license year; and
- (ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

- (1) the surviving spouse;
- (2) the surviving partners of a partnership; or
- (3) the senior surviving officer of a corporation for the benefit of the corporation.

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§ 29-2401

(a) The following sections of Title 4, Subtitle 9 ("Judicial Review") of Division I of this article apply in the county without exception or variation:

- (1) § 4–902 ("Judicial review of decision of local licensing board");
- (2) § 4–904 ("Stay of local board's petition");
- (3) § 4–905 ("Scope of judicial review");
- (4) § 4–906 ("Representation of local licensing board");
- (5) § 4–907 ("Affirmations, modifications, and reversals"); and
- (6) § 4–908 ("Appeals to Appellate Court of Maryland and Supreme Court of Maryland").

(b) Section 4–903 ("Petitioners") of Division I of this article applies in the county, subject to § 29–2402 of this subtitle.

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§ 29-2402

In addition to the requirements of § 4–903 of this article with respect to the payment of all costs incident to a hearing before the Board, a person that petitions for judicial review of a decision of the Board to the circuit court shall pay to the Board a fee of \$100.

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§ 29-2501

(a) A person may not serve setups, including drinking containers and ice, or serve, keep, or allow to be consumed alcoholic beverages or other component parts of mixed alcoholic drinks in a place of adult entertainment that:

- (1) does not hold a license under this article; and
- (2) allows at its location any form of sexual display or attire prohibited under § 4–605 of this article.

(b) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 29-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

- (1) an establishment open to the public;
- (2) a place of public entertainment; or
- (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 29-2601

(a) The following sections of Title 6, Subtitle 2 (“Enforcement”) of Division I of this article apply in the county without exception or variation:

- (1) § 6–202 (“Inspections”);
- (2) § 6–203 (“Use of equipment to measure quantity and quality of alcoholic beverages”);
- (3) § 6–204 (“Power to summon witnesses”);
- (4) § 6–205 (“Peace officers”);
- (5) § 6–206 (“Charging document for unlawful sale of alcoholic beverage”);
- (6) § 6–207 (“Display of alcoholic beverages as prima facie evidence of sale”);
- (7) § 6–208 (“Regulating possession or consumption of alcohol in public places”);
- (8) § 6–209 (“Adoption of standards for authorization of consumption”); and
- (9) § 6–210 (“State preemption of local disorderly intoxication laws”).

(b) Section 6–211 (“Fines and forfeitures”) of Division I of this article applies in the county, subject to § 29–2602 of this subtitle.

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§ 29-2602

One-half of each fine imposed in the county shall be disposed of as provided under § 7–507 of the Courts Article.

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§ 29-2605

This part applies to the Town of Crisfield.

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§ 29-2606

(a) A judge in the District Court may issue a search warrant if a police officer or any other applicant files a complaint or an affidavit that:

- (1) is sworn to by the applicant;
- (2) describes with particularity the place or thing to be searched;
- (3) describes with particularity the things to be searched for; and
- (4) states that the applicant has reason to believe that alcoholic beverages are sold or kept to be sold or otherwise disposed of in violation of law.

(b) A warrant issued under this section shall:

- (1) be directed to the sheriff, deputy sheriff, or proper police officer;
- (2) include a copy of the affidavit;
- (3) require the officer to whom the warrant is directed to search the place or thing described in the warrant and seize any:
 - (i) alcoholic beverages and their vessels found in quantities that suggest that they are being kept for sale;
 - (ii) means to sell alcoholic beverages, including furniture, implements, and equipment;
 - (iii) paraphernalia of a barroom or saloon that sells alcoholic beverages; and
 - (iv) United States Internal Revenue tax receipts for the sale of alcoholic beverages dated during the time of the alleged offense; and
- (4) require the officer to report in writing on the search and make an immediate return on the warrant.

(c) An affidavit, a warrant for search, and a report and return shall be substantially in the following form:

State of Maryland, Somerset County, to wit:

To:, of Somerset County:

Greetings: Whereas, there has been filed with the undersigned an affidavit, of which the following is a copy, to wit:

Whereas on this day of, 20.., before the Subscriber, ... in and for said County, personally appeared, and made complaint and oath that the applicant has just and reasonable cause to suspect and believe and does suspect and believe that intoxicating liquor is sold, or except for the purpose of being sold or otherwise disposed of in violation of the law in the of at, in of said County, and that in and upon said premises and at said place and house will be found upon search thereof, the following:

Intoxicating liquors, and the vessels and bottles in which the same are contained, and barroom, and drinking saloon paraphernalia, and the United States Internal Revenue tax receipt for sale of intoxicating liquor at this time effective (and any other facts material):

These Are Therefore, in the name of the State of Maryland, to command you, together with the necessary and proper assistance, to enter into the said of the said at, in in the County aforesaid, and there diligently search for the said intoxicating liquor and means used for the sale of same, or any part thereof as described in the foregoing affidavit of complaint, and that you bring the same, or any part thereof, found in such search, and the person or persons in whose custody they are found forthwith before me to be disposed of and dealt with according to law; and have you there this warrant.

Given under my hand this day of, 20... Judge of the District Court

REPORT AND RETURN

To Hon., Judge of the District Court in Somerset County

This Return and Report, made this day of, 20.., is to certify, That pursuant and in obedience to the commands of the annexed warrant to me directed, I did on the day of, 20.., enter and search the place, house and premises described in said warrant and found and seized the following, to wit: (here set forth what was found and seized), and do forthwith bring the same, and one the person in whose custody the same were found before you.

..... (Person serving warrant)

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§ 29-2607

An applicant for a warrant under this subtitle or an agent of the applicant may:

- (1) accompany the officer who serves the warrant;
- (2) point out and enter the place or thing to be searched; and
- (3) assist the officer in searching the place or thing.

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§ 29-2608

(a) Except as provided in subsection (b) of this section, a warrant may not be issued to search a residence unless:

- (1) the residence or part of the residence is used as a store, hotel, restaurant, or boarding house;
- (2) the residence is used as a public resort; or
- (3) the residence is used to keep, hide, or provide alcoholic beverages to sell or for another use that violates the law.

(b) A judge of the District Court may issue a warrant after determining that the issuance would be proper, based on an examination of:

- (1) the applicant for the warrant; or
- (2) other evidence.

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§ 29-2609

If an owner or operator of the establishment or thing from which alcoholic beverages or other items are seized cannot be served under this subtitle, the officer seizing the items shall:

- (1) post a copy of the warrant in a conspicuous location at the place searched or at or near the thing searched; and
- (2) hold the items subject to the order of the court and make return of that action.

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§ 29-2610

(a) (1) After scheduling a hearing to determine the purpose for which the alcoholic beverages are kept, the court shall issue a hearing notice to the officer who carried out the search.

(2) On receipt of the notice, the officer shall post the notice at or near the place or thing where the alcoholic beverages were found.

(b) If no one appears to claim the alcoholic beverages or other seized items at the hearing scheduled in accordance with this section or within 30 days after the hearing, the court shall order that the alcoholic beverages and other items be disposed of.

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§ 29-2611

(a) If a prosecution under this article results in a conviction and an appeal is not taken:

- (1) alcoholic beverages seized in connection with the prosecution shall be ordered to be destroyed; and

(2) other property seized in connection with the prosecution shall continue to be held as the property of the defendant or the owner.

(b) If a prosecution under this article does not result in a conviction, property seized in connection with the prosecution shall be returned to the person from whom it was taken.

(c) (1) Subject to paragraph (2) of this subsection, a person's claim of insufficiency of the description of the alcoholic beverages seized under this subtitle or the place or thing searched provided in the complaint or warrant does not result in the immediate return of the alcoholic beverages to the person.

(2) The person with a claim of insufficiency under paragraph (1) of this subsection is entitled to a hearing on the claim when the case is tried.

(3) A conviction under this subtitle bars an action for:

(i) the recovery of alcoholic beverages or the value of alcoholic beverages; or

(ii) damages alleged to have arisen from seizing alcoholic beverages.

(4) Alcoholic beverages or other items seized under this subtitle may not be taken from the custody of the officer by a writ of replevin or other process while a prosecution under this subtitle is pending.

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§ 29-2612

(a) A place where alcoholic beverages are sold in violation of this article or Title 5 of the Tax – General Article is a public nuisance.

(b) (1) On conviction of the owner or operator of the place, the place may be closed and the public nuisance may be abated until a \$2,000 bond is posted, payable to the State.

(2) The bond shall be conditioned on the owner or operator:

(i) not selling alcoholic beverages in violation of this article; and

(ii) paying all fines, costs, and damages assessed against the owner.

(3) If a condition of the bond is violated, the county may bring action against the owner or operator for fines, costs, and damages.

(c) If a jury trial is requested or an appeal is taken in a case in which a place is alleged to be a public nuisance, the place shall be closed until the defendant posts a \$2,000 bond under the same conditions as those specified under subsection (b) of this section.

(d) A person who owns or operates a public nuisance as described in subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 2 years or both.

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§ 29-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on-premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on-premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with the alcoholic beverage container");

- (9) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);
 - (10) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);
 - (11) § 6–316 (“Maximum alcohol content”);
 - (12) § 6–317 (“Multiple serving purchase required”);
 - (13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);
 - (14) § 6–320 (“Disorderly intoxication”);
 - (15) § 6–321 (“Consumption of alcoholic beverages in public”);
 - (16) § 6–322 (“Possession of open container”);
 - (17) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);
 - (18) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);
 - (19) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);
 - (20) § 6–328 (“Tax evasion”);
 - (21) § 6–329 (“Destruction of evidence”); and
 - (22) § 6–330 (“Perjury”).
- (b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:
- (1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 29–2702 of this subtitle; and
 - (2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 29–2703 of this subtitle.

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§ 29-2702

The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 29-2703

The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 29-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 29-2802

The Board may impose a fine not exceeding \$4,000 or suspend a license or both for a violation that is cause for license suspension under the alcoholic beverage laws affecting the county.

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Title 30 — Title 30

§ 30-101

(a) In this title:

- (1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) "Board" means the Board of License Commissioners for Talbot County.

(c) "County" means Talbot County.

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§ 30-102

This title applies only in Talbot County.

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§ 30-103

(a) The county governing body shall regulate the retail sale of alcoholic beverages in the county.

(b) (1) A law regulating the retail sale of alcoholic beverages that is enacted by the county governing body prevails over a provision in the Code of Public General Laws of Maryland.

(2) Unless the county governing body enacts a conflicting or inconsistent law regulating the retail sale of alcoholic beverages, the Code of Public General Laws remains in effect.

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§ 30-104

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 30-201

There is a Board of License Commissioners for Talbot County.

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§ 30-202

(a) (1) The Governor shall appoint three regular members and one substitute member to the Board.

(2) The appointments shall be made:

(i) if the Senate is in session, with the advice and consent of the Senate; or

(ii) if the Senate is not in session, by the Governor alone.

(b) Each member of the Board shall be:

(1) a resident and voter of the county; and

(2) an individual of high character and integrity and of recognized business capacity.

(c) (1) The substitute member shall serve:

(i) when a regular member is absent, recused, or incapacitated for any reason; or

(ii) if a vacancy occurs.

(2) A substitute member:

(i) shall serve until the regular member's absence, recusal, or incapacity ends or the vacancy is filled; and

(ii) has all the powers and duties of a regular member when serving on the Board.

(d) (1) The term of a member is 6 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(e) (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves for the remainder of the term and until a successor is appointed and qualifies.

(f) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

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§ 30-203

From among its members, the Board shall elect a chair.

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§ 30-204

(a) (1) The chair of the Board shall receive a salary of \$750 annually.

(2) Each other member of the Board shall receive a salary of \$500 annually.

(b) The Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

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§ 30-205

(a) Subject to subsection (b) of this section, the County Council shall pay the salaries and expenses of the Board from license fees.

(b) The Board may not spend more than \$3,500 in any year for salaries and expenses.

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§ 30-206

The Board may adopt regulations to carry out this article.

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§ 30-301

There is no liquor control board or department of liquor control in the county.

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§ 30-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2-201 ("Issuance by Comptroller");

(2) § 2-202 ("Class 1 distillery license");

(3) § 2-203 ("Class 9 limited distillery license");

(4) § 2-204 ("Class 2 rectifying license");

(5) § 2-205 ("Class 3 winery license");

- (6) § 2–206 (“Class 4 limited winery license”);
 - (7) § 2–207 (“Class 5 brewery license”);
 - (8) § 2–210 (“Class 8 farm brewery license”);
 - (9) § 2–211 (“Residency requirement”);
 - (10) § 2–212 (“Additional licenses”);
 - (11) § 2–213 (“Additional fees”);
 - (12) § 2–214 (“Sale or delivery restricted”);
 - (13) § 2–215 (“Beer sale on credit to retail dealer prohibited”);
 - (14) § 2–216 (“Interaction between manufacturing entities and retailers”);
 - (15) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and
 - (16) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).
- (b) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county:
- (1) § 2–208 (“Class 6 pub–brewery license”), subject to § 30–403 of this subtitle; and
 - (2) § 2–209 (“Class 7 micro–brewery license”), subject to § 30–404 of this subtitle.

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§ 30-402

A holder of a manufacturer’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday or an election day.

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§ 30-403

- (a) This section applies to a Class 6 pub–brewery license in the county.
- (b) The Executive Director shall specify which local license is the equivalent of the Class B beer, wine, and liquor license specified in § 2–208(b) of this article.

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§ 30-404

- (a) This section applies to a Class 7 micro–brewery license in the county.
- (b) The Executive Director shall specify which local license is the equivalent of the Class B beer, wine, and liquor license specified in § 2–209(b) of this article.

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§ 30-501

Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article applies in the county without exception or variation.

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§ 30-502

Except as provided in § 30–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday and election days.

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§ 30-503

- (a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 30-601

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is \$25.

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§ 30-602

(a) There is a Class B beer license.

(b) The license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on- and off-premises consumption.

(c) The annual license fee is \$250.

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§ 30-603

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on-premises consumption.

(c) The annual license fee is \$25.

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§ 30-604

A Class D beer license may not be issued in the county.

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§ 30-701

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is \$50.

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§ 30-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

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§ 30-802

A Class A beer and wine license may not be issued in the county.

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§ 30-803

A Class B beer and wine license may not be issued in the county.

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§ 30-804

A Class C beer and wine license may not be issued in the county.

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§ 30-805

A Class D beer and wine license may not be issued in the county.

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§ 30-901

(a) There is a Class A beer, wine, and liquor license.

(b) The license may be issued only to a grocery store, a drugstore, an incorporated club, a restaurant, or a hotel that has been doing business in the county for more than 1 year before the date of the application for the license.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is \$1,000.

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§ 30-902

(a) There is a Class B beer, wine, and liquor license.

(b) (1) The Board may issue the license for use in:

(i) a hotel that:

1. has 25 or more bedrooms located under one roof; and
2. regularly serves meals; or

(ii) a restaurant:

1. that seats at least 50 individuals; and
2. for which at least 60% of the gross income is derived from the sale of food.

(2) The license holder may not make a liquor sale that:

(i) exceeds 1 quart; or

(ii) is made at a bar or counter.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail, at the place described in the license, for on-premises consumption.

(d) The annual license fee is \$1,000.

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§ 30-903

(a) There is a Class C beer, wine, and liquor license.

(b) (1) The Board may issue the license for use by a club that:

(i) except as provided in item (ii) of this paragraph, has had at least 50 members paying dues of at least \$10 per year per member for the 5 years immediately before the year for which the license is issued; or

(ii) if the club is composed exclusively of members who served in the armed forces of the United States and is affiliated with a national organization, has at least 50 members paying the dues that were required by the national organization in the year immediately before the year for which the license is issued.

(2) The license authorizes the license holder to sell beer, wine, and liquor at a club at retail at the place described in the license, for on-premises consumption.

(c) The annual license fee is \$250.

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§ 30-904

A Class D beer, wine, and liquor license may not be issued in the county.

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§ 30-1101

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article do not apply in the county:

(1) § 4-1104 ("Refillable container permit — Draft beer"); and

(2) § 4-1105 ("Refillable container permit — Wine").

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§ 30-1301

Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article does not apply in the county.

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§ 30-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-102 ("Applications to be filed with local licensing board");

(2) § 4-103 ("Application on behalf of partnership");

(3) § 4-104 ("Application on behalf of corporation or club");

(4) § 4-105 ("Application on behalf of limited liability company");

(5) § 4-106 ("Payment of notice expenses");

(6) § 4-108 ("Application form required by Comptroller");

(7) § 4-109 ("Required information on application — In general");

(8) § 4-110 ("Required information on application — Petition of support");

(9) § 4-111 ("Payment of license fees");

(10) § 4-112 ("Disposition of license fees");

(11) § 4-113 ("Refund of license fees"); and

(12) § 4-114 ("Fees for licenses issued for less than 1 year").

(b) Section 4-107 ("Criminal history records check") of Division I of this article applies in the county, subject to §§ 30-1402 through 30-1404 of this subtitle.

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§ 30-1402

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

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§ 30-1403

The Board may make criminal history record information available only to Board members and their designees.

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§ 30-1404

The Board may set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

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§ 30-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-202 ("Authority of local licensing boards");
- (2) § 4-205 ("Chain store, supermarket, or discount house");
- (3) § 4-206 ("Limitations on retail sales floor space");
- (4) § 4-207 ("Licenses issued to minors");
- (5) § 4-208 ("Notice of license application required");
- (6) § 4-209 ("Hearing");
- (7) § 4-210 ("Approval or denial of license application");
- (8) § 4-211 ("License forms; effective date; expiration");
- (9) § 4-212 ("License not property");
- (10) § 4-213 ("Replacement licenses"); and
- (11) § 4-214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

- (1) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 30-1502 of this subtitle; and
- (2) § 4-204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 30-1502 of this subtitle.

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§ 30-1502

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 30-1701

Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article applies in the county without exception or variation.

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§ 30-1702

An applicant for a transfer of a license is subject to a State and national criminal history records check under § 4–107 of this article.

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§ 30-1801

Title 4, Subtitle 4 (“Renewal of Local Licenses”) of Division I of this article applies in the county without exception or variation.

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§ 30-1802

The Board may exempt applicants for license renewal from the requirement for a criminal history records check under § 4–107 of this article.

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§ 30-1901

Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article applies in the county without exception or variation.

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§ 30-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 30-2002

(a) The holder of a Class A beer license may sell beer:

(1) on Monday through Saturday, from 6 a.m. to midnight; and

(2) on Sunday, from 8 a.m. to 10 p.m.

(b) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B beer license may sell beer for on-premises consumption:

(i) on Monday through Saturday, from 6 a.m. to midnight; and

(ii) on Sunday, from 12:30 p.m. to 10 p.m.

(2) The license holder may not sell beer at a bar or counter on Sunday.

(c) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class C beer license may sell beer for on-premises consumption:

(i) on Monday through Saturday, from 6 a.m. to midnight; and

(ii) on Sunday, from 12:30 p.m. to 10 p.m.

(2) The license holder may not sell beer at a bar or counter on Sunday.

(d) Reserved.

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§ 30-2003

(a) A holder of a Class A beer and wine license may sell beer and wine on Monday through Saturday, from 6 a.m. to midnight.

(b) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B beer and wine license may sell beer and wine from 6 a.m. to midnight.

(2) The license holder may not sell beer or wine at a bar or counter on Sunday.

(c) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class C beer and wine license may sell beer and wine from 6 a.m. to midnight.

(2) The license holder may not sell beer or wine at a bar or counter on Sunday.

(d) Reserved.

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§ 30-2004

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 8 a.m. to midnight.

(b) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday, for consumption on the premises, from 8 a.m. to 10 p.m.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.

(c) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday, for on-premises consumption, from 12:30 p.m. to 10 p.m.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.

(d) Reserved.

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§ 30-2101

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-602 ("Power of local licensing board");

(2) § 4-603 ("Revocation and suspension procedures");

(3) § 4-604 ("Grounds for revocation or suspension"); and

(4) § 4-606 ("Effects of revocation").

(b) Section 4-605 ("Nudity and sexual displays") of Division I of this article does not apply in the county.

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§ 30-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 30-2301

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

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§ 30-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 30-2501

(a) A person may not serve setups, including drinking containers and ice, or serve, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of adult entertainment that:

- (1) does not hold a license under this article; and
- (2) allows at its location any form of attire or sexual display prohibited under § 4–605 of this article.

(b) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 30-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

- (1) an establishment open to the public;
- (2) a place of public entertainment; or
- (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 30-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

- (1) § 6–202 ("Inspections");
- (2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");
- (3) § 6–204 ("Power to summon witnesses");
- (4) § 6–205 ("Peace officers");
- (5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");
- (6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");
- (7) § 6–208 ("Regulating possession or consumption of alcohol in public places");
- (8) § 6–209 ("Adoption of standards for authorization of consumption"); and
- (9) § 6–210 ("State preemption of local disorderly intoxication laws").

(b) Section 6–211 ("Fines and forfeitures") of Division I of this article applies in the county, subject to § 30–2602 of this subtitle.

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§ 30-2602

One-half of each fine imposed in the county shall be distributed as provided under § 7–507 of the Courts Article.

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§ 30-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6-304 ("Selling or providing alcoholic beverages to individual under the age of 21 years");
- (2) § 6-305 ("Proof of age for sale of alcoholic beverages");
- (3) § 6-306 ("Defense to prosecution for sale to underage individual");
- (4) § 6-307 ("Selling or providing alcoholic beverages to intoxicated individual");
- (5) § 6-308 ("Allowing on-premises consumption of alcoholic beverages not purchased from license holder");
- (6) § 6-309 ("Allowing on-premises consumption or possession of alcoholic beverages by individual under the age of 21 years");
- (7) § 6-310 ("Providing free food");
- (8) § 6-311 ("Restrictions on purchases and sales by retail dealer");
- (9) § 6-312 ("Beverage misrepresentation");
- (10) § 6-313 ("Tampering with alcoholic beverage container");
- (11) § 6-314 ("Sale of alcoholic beverage container with detachable metal tab");
- (12) § 6-315 ("Alcoholic beverage in container without regular label presumed illicit");
- (13) § 6-316 ("Maximum alcohol content");
- (14) § 6-317 ("Multiple serving purchase required");
- (15) § 6-319 ("On-premises consumption of alcoholic beverages not purchased from license holder");
- (16) § 6-320 ("Disorderly intoxication");
- (17) § 6-321 ("Consumption of alcoholic beverages in public");
- (18) § 6-323 ("Possession or use of Alcohol Without Liquid machine");
- (19) § 6-326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");
- (20) § 6-327 ("Unlicensed out-of-state sale of alcoholic beverages");
- (21) § 6-328 ("Tax evasion");
- (22) § 6-329 ("Destruction of evidence"); and
- (23) § 6-330 ("Perjury").

(b) Section 6-322 ("Possession of open container") of Division I of this article does not apply in the county.

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§ 30-2801

Section 6-402 ("General penalty") of Division I of this article applies in the county.

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Title 31 — Title 31

§ 31-101

(a) In this title:

- (1) the definitions in § 1-101 of this article apply without exception or variation; and
- (2) the following words have the meanings indicated.

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

(c) "County" means Washington County.

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§ 31-102

This title applies only in Washington County.

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§ 31-103

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 31-201

There is a Board of License Commissioners for Washington County.

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§ 31-202

(a) (1) The Governor shall appoint three members to the Board.

(2) The appointments shall be made:

(i) if the Senate is in session, with the advice and consent of the Senate; or

(ii) if the Senate is not in session, by the Governor alone.

(b) (1) Each member of the Board shall be:

(i) a resident and voter of the county; and

(ii) an individual of high character and integrity and of recognized business capacity.

(2) Not more than two members of the Board may belong to the same political party.

(c) A member of the Board may not have a pecuniary or other interest in any phase of the manufacture, sale, or distribution of alcoholic beverages.

(d) (1) The term of a member is 6 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(e) (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(f) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

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§ 31-203

In making the appointments, the Governor shall designate a chair from among the members of the Board.

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§ 31-204

(a) (1) The annual salaries for the Board shall be set by the County Commissioners under Title 28, Subtitle 2 of the Local Government Article.

(2) The salaries specified in this subsection are payable monthly from the license fees derived from the issuance of licenses authorized by this article.

(b) (1) The Board may:

(i) employ:

1. a secretary;
2. inspectors; and
3. clerical and other assistants as are necessary; and

(ii) set the compensation of the employees.

(2) An employee of the Board may not have a pecuniary or other interest in any phase of the manufacture, sale, or distribution of alcoholic beverages.

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§ 31-205

(a) The Board annually shall engage an independent certified public accounting firm to conduct an audit in accordance with government auditing standards to express an opinion on the fair presentation of the financial statements of the Board.

(b) By November 1 after the close of each fiscal year, the accounting firm shall provide copies of the audit report to the members of the Board and the senators and delegates who constitute the Washington County Delegation to the Maryland General Assembly.

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§ 31-206

(a) From the license fees collected, the Board shall pay the salaries of Board members and Board employees and the expenses of the Board.

(b) After payments made under subsection (a) of this section, the Board shall pay the fees collected from licensed premises:

- (1) to the municipality where the licensed premises is located; or
- (2) if the licensed premises is not in a municipality, to the County Commissioners for the use of the county.

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§ 31-207

The Board may adopt regulations to carry out this article.

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§ 31-301

There is no liquor control board or department of liquor control in the county.

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§ 31-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-201 ("Issuance by Comptroller");
- (2) § 2-202 ("Class 1 distillery license");
- (3) § 2-203 ("Class 9 limited distillery license");

- (4) § 2–204 (“Class 2 rectifying license”);
 - (5) § 2–207 (“Class 5 brewery license”);
 - (6) § 2–210 (“Class 8 farm brewery license”);
 - (7) § 2–211 (“Residency requirement”);
 - (8) § 2–212 (“Additional licenses”);
 - (9) § 2–213 (“Additional fees”);
 - (10) § 2–214 (“Sale or delivery restricted”);
 - (11) § 2–216 (“Interaction between manufacturing entities and retailers”);
 - (12) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and
 - (13) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).
- (b) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county:
- (1) § 2–205 (“Class 3 winery license”), subject to § 31–402.1 of this subtitle;
 - (2) § 2–206 (“Class 4 limited winery license”), subject to § 31–402.1 of this subtitle;
 - (3) § 2–208 (“Class 6 pub–brewery license”), subject to § 31–403 of this subtitle;
 - (4) § 2–209 (“Class 7 micro–brewery license”), subject to § 31–404 of this subtitle; and
 - (5) § 2–215 (“Beer sale on credit to retail dealer prohibited”), subject to § 31–405 of this subtitle.

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§ 31-402

A holder of a manufacturer’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday or an election day.

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§ 31-403

- (a) This section applies to a Class 6 pub–brewery license in the county.
- (b) Section 2–208(d) of this article does not apply in the county.

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§ 31-404

- (a) This section applies to a Class 7 micro–brewery license in the county.
- (b) Notwithstanding § 2–209(b) of this article, the license may be issued only to the holder of:
 - (1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the county; or
 - (2) a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license located in the county.
- (c) The Executive Director may not issue a license for premises on property that has been leased unless the landlord of the property presents to the Executive Director a receipt or certificate showing that there are no unpaid taxes due to the State, a county, or any local government from the landlord or any entity in which the landlord has a direct or indirect interest that:
 - (1) is proprietary; or
 - (2) has been obtained by a loan, mortgage, or lien, or in any other manner.
- (d) Notwithstanding § 2–209(g) of this article, for the holder of a Class D license in the county the hours and days for retail sales under the Class 7 micro–brewery license are those established for a Class D license in the county.

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§ 31-405

(a) This section and § 2–215 of this article do not apply to a:

- (1) club that is the holder of a Class C beer, wine, and liquor license; or
- (2) hotel that is the holder of a Class B beer, wine, and liquor license.

(b) (1) A cash deposit for a returnable container shall be required at the time of sale or delivery of beer.

(2) For purposes of construing § 2–215 of this article:

- (i) a check accepted for payment that is not postdated and is promptly deposited for collection is considered cash; and
- (ii) a check that is given in payment for alcoholic beverages to a holder of the license, and is returned uncollected, is prima facie evidence in a civil case of a violation of this section or § 2–215 of this article.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 31-501

(a) The following sections of Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 2–301 (“Licenses issued by Comptroller”);
- (2) § 2–302 (“Class 1 beer, wine, and liquor wholesaler’s license”);
- (3) § 2–303 (“Class 2 wine and liquor wholesaler’s license”);
- (4) § 2–304 (“Class 3 beer and wine wholesaler’s license”);
- (5) § 2–305 (“Class 4 beer wholesaler’s license”);
- (6) § 2–306 (“Class 5 wine wholesaler’s license”);
- (7) § 2–307 (“Class 6 limited wine wholesaler’s license”);
- (8) § 2–308 (“Class 7 limited beer wholesaler’s license”);
- (9) § 2–309 (“Sale and delivery of beer or wine from wholesaler’s vehicle”);
- (10) § 2–310 (“Sale and delivery to retail license holder”);
- (11) § 2–311 (“Additional wholesaler’s licenses”);
- (12) § 2–312 (“Direct importation of alcoholic beverages”);
- (13) § 2–313 (“Sale or delivery restricted to holder of license or permit”);
- (14) § 2–315 (“Interaction between wholesaling entities and retailers”);
- (15) § 2–316 (“Distribution of alcoholic beverages — Prohibited practices”); and
- (16) § 2–317 (“Restrictive agreements between wholesalers and retailers — Prohibited”).

(b) Section 2–314 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article applies in the county, subject to § 31–504 of this subtitle.

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§ 31-502

Except as provided in § 31–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 31-503

(a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 31-504

(a) This section and § 2–314 of this article do not apply to a:

- (1) club that is the holder of a Class C beer, wine, and liquor license; or
- (2) hotel that is the holder of a Class B beer, wine, and liquor license.

(b) For purposes of applying § 2–314 of this article:

- (1) a cash deposit for a returnable container shall be required at the time of sale or delivery of beer;
- (2) a check accepted for payment that is not postdated and is promptly deposited for collection is considered cash; and
- (3) a check that is given in payment for beer to a holder of the license, and is returned uncollected, is prima facie evidence of a violation by the wholesaler of § 2–314 of this article.

(c) A suit or civil action to enforce or collect a claim for credit extended or enforce payment of a check given for payment in violation of this section may not be maintained in the State.

(d) A person who violates § 2–314 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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§ 31-601

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) (1) The annual license fee is \$100.

(2) The fee for a Sunday permit is \$250.

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§ 31-602

(a) There is a Class B beer license.

(b) The license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on– and off–premises consumption.

(c) (1) The annual license fee is \$350.

(2) The fee for a Sunday permit is \$250.

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§ 31-603

(a) There is a Class B (on–sale only) beer license.

(b) (1) The Board may issue the license for use by a restaurant that:

- (i) is in a permanent building with ample space and accommodations;
- (ii) commonly offers hot and cold meals that are prepared, sold, and served to the public during regular business hours;
- (iii) has a dining area with regular seating capacity at tables, chairs, and booths, that, excluding seats at bars or counters, can accommodate at least 50 customers;
- (iv) is equipped with sufficient kitchen and dining facilities for regularly preparing and serving meals to the public;

- (v) maintains a menu that advertises a variety of food that the establishment serves;
- (vi) serves food at all times whenever beer is being served or consumed; and
- (vii) has, on an annual basis, gross sales of food and nonalcoholic beverages that exceed its gross sales of alcoholic beverages.

(2) The license:

- (i) may be issued countywide by the Board; and
- (ii) is not subject to the population ratio quota requirements under § 31–1601 of this title.

(3) The license authorizes the license holder to sell beer at retail at the place described in the license for on–premises consumption.

(c) The term of the license is 1 year and begins on May 1.

(d) (1) (i) Once every licensing cycle, the license holder shall comply with a request from the Board to submit a Food Alcohol Ratio Report covering 2 preceding quarters that the Board selects to demonstrate compliance with the annual gross sales requirement under subsection (b)(1)(vii) of this section.

(ii) To enforce this paragraph, the Board may:

1. request that a license holder provide supporting data or additional information;
2. fine a license holder; or
3. suspend a license.

(2) When submitting a Food Alcohol Ratio Report, the license holder shall include a current menu and information on hours of operation and sales amounts and percentages for the specified quarters for food, nonalcoholic beverages, and alcoholic beverages.

(3) The license holder or the license holder's accountant shall complete, sign, and provide for the notarization of the Food Alcohol Ratio Report.

(e) As a prerequisite for the renewal of the license, the applicant shall have demonstrated compliance with the annual gross sales requirement under subsection (b)(1)(vii) of this section.

(f) (1) The annual license fee is \$50.

(2) The fee for a Sunday permit is \$250.

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§ 31-604

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) Subtitles 14 and 15 of this title and § 3–102 of the General Provisions Article do not apply to an applicant for the license.

(d) (1) The annual license fee is \$100.

(2) The fee for a Sunday permit is \$250.

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§ 31-605

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) (1) The annual license fee is \$100.

(2) The fee for a Sunday permit is \$250.

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§ 31-701

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is \$50.

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§ 31-801

(a) There is a Class A beer and wine license.

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) (1) The annual license fee is \$150.

(2) The fee for a Sunday permit is \$250.

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§ 31-802

(a) There is a Class B beer and wine license.

(b) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on- and off-premises consumption.

(c) (1) The annual license fee is \$400.

(2) The fee for a Sunday permit is \$250.

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§ 31-803

(a) There is a Class B beer and wine (on-sale only) license.

(b) (1) The Board may issue the license for use by a restaurant that:

(i) is in a permanent building with ample space and accommodations;

(ii) commonly offers hot and cold meals that are prepared, sold, and served to the public during regular business hours;

(iii) has a dining area with regular seating capacity at tables, chairs, and booths, that, excluding seats at bars or counters, can accommodate at least 50 customers;

(iv) is equipped with sufficient kitchen and dining facilities for regularly preparing and serving meals to the public;

(v) maintains a menu that advertises a variety of food that the establishment serves;

(vi) serves food at all times whenever beer and wine are being served or consumed; and

(vii) has, on an annual basis, gross sales of food and nonalcoholic beverages that exceed its gross sales of alcoholic beverages.

(2) The license authorizes the license holder to sell beer and wine at retail at the place described in the license for on-premises consumption.

(3) The license:

(i) may be issued countywide by the Board; and

(ii) is not subject to the population ratio quota requirements under § 31–1601 of this title.

(c) The term of the license is 1 year and begins on May 1.

(d) (1) (i) Once every licensing cycle, the license holder shall comply with a request from the Board to submit a Food Alcohol Ratio Report covering 2 preceding quarters that the Board selects to demonstrate compliance with the annual gross sales requirement under subsection (b)(1)(vii) of this section.

(ii) To enforce this paragraph, the Board may:

1. request that a license holder provide supporting data or additional information;

2. fine a license holder; or

3. suspend a license.

(2) When submitting a Food Alcohol Ratio Report, the license holder shall include a current menu and information on hours of operation and sales amounts and percentages for the specified quarters for food, nonalcoholic beverages, and alcoholic beverages.

(3) The license holder or the license holder's accountant shall complete, sign, and provide for the notarization of the Food Alcohol Ratio Report.

(e) As a prerequisite for the renewal of the license, the applicant shall have demonstrated compliance with the annual gross sales requirement under subsection (b)(1)(vii) of this section.

(f) (1) The annual license fee is \$200.

(2) The fee for a Sunday permit is \$250.

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§ 31-804

(a) There is a Class C beer and wine license.

(b) The license authorizes the license holder to sell beer and wine to a member of a club and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) Subtitles 14 and 15 of this title and § 3–102 of the General Provisions Article do not apply to an applicant for the license.

(d) (1) The annual license fee is \$200.

(2) The fee for a Sunday permit is \$250.

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§ 31-805

(a) There is a Class D beer and wine license.

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) (1) The annual license fee is \$150.

(2) The fee for a Sunday permit is \$250.

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§ 31-901

(a) There is a Class A beer, wine, and liquor license.

(b) (1) A license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall sell the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) A license under this section may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) (1) The annual license fee is \$600.

(2) The fee for a Sunday permit is \$250.

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§ 31-902

(a) There is a Class B beer, wine, and liquor (on-sale) restaurant license.

(b) The Board may issue the license for use by a restaurant that:

(1) is located in a permanent building with ample space and accommodations;

(2) commonly offers hot and cold meals that are prepared, sold, and served to the public during regular business hours;

(3) excluding seats at bars or counters, has a dining area with regular seating capacity at tables, chairs, and booths, that can accommodate at least 50 customers;

(4) has sufficient kitchen and dining facilities for regularly preparing and serving meals to the public;

(5) maintains a menu that advertises a variety of food that the establishment serves;

(6) serves food at all times whenever alcoholic beverages are being served or consumed; and

(7) has, on an annual basis, gross sales of food and nonalcoholic beverages that exceed its gross sales of alcoholic beverages.

(c) The license:

(1) authorizes the license holder to sell beer, wine, and liquor for on-premises consumption; and

(2) is not subject to the population ratio quota requirements under § 31-1601 of this title.

(d) The term of the license is 1 year and begins on May 1.

(e) (1) (i) Once every licensing cycle, the license holder shall comply with a request from the Board to submit a Food Alcohol Ratio Report covering 2 preceding quarters that the Board selects to demonstrate compliance with the annual gross sales requirement under subsection (b)(1)(vii) of this section.

(ii) To enforce this paragraph, the Board may:

1. request that a license holder provide supporting data or additional information;

2. fine a license holder; or

3. suspend a license.

(2) The applicant or the applicant's accountant shall complete, sign, and provide for the notarization of the Food Alcohol Ratio Report.

(3) When submitting a Food Alcohol Ratio Report, the applicant shall include a current menu and information on hours of operation and sales amounts and percentages for the specified quarters for food, nonalcoholic beverages, and alcoholic beverages.

(f) As a prerequisite for the renewal of the license, the applicant shall have demonstrated compliance with the annual gross sales requirement under subsection (b)(1)(vii) of this section.

(g) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor (on-sale only) license under § 31-2004(c) of this title.

(h) (1) The annual license fee is \$750.

(2) The fee for a Sunday permit is \$250.

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§ 31-903

(a) There is a Class B beer, wine, and liquor hotel and restaurant license.

(b) The Board may issue the license to the owner of a hotel or motel that:

(1) is in a building at least three stories tall that was originally constructed for hotel or motel purposes;

(2) has a capital investment of at least \$500,000; and

(3) contains:

(i) at least one passenger elevator;

(ii) at least 100 rooms to accommodate the public;

(iii) a lobby with a registration and mail desk and seating facilities; and

(iv) a ballroom, conference room, or banquet room.

(c) The license authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant at retail at the place described in the license:

(1) through room service or otherwise to registered guests; or

(2) by the glass, bottle, or can to individuals attending an event in a ballroom, conference room, or banquet room.

(d) The privileges of the license may be exercised:

(1) for on- and off-premises consumption, if:

(i) the license was issued on or before June 30, 2016, with an off-sale privilege; and

(ii) the license holder has operated a retail store on the licensed premises since at least June 30, 2016; and

(2) for on-premises consumption only, for all other licenses.

(e) The license holder shall notify the Board before constructing or altering an area on the premises where beer, wine, and liquor are sold.

(f) Except as provided in regulations adopted by the Board under subsection (h) of this section, the license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor (on-sale) license under § 31-2004(c) of this title.

(g) (1) The annual license fee is \$1,000.

(2) The fee for a Sunday permit is \$250.

(h) The Board may adopt regulations to carry out this section, including regulations that:

(1) provide for the manner of dispensing beer, wine, and liquor under the license;

(2) provide for the hours and days of sale; and

(3) limit the quantity of alcoholic beverages that may be sold to an individual as a single serving or during a 24-hour period.

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§ 31-904

(a) There is a Class C beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at a club, at the place described in the license, for on-premises consumption.

(c) (1) The annual license fee is:

- (i) \$500 for a club with fewer than 600 members, including social members; and
- (ii) \$1,000 for a club with at least 600 members, including social members.

(2) The fee for a Sunday permit is \$250.

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§ 31-905

(a) There is a Class D beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on- and off-premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) (1) The annual license fee is \$750.

(2) The fee for a Sunday permit is \$250.

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§ 31-1001

(a) There is an amusement park beer license.

(b) The Board may issue the license to the operator of an amusement park, whether an individual, an association of individuals, or a corporation.

(c) The license authorizes the license holder to sell beer at one or more locations within the confines of the park.

(d) The license holder may sell beer from 8 a.m. to midnight on every day from May 1 to September 30 of each year, except Sundays and election days.

(e) Sections 4-203, 4-204, and 4-205 of this article do not apply to a license issued under this section.

(f) The annual license fee is \$100.

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§ 31-1002

(a) There is a Class C (country and golf club) beer, wine, and liquor license.

(b) An application for the license shall be signed by three officers of the country and golf club.

(c) The Board may issue the license for use by a country and golf club that:

- (1) has at least 200 members paying dues of at least \$30 per year per member; and
- (2) maintains a regular or championship golf course of at least nine holes.

(d) The license authorizes the license holder to sell beer, wine, and liquor to members of the club and their guests at retail at the place described in the license for consumption on the premises and grounds of the club.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 31-2004 of this title.

(f) (1) The annual license fee is \$1,000 for the license year that begins in May.

(2) The fee for a Sunday permit is \$250.

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§ 31-1003

(a) There is:

- (1) a Class C (golf course) beer and wine license; and
- (2) a Sunday Class C (golf course) beer and wine license.

(b) The Board may issue the licenses for use by a public golf course or organization that has a regular or championship golf course with a minimum of nine holes.

(c) (1) The license holder may sell beer and wine for consumption on the land and in the buildings, including the clubhouse, used for golfing purposes.

(2) A patron need not be seated to be served.

(d) (1) Except as provided in paragraph (2) of this subsection, the license holder may sell beer and wine during the hours and days as set out for a Class C beer and wine license under § 31–2003 of this title.

(2) The Board may reduce the license holder's hours of sale of beer and wine for all or part of the licensed premises.

(e) The annual license fee is:

(1) \$750 for a 6–day Class C (golf course) beer and wine license; and

(2) \$250 for a Sunday Class C (golf course) beer and wine license.

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§ 31-1004

(a) There is:

(1) a Class C (golf course) beer, wine, and liquor license; and

(2) a Sunday Class C (golf course) beer, wine, and liquor license.

(b) The Board may issue the licenses for use by a public golf course or organization that has a regular or championship golf course with a minimum of nine holes.

(c) (1) A license holder may sell beer, wine, and liquor for consumption on the land and in the buildings, including the clubhouse, used for golfing purposes.

(2) A patron need not be seated to be served.

(d) (1) Except as provided in paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor during the hours and days as set for a Class C beer, wine, and liquor license under § 31–2004 of this title.

(2) The Board may reduce a license holder's hours of sale of beer, wine, and liquor for all or part of the licensed premises.

(e) The annual license fee is:

(1) \$1,000 for a 6–day Class C (golf course) beer, wine, and liquor license; and

(2) \$250 for a Sunday Class C (golf course) beer, wine, and liquor license.

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§ 31-1005

(a) In this section, “premises” includes the entire multi–use sports and events facility.

(b) There is a multi–use sports and events facility beer, wine, and liquor license.

(c) The Board may issue the license to the owner of a professional baseball team franchise that may be in any form of business organization, including partnership, corporation, and limited liability company that will operate as a multi–use sports and events facility.

(d) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption to individuals present at an event held in the multi–use sports and events facility.

(e) The license holder shall require all employees to:

(1) complete an alcohol awareness training program; and

(2) obtain a crowd control training certificate.

(f) The license holder may not allow an individual to carry alcoholic beverages onto or from the licensed premises.

(g) The annual license fee is \$2,500.

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§ 31-1006

- (a) There is a Class B—theater license.
- (b) The Board may issue the license for use in a theater that:
 - (1) is operated by a nonprofit organization;
 - (2) appears on the National Register of Historic Places;
 - (3) accommodates at least 1,400 individuals; and
 - (4) is located on the south side of Hagerstown.
- (c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption only to individuals who attend a performance or an event held at the theater.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 31–2004 of this title.
- (e) (1) The annual license fee is \$200.
- (2) The fee for a Sunday permit is \$250.

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§ 31-1007

- (a) (1) In this section the following words have the meanings indicated.
 - (2) (i) “Hospitality and tourism management degree program” means a degree program at an institution of higher education that offers classes that provide a comprehensive study of alcoholic beverages with an emphasis on the origin, production, classification, and service of beer, wine, and liquor.
 - (ii) “Hospitality and tourism management degree program” includes classes that study bartending, alcohol awareness, liability, and the responsible serving of alcoholic beverages.
- (3) “Institution of higher education” has the meaning stated in § 10–101 of the Education Article.
- (b) There is a university and college hospitality beer, wine, and liquor license.
- (c) (1) The Board may issue the license to an institution of higher education that offers a hospitality and tourism management degree program.
- (2) As part of the license application, an applicant shall provide to the Board:
 - (i) a drawing and description of the designated area where the preparing, serving, or consuming of alcoholic beverages during the hospitality and tourism management class will take place; and
 - (ii) the location of the locked storage facility where the alcoholic beverages will be stored when not in use.
- (3) A license shall expire on the June 30 immediately following the issuance of the license.
- (d) A license holder must submit to the Board a form documenting the dates and hours of a hospitality and tourism management class at least 14 days before the hospitality and tourism management class begins.
- (e) The license authorizes the license holder to allow the preparation, serving, and consumption of beer, wine, and liquor by individuals who are:
 - (1) at least 21 years old; and
 - (2) registered in a hospitality and tourism management class offered by the license holder.
- (f) A license holder may conduct the activities specified in subsection (e) of this section only:
 - (1) on the licensed premises; and
 - (2) during the hospitality and tourism management class dates and hours specified in subsection (d) of this section.
- (g) A license holder shall ensure that at least one instructor of a hospitality and tourism management class is:
 - (1) certified by an alcohol awareness program; and
 - (2) present during the dates and hours of the hospitality and tourism management class.

(h) A license holder shall allow the Executive Director or the Executive Director's designee, the Board or the Board's designee, or a peace officer of the county, to inspect and search the licensed premises at any time.

(i) A license holder shall comply with:

- (1) municipal ordinances; and
- (2) fire and health department regulations.

(j) A license holder may purchase beer, wine, and liquor from a holder of a retail or wholesaler's license.

(k) (1) The annual license fee is \$750.

(2) The annual fee for a Sunday permit is \$250.

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§ 31-1101

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4-1104 ("Refillable container permit — Draft beer"), subject to § 31-1102 of this subtitle;

(2) § 4-1105 ("Refillable container permit — Wine"), subject to § 31-1102.1 of this subtitle; and

(3) § 4-1106 ("Nonrefillable container permit — Draft beer"), subject to § 31-1102.2 of this subtitle.

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§ 31-1102

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The annual permit fees are:

(1) \$50 for an applicant whose license has an off-sale privilege; and

(2) \$500 for an applicant whose license does not have an off-sale privilege.

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§ 31-1103

(a) There is a sidewalk cafe/patio permit.

(b) The Board may issue the permit to a holder of or an applicant for a Class B, Class B Restaurant, or Class D license.

(c) The permit authorizes the permit holder to sell and serve alcoholic beverages in an area approved by the Board.

(d) To maintain a sidewalk cafe/patio permit, the permit holder shall:

(1) comply with regulations applicable to the issuance of the underlying Class B, Class B Restaurant, or Class D license;

(2) observe all county and municipal ordinances including zoning, fire and health department regulations, and, if applicable, any landlord requirements regarding property usage and noise control; and

(3) keep the kitchen open during all hours of operation and have prepared meals available to be served in the sidewalk cafe/patio.

- (e) (1) In accordance with this subsection, before granting a permit under this section, the Board must approve the outdoor area of the premises where alcoholic beverages will be provided.
- (2) The applicant shall submit for the Board's approval any plan of a proposed renovation or construction of a sidewalk cafe/patio, deck, or other outdoor area on the premises, including the area of the premises where alcoholic beverages will be stored and sold.
- (3) (i) The entrances and exits of the outdoor area of the premises must include an emergency exit that opens outward that is approved by the fire marshal and the Board.
- (ii) If the emergency exit required in subparagraph (i) of this paragraph consists of a latched gate or door, the gate or door must have a functioning panic bar.
- (4) The Board shall approve the height, size, construction, and security of a fence or privacy shield surrounding the outdoor space of the premises on a case-by-case basis, based on the following factors:
- (i) the architectural structure of the fence or privacy shield;
 - (ii) the neighborhood within which the premises is situated;
 - (iii) the aesthetic appearance of the fence or privacy shield; and
 - (iv) the security of the premises.
- (5) With approval from the Board, the premises may include an outdoor serving bar if it also includes outdoor bar seating arrangements.
- (6) (i) With approval from the Board, music, live entertainment, or the viewing of televised sporting events may be permitted in the outdoor area of the premises.
- (ii) In determining whether to approve music, live entertainment, or the viewing of televised sporting events, the Board shall consider the demographic location of the premises with regard to noise violations or maintaining the peace and quiet of the neighborhood.
- (f) A permit holder may sell or serve alcoholic beverages in the sidewalk cafe/patio every day of the week from noon to midnight.
- (g) (1) Notwithstanding § 31-1903(a) of this title, a permit holder shall require at least one employee who has completed a certified alcohol awareness program to be on the licensed premises at all times when alcohol is being served.
- (2) No alcohol may be served and all alcohol must be secured when there is no employee who has completed a certified alcohol awareness program on the licensed premises.
- (h) The annual permit fee is \$500.

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§ 31-1201

- (a) There is a local caterer's license.
- (b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to the holder of a Class B restaurant or hotel (on-sale and off-sale) beer, wine, and liquor license.
- (2) Before the Board issues or renews the license, the county health department shall approve the food preparation facilities for a catered event.
- (c) The license authorizes a holder to:
- (1) provide beer, wine, and liquor at an event that is held off the premises for which the holder's Class B restaurant or hotel (on-sale and off-sale) beer, wine, and liquor license is issued; and
 - (2) exercise the privileges of the license only during the hours and on the days authorized for the holder's Class B restaurant or hotel (on-sale and off-sale) beer, wine, and liquor license.
- (d) The license holder shall:
- (1) prepare, deliver, and provide food for consumption at the catered event;
 - (2) provide the service employees to serve the beer, wine, and liquor at the catered event; and

(3) ensure that at least one service employee is certified by an alcohol awareness program under § 4–505 of this article and is on the premises at all times during the catered event.

(e) The annual license fee is \$1,500.

(f) This section does not require a holder of a Class B restaurant or hotel (on–sale and off–sale) beer, wine, and liquor license to obtain a local caterer’s license for catering on the premises for which the Class B license is issued.

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§ 31-1301

(a) The following sections of Title 4, Subtitle 12 (“Temporary Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 4–1202 (“Per diem licenses”);

(2) § 4–1206 (“License to dispose of stock”);

(3) § 4–1207 (“Temporary move of licensed premises”);

(4) § 4–1208 (“Hours and days of sale”); and

(5) § 4–1209 (“Wine permit for fund–raising event”).

(b) The following sections of Title 4, Subtitle 12 (“Temporary Licenses”) of Division I of this article do not apply in the county:

(1) § 4–1203 (“Class C per diem beer and Class C per diem beer and wine licenses”);

(2) § 4–1204 (“Class C per diem beer, wine, and liquor license”), which is superseded by § 31–1312 of this subtitle; and

(3) § 4–1205 (“License fees”), which is superseded by § 31–1314 of this subtitle.

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§ 31-1304

(a) There is a Cumberland and Shenandoah Valley Wine Festival (C&SVWF) license.

(b) The Board may issue the license to a nonprofit Williamsport club that is chartered by an international service organization headquartered in the United States.

(c) The license authorizes holders of a Class 3 winery license or a Class 4 limited winery license to display and sell wine that is manufactured and processed in the State at retail for on– and off–premises consumption.

(d) The Board:

(1) may choose 1 weekend each year for the festival in June, July, or August that does not conflict with the dates of the Maryland Wine Festival in Carroll County; and

(2) shall choose a location that is not already licensed.

(e) The Board shall set the license fee.

(f) The Board shall adopt regulations to carry out this section.

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§ 31-1305

(a) In this section, “Festival” means the Washington County Wine Festival.

(b) There is a Washington County Wine Festival (WF) license.

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.

(d) The license authorizes the holder to display and sell wine that is distributed in the State.

(e) A license holder shall display and sell wine:

(1) at retail for on- and off-premises consumption; and

(2) during the hours and days designated for the Festival.

(f) The Board:

(1) each year may choose 2 weekends for the Festival;

(2) shall choose locations that are not already licensed; and

(3) shall ensure that the primary focus of the Festival is the promotion of Maryland wine.

(g) The license holder may hold another license of a different class or nature.

(h) The license fee is \$20.

(i) The Board shall adopt regulations to carry out this section.

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§ 31-1306

(a) There is a Class C (on-sale) beer and wine street festival license.

(b) The Board may issue the license to a nonprofit club, society, association, or organization.

(c) (1) The license authorizes the holder to exercise any of the privileges conferred by the Class C (on-sale) beer and wine street festival license at an entertainment event that is:

(i) held in the Arts and Entertainment District in Hagerstown; and

(ii) approved by the Mayor of Hagerstown and the Hagerstown City Council.

(2) During the event for which the license is issued, an individual, within the approved event area and with a designated container unique to the event, may:

(i) purchase beer or wine from the license holder, or purchase beer or wine from, and consume on the premises of, any other license holder with on-sale privileges within the Arts and Entertainment District;

(ii) transport the beer or wine in the designated container to the premises of another license holder with on-sale privileges in the Arts and Entertainment District and within the approved event area; and

(iii) consume the beer or wine within the Arts and Entertainment District event area as approved by the Mayor and City Council, including the premises of any license holder with on-sale privileges.

(d) (1) An applicant for the license shall submit an application under oath on the form that the Board provides.

(2) Subtitles 14 and 15 of this title and § 3-102 of the General Provisions Article do not apply to an applicant for the license.

(e) (1) The license holder:

(i) at the event for which the license is issued, shall distribute a wristband to each individual who is at least 21 years old; and

(ii) may not serve beer or wine to an individual who does not wear a wristband.

(2) A person who violates this subsection is subject to:

(i) for a first offense, a fine of \$250; and

(ii) for a second offense, a fine not exceeding \$1,000 and denial of further requests for a Class C (on-sale) beer and wine street festival license.

(f) The license holder may hold another license of a different class or nature.

(g) The license may be used for a maximum of 26 days in a calendar year.

(h) The license fee is \$30 per day.

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§ 31-1307

(a) There is a beer tasting (BT) license.

(b) The Board may issue the license to a holder of any class of beer, wine, and liquor license.

(c) The license authorizes the holder to allow the on-premises consumption of multiple varieties of beer from a single brand owner for tasting if the consumer is not charged.

(d) A license holder may serve not more than 2 ounces of a single offering to a single consumer.

(e) The license holder shall notify the Board in writing at least 10 days before a beer tasting event.

(f) (1) A maximum of four bottles of beer may be open at any one time at a beer tasting event.

(2) After a bottle is opened:

(i) the contents of the bottle may not be mixed with that of any other bottle; and

(ii) the bottle shall be destroyed when empty.

(g) (1) The license may be used for a maximum of:

(i) 12 days in a licensing year for a 12-tasting license; and

(ii) 24 days in a licensing year for a 24-tasting license.

(2) A beer tasting may not last longer than 4 hours.

(h) The annual license fees are:

(1) \$100 for a 12-tasting license; and

(2) \$200 for a 24-tasting license.

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§ 31-1308

(a) There is a wine tasting (WTL) license.

(b) The Board may issue the license to a holder of any class of beer, wine, and liquor license.

(c) The license authorizes the holder to allow:

(1) the on-premises consumption of wine for tasting; and

(2) a wholesaler or supplier to present various wines from a single brand owner.

(d) The license holder shall notify the Board in writing at least 10 days before a tasting event.

(e) A license holder may not serve more than 2 ounces of a single wine to a single customer.

(f) A license holder may not charge for the wine tasting.

(g) The license may be used for a maximum of:

(1) 12 days in a licensing year for a 12-tasting license; and

(2) 24 days in a licensing year for a 24-tasting license.

(h) A single tasting event may not exceed 4 hours.

(i) (1) A maximum of four bottles may be open at any time at a wine tasting event.

(2) After a bottle of wine is opened for a tasting event:

(i) the contents of the bottle may not be mixed with that of any other bottle; and

(ii) the bottle shall be destroyed when empty.

(j) The annual license fees are:

(1) \$200 for a 12-tasting license; and

(2) \$400 for a 24–tasting license.

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§ 31-1309

(a) There is a liquor tasting license (LTL).

(b) The Board may issue the license to a holder of any class of beer, wine, and liquor license.

(c) The license authorizes the holder to allow:

(1) the on–premises consumption of liquor for tasting; and

(2) a wholesaler or supplier to present various liquors from a single brand owner.

(d) The license holder shall notify the Board in writing at least 10 days before a tasting event.

(e) A license holder may not serve more than 1 ounce of a single liquor to a single individual.

(f) (1) A maximum of four bottles may be open at any one time at a liquor tasting event.

(2) After a bottle of liquor is opened for a tasting event:

(i) the contents of the bottle may not be mixed with that of any other bottle; and

(ii) the bottle shall be destroyed when empty.

(g) A license holder may not charge for the liquor tasting.

(h) The license may be used for a maximum of:

(1) 12 days in a licensing year for a 12–tasting license; and

(2) 24 days in a licensing year for a 24–tasting license.

(i) A single tasting event may not exceed 4 hours.

(j) The annual license fees are:

(1) \$300 for a 12–tasting license; and

(2) \$500 for a 24–tasting license.

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§ 31-1312

(a) There is a Class C per diem beer, wine, and liquor license.

(b) The Board may issue the license to:

(1) a club that has an annual on–sale beer, wine, and liquor license for use at a place other than the license holder's regular place of business; or

(2) a corporation, a society, an organization, an association, or any other entity that does not have an annual on–sale beer, wine, and liquor license and has:

(i) nonprofit status; or

(ii) a federal identification number assigned by the Internal Revenue Service.

(c) The license authorizes the license holder to sell or serve beer, wine, and liquor for on–premises consumption at the place described in the license during an event that requires an admission fee, a ticket, or a donation.

(d) (1) Subject to paragraph (3) of this subsection, the Board may issue multiple Class C per diem beer, wine, and liquor licenses to a single applicant.

(2) A separate Class C per diem beer, wine, and liquor license is required for each day of a multiple day event.

(3) The Board may not issue the Class C per diem beer, wine, and liquor license for more than 7 consecutive days.

(e) (1) An applicant for the license shall:

(i) submit an application on the form that the Board provides; and

(ii) provide proof that the applicant has:

1. nonprofit status; or
2. a federal identification number assigned by the Internal Revenue Service.

(2) (i) A license shall be applied for and issued to three individuals affiliated with the applicant, each of whom:

1. appears in person to present proper qualifications at the time the application is filed;
2. is at least 21 years old; and
3. is a registered voter in the county and a citizen of the United States.

(ii) At least one of the individuals shall be a resident of the county at the time the application is filed.

(f) The license holder:

(1) at the event for which the license is issued, shall distribute a wristband to each individual who is at least 21 years old; and

(2) may not serve beer, wine, or liquor to an individual who does not wear a wristband.

(g) At all times during the event, the license holder shall ensure that:

(1) one certified crowd control manager who has obtained a crowd control training certificate from a program that is certified by the Board is on the licensed premises for every 250 individuals present; and

(2) one individual who has completed a certified alcohol awareness program is on the licensed premises.

(h) (1) Alcoholic beverages sold under the license shall be purchased by the license holder from a licensed wholesaler or retail dealer.

(2) A licensed wholesaler may not donate alcoholic beverages to the license holder.

(i) Within 30 days after an event, the license holder shall submit to the Board a signed and notarized financial statement showing:

- (1) the total amount of proceeds from the event; and
- (2) the disbursement of the proceeds.

(j) A license holder may sell or serve beer, wine, and liquor:

- (1) on Monday through Saturday, from 10 a.m. to 2 a.m. the following day; or
- (2) on Sunday, from noon to midnight.

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§ 31-1314

The fee for a Class C per diem beer, wine, and liquor license is \$100 per day.

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§ 31-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-102 ("Applications to be filed with local licensing board");
- (2) § 4-103 ("Application on behalf of partnership");
- (3) § 4-104 ("Application on behalf of corporation or club");
- (4) § 4-105 ("Application on behalf of limited liability company");
- (5) § 4-106 ("Payment of notice expenses");
- (6) § 4-108 ("Application form required by Comptroller");
- (7) § 4-109 ("Required information on application — In general");
- (8) § 4-111 ("Payment of license fees");

(9) § 4–112 (“Disposition of license fees”);

(10) § 4–113 (“Refund of license fees”); and

(11) § 4–114 (“Fees for licenses issued for less than 1 year”).

(b) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county:

(1) § 4–107 (“Criminal history records check”), subject to §§ 31–1403 through 31–1408 of this subtitle; and

(2) § 4–110 (“Required information on application — Petition of support”), subject to § 31–1402 of this subtitle.

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§ 31-1402

With the license application, the applicant shall submit a petition of support that:

(1) is signed by at least three residents who are owners of real property and registered voters in the county; and

(2) declares that the applicant:

(i) is personally known to them; and

(ii) is a resident of the county at the time the applicant presents them with the application.

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§ 31-1403

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

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§ 31-1404

The Board may set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

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§ 31-1405

The Board shall keep all criminal history record information in a sealed envelope available only to members, inspectors, administrators, and designees of the Board.

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§ 31-1406

The Board shall destroy the criminal history record information on completion of the application process.

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§ 31-1407

The hearing for a new 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 history records check by the date of the scheduled hearing.

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§ 31-1408

The Board shall adopt regulations to preserve the confidentiality of the information under and to carry out this subtitle.

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§ 31-1501

(a) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 4–205 (“Chain store, supermarket, or discount house”);

- (2) § 4-206 (“Limitations on retail sales floor space”);
- (3) § 4-207 (“Licenses issued to minors”);
- (4) § 4-209 (“Hearing”);
- (5) § 4-210 (“Approval or denial of license application”);
- (6) § 4-211 (“License forms; effective date; expiration”);
- (7) § 4-212 (“License not property”);
- (8) § 4-213 (“Replacement licenses”); and
- (9) § 4-214 (“Waiting periods after denial of license applications”).

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:

- (1) § 4-202 (“Authority of local licensing boards”), subject to § 31-1502 of this subtitle;
- (2) § 4-203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to § 31-1503 of this subtitle and Subtitle 13, Part III of this title;
- (3) § 4-204 (“Prohibition against issuing multiple licenses for same premises”), subject to § 31-1503 of this subtitle and Subtitle 13, Part III of this title; and
- (4) § 4-208 (“Notice of license application required”), subject to § 31-1504 of this subtitle.

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§ 31-1502

The Board may not issue a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license to a person that holds an out-of-state alcoholic beverages license.

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§ 31-1503

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 31-1504

(a) In addition to the newspaper notice required under § 4-208 of this article, the Board shall post a suitable notice in a conspicuous place on the location described in the application for at least 10 days before the application hearing.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

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§ 31-1601

(a) In this section, “population ratio quota” means one license for every 3,000 individuals residing in the election district where the license will be issued:

- (1) as determined by the last federal population census; but
- (2) excluding individuals detained or confined in a correctional facility as defined in § 1-101 of the Correctional Services Article.

(b) Except as provided in subsections (c) and (d) of this section, the Board may not issue a Class A off-sale license, a Class B on- and off-sale license, or a Class D on- and off-sale license in an election district if the number of licenses exceeds the population ratio quota.

(c) The Board may:

(1) issue a Class A off-sale license, a Class B on- and off-sale license, or a Class D on- and off-sale license if the Board:

(i) determines that there is a public need and desire, including government-sanctioned economic revitalization; and

(ii) states in the order issuing the license the reasons for its decision to exceed the population ratio quota; or

(2) renew the license or approve the transfer of a license for the same premises.

(d) The Board may issue an on-sale license to a restaurant that:

(1) is located in a permanent building;

(2) regularly sells and serves food to the public;

(3) has a seating capacity of at least 50 persons; and

(4) has annual gross sales of food and nonalcoholic beverages that exceed its annual gross sales of alcoholic beverages.

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§ 31-1602

(a) Except as provided in subsection (b) of this section, the Board may not issue a license:

(1) until all outstanding gaming proceeds, payments, and fines that are unpaid by the license holder or applicant have been paid or judicially satisfied; or

(2) for any location that previously was licensed under this title, until all county taxes that are unpaid by the license holder for the operation of the business under the previous license have been paid or judicially satisfied.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) a temporary license; or

(2) a certificate of permission or renewal license issued to a personal representative under § 4-803 of this article.

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§ 31-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4-303 ("Chain store, supermarket, or discount house");

(2) § 4-304 ("Compliance with Bulk Transfers Act required"); and

(3) § 4-306 ("Substitution of names of officers on license").

(b) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4-302 ("Transfer of place of business; transfer of license and inventory"), subject to § 31-1702 of this subtitle; and

(2) § 4-305 ("Filing fee and endorsement"), subject to § 31-1703 of this subtitle.

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§ 31-1702

The Board may not allow the transfer of a license unless the Board is presented with an affidavit that certifies that all real and personal property taxes that are due to the county by the transferor are paid.

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§ 31-1703

On the transfer of a license, the Board shall impose a fee of:

(1) \$400 each time the license is transferred; and

(2) \$100 each time the transfer is advertised.

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§ 31-1704

An applicant for a transfer of a license is subject to a State and national criminal history records check under § 4–107 of this article.

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§ 31-1801

(a) The following sections of Title 4, Subtitle 4 (“Renewal of Local Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–402 (“Eligibility for renewal; process”);
- (2) § 4–403 (“Renewal application”);
- (3) § 4–406 (“Protests”);
- (4) § 4–407 (“Denial of renewal application”);
- (5) § 4–409 (“Multiple licenses”); and
- (6) § 4–410 (“Chain store, supermarket, or discount house”).

(b) Section 4–404 (“Filing period for renewal application”) of Division I of this article does not apply in the county and is superseded by § 31–1802 of this subtitle.

(c) The following sections of Title 4, Subtitle 4 (“Renewal of Local Licenses”) of Division I of this article apply in the county:

- (1) § 4–405 (“Contents of renewal application”), subject to §§ 31–1803 and 31–1803.1 of this subtitle; and
- (2) § 4–408 (“Issuance of renewed licenses”), subject to § 31–1803.2 of this subtitle.

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§ 31-1802

(a) A renewal application shall be available at the beginning of March of the licensing cycle.

(b) An application and the required documents to renew an annual license shall be filed between April 1 and June 15, inclusive.

(c) A license holder that files a completed application for license renewal between June 16 and June 30, inclusive, is subject to a penalty of \$50 for each day of violation.

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§ 31-1803

The Board may not renew a license until the license holder, by June 15:

- (1) pays all undisputed taxes that are due under the license to the Comptroller, the municipality, and the county;
- (2) certifies by affidavit to the Board that no county taxes are due; and
- (3) submits to the Board a certificate of good standing from the Comptroller.

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§ 31-1804

Notwithstanding § 31–1502 of this title, the Board may renew a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license originally issued to a holder of an out-of-state alcoholic beverages license.

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§ 31-1901

(a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–502 (“Storage of alcoholic beverages”);

(2) § 4–503 (“Solicitations and sales outside of licensed premises”);

(3) § 4–506 (“Evidence of purchaser’s age”);

(4) § 4–507 (“Retail delivery of alcoholic beverages”); and

(5) § 4–508 (“Display of license”).

(b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county:

(1) § 4–504 (“Employment of underage individuals”), subject to § 31–1902 of this subtitle; and

(2) § 4–505 (“Alcohol awareness program”), subject to § 31–1903 of this subtitle.

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§ 31-1902

A license holder may employ an individual who is:

(1) at least 18 years old to sell, serve, deliver, or otherwise deal with alcoholic beverages; or

(2) at least 16 years old to perform any task other than to sell, serve, or deliver alcoholic beverages.

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§ 31-1903

(a) (1) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(i) be certified by an approved alcohol awareness program; and

(ii) except as provided in paragraph (2) of this subsection, be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(2) The license holder or individual specified in paragraph (1) of this subsection may be absent from the licensed premises for a personal or business reason or an emergency if the absence lasts for not more than 2 hours.

(3) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a \$100 fine; and

(2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

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§ 31-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 31-2002

(a) A holder of a Class A beer license may sell beer:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 11 a.m. to midnight, if a fee is paid.

(b) (1) A holder of a Class B beer (on– and off–sale) license may sell beer:

- (i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
 - (ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight, if a fee is paid.
- (2) The license holder may sell beer on Sunday, from 11 a.m. to midnight, if:
- (i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or
 - (ii) the consumer is entitled to a meal on the premises as part of a prearranged event.
- (3) When a federal holiday falls on a Monday, the license holder may sell beer on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.
- (c) (1) A holder of a Class B beer (on-sale only) license may sell beer:
- (i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
 - (ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight, if issued a Sunday license.
- (2) The license holder may sell beer on Sunday, from 11 a.m. to midnight, if:
- (i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or
 - (ii) the consumer is entitled to a meal on the premises as part of a prearranged event.
- (3) When a federal holiday falls on a Monday, the license holder may sell beer on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.
- (d) A holder of a picnic license may sell beer on Sunday from noon to midnight.
- (e) (1) A holder of a Class C beer (on-sale) license may sell beer:
- (i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
 - (ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight, if a fee is paid.
- (2) The license holder may sell beer on Sunday, from 11 a.m. to midnight, if:
- (i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or
 - (ii) the consumer is entitled to a meal on the premises as part of a prearranged event.
- (3) When a federal holiday falls on a Monday, the license holder may sell beer on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.
- (f) (1) A holder of a Class D beer (on-sale) license may sell beer:
- (i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
 - (ii) except as provided in paragraph (2) of this subsection, on Sunday, from noon to midnight, if a fee is paid.
- (2) When a federal holiday falls on a Monday, the license holder may sell beer on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

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§ 31-2003

- (a) A holder of a Class A beer and wine license may sell beer and wine:
- (1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
 - (2) on Sunday, from 11 a.m. to midnight, if a fee is paid.
- (b) (1) A holder of a Class B beer and wine (on- and off-sale) license may sell beer and wine:
- (i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
 - (ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight, if a fee is paid.
- (2) The license holder may sell beer and wine on Sunday, from 11 a.m. to midnight, if:
- (i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or
 - (ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer and wine on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

(c) (1) A holder of a Class B beer and wine (on-sale only) pouring license may sell beer and wine:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) The license holder may sell beer and wine on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer and wine on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

(d) (1) A holder of a Class C beer and wine license may sell beer and wine:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday from noon to midnight, if a fee is paid.

(2) The license holder may sell beer and wine on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer and wine on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

(e) (1) A holder of a Class D beer and wine (on-sale) license may sell beer and wine:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraph (2) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) When a federal holiday falls on a Monday, the license holder may sell beer and wine on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

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§ 31-2004

(a) A holder of a Class A beer, wine, and liquor (off-sale) license may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 11 a.m. to midnight, if a fee is paid.

(b) (1) A holder of a Class B beer, wine, and liquor (on- and off-sale) license may sell beer, wine, and liquor:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) The license holder may sell beer, wine, and liquor on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer, wine, and liquor on the Sunday immediately preceding the Monday holiday, from noon to 2 a.m. the following day.

(c) (1) A holder of a Class B beer, wine, and liquor (on-sale only) license may sell beer, wine, and liquor:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) The license holder may sell beer, wine, and liquor on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer, wine, and liquor on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

(d) (1) A holder of a Class C beer, wine, and liquor (on-sale) license may sell beer, wine, and liquor:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight.

(2) The license holder may sell beer, wine, and liquor on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer, wine, and liquor on the Sunday immediately preceding the Monday holiday, from noon to 2 a.m. the following day.

(e) (1) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraph (2) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) When a federal holiday falls on a Monday, the license holder may exercise the privileges conferred by the license on the Sunday immediately preceding the Monday holiday, from noon to 2 a.m. the following day.

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§ 31-2005

A license holder may purchase a per diem on-sale license for \$50 for use when New Year's Eve falls on a Sunday.

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§ 31-2101

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-602 ("Power of local licensing board");

(2) § 4-603 ("Revocation and suspension procedures");

(3) § 4-604 ("Grounds for revocation or suspension"); and

(4) § 4-606 ("Effects of revocation").

(b) Section 4-605 ("Nudity and sexual displays") of Division I of this article applies in the county, subject to § 31-2102 of this subtitle.

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§ 31-2102

Section 4-605 of this article does not apply to:

(1) the Washington County Playhouse; and

(2) a theater holding a Class B beer, wine, and liquor (on-sale) license.

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§ 31-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 31-2301

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

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§ 31-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 31-2501

(a) From 1 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

- (1) an establishment open to the public;
 - (2) a place of public entertainment; or
 - (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.
- (b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.
- (c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 31-2601

Title 6, Subtitle 2 ("Enforcement") of Division I of this article applies in the county without exception or variation.

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§ 31-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6–305 ("Proof of age for sale of alcoholic beverages");
- (2) § 6–306 ("Defense to prosecution for sale to underage individual");
- (3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");
- (4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");
- (5) § 6–310 ("Providing free food");
- (6) § 6–311 ("Restrictions on purchases and sales by retail dealer");
- (7) § 6–312 ("Beverage misrepresentation");
- (8) § 6–313 ("Tampering with alcoholic beverage container");
- (9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");
- (10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");
- (11) § 6–316 ("Maximum alcohol content");
- (12) § 6–317 ("Multiple serving purchase required");
- (13) § 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder");
- (14) § 6–320 ("Disorderly intoxication");
- (15) § 6–321 ("Consumption of alcoholic beverages in public");
- (16) § 6–323 ("Possession or use of Alcohol Without Liquid machine");
- (17) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");

(18) § 6–327 (“Unlicensed out-of-state sale of alcoholic beverages”);

(19) § 6–328 (“Tax evasion”);

(20) § 6–329 (“Destruction of evidence”); and

(21) § 6–330 (“Perjury”).

(b) Section 6–322 (“Possession of open container”) of Division I of this article does not apply in the county.

(c) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

(1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 31–2702 of this subtitle; and

(2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 31–2703 of this subtitle.

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§ 31-2702

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years.

(c) (1) A violation for which a penalty is imposed under paragraph (2) of this subsection is a misdemeanor.

(2) (i) If an employee of a license holder violates § 6–304 of this article, the employee is subject to:

1. except as provided in subparagraph (ii) of this paragraph, for a first offense, a fine of \$100;

2. except as provided in subparagraph (ii) of this paragraph, for a second offense, a fine of \$250; and

3. for each subsequent offense, a term of imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

(ii) If an employee does not pay within 30 days a fine imposed under subparagraph (i)1 or 2 of this paragraph, the employee is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

(3) If a license holder violates § 6–304 of this article, the Board may impose a fine not exceeding \$2,500, suspend or revoke the license, or impose both a fine and suspend or revoke the license.

(d) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

(e) The Board may not proceed administratively against an employee of a license holder for a violation of § 6–304 of this article until after the employee is granted probation before judgment or found guilty of the violation.

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§ 31-2703

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 31-2704

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding \$50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

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§ 31-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 31-2802

(a) The Board may impose a fine not exceeding \$2,500 or suspend a license or both on a license holder who violates this article.

(b) In deciding whether to fine a license holder or suspend the license, the Board shall consider whether:

(1) the public welfare and morals would be impaired by allowing the license holder to operate during the suspension period; and

(2) the payment of the fine will achieve the desired disciplinary purposes.

(c) Fines collected under this section shall be paid to the Board.

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§ 31-2803

The Board shall expunge the record of a violation of this article or a regulation adopted under this article 5 years after the date the violation occurred.

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Title 32 — Title 32

§ 32-101

(a) In this title:

(1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Wicomico County.

(c) “County” means Wicomico County.

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§ 32-102

This title applies only in Wicomico County.

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§ 32-103

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 32-201

(a) There is a Board of License Commissioners for Wicomico County.

(b) The Board is a State unit that administers this title and may issue, deny, revoke, or suspend licenses.

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§ 32-202

(a) The Governor shall appoint five members to the Board, subject to the advice and consent of the Senate.

(b) (1) Subject to paragraph (2) of this subsection, each member of the Board shall be:

(i) a resident and voter of the county;

(ii) an individual of high character and integrity and of recognized business capacity; and

(iii) nominated by the County Executive.

(2) Three members of the Board shall be residents of the City of Salisbury, nominated jointly by the County Executive and the Mayor of Salisbury.

(c) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2020.

(d) (1) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(2) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

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§ 32-203

The Governor shall designate a chair from among the members of the Board.

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§ 32-204

(a) (1) The chair of the Board shall receive \$5,000 annually.

(2) Each other member of the Board shall receive \$4,000 annually.

(b) Subject to this section and § 32–205 of this subtitle, the Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

(c) (1) The Board may designate an attorney for the Board.

(2) The annual salary of the attorney:

(i) is \$10,000; and

(ii) shall be provided in the county budget.

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§ 32-205

- (a) (1) The Board shall appoint a full-time inspector and a part-time inspector.
- (2) The salaries of the inspectors shall be as provided in the county budget.
- (b) The inspectors have the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article.
- (c) The Board shall specify the duties of the inspectors, which shall be for the proper administration and enforcement of the alcoholic beverages laws in the county.
- (d) The inspectors shall take the oath required by Article I, § 9 of the Maryland Constitution.
- (e) (1) The inspectors shall separately provide a penalty bond of \$2,000 to the Board and the county jointly on the condition that the inspector and part-time inspector faithfully perform the duties of office.
- (2) The county shall pay the cost of the bonds.

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§ 32-206

The County Council shall pay the salaries and expenses of the Board.

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§ 32-207

- (a) The Board shall coordinate the enforcement of all alcoholic beverages licensing laws for the county.
- (b) The Board may adopt regulations to carry out this article.

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§ 32-301

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Dispensary" means a store established and maintained by the Liquor Control Board for the sale of alcoholic beverages.
- (c) "Liquor Control Board" means the Liquor Control Board for the county.

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§ 32-302

There is a Liquor Control Board for Wicomico County.

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§ 32-303

- (a) The Governor shall appoint three members to the Liquor Control Board with the advice and consent of the Senate.
- (b) Each member of the Liquor Control Board shall be:
 - (1) a resident and voter in the county; and
 - (2) an individual of high character, integrity, and recognized business capacity.
- (c) (1) A member of the Liquor Control Board may not:
 - (i) have a direct or indirect financial interest in the manufacture or sale of alcoholic beverages; or
 - (ii) derive profit or remuneration from the sale of alcoholic beverages other than the salary or wages payable for the discharge of the duties of the office.
- (2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,000 or both.
- (d) The term of a member is 2 years and begins on July 1.
- (e) If a vacancy occurs, it shall be filled for the unexpired term in the same manner as the original appointment.

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§ 32-304

The Liquor Control Board shall elect a chair from among its members.

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§ 32-305

(a) The Liquor Control Board shall meet as often as necessary for the public business.

(b) (1) The chair of the Liquor Control Board shall receive an annual salary of \$6,000.

(2) The other members of the Liquor Control Board shall receive an annual salary of \$5,000.

(c) (1) The Liquor Control Board shall appoint employees necessary to operate the dispensary system, set employee compensation, and require a bond for the faithful performance of employee duties.

(2) (i) An employee of the Liquor Control Board may not:

1. have a direct or indirect financial interest in the manufacture or sale of alcoholic beverages; or
2. derive profit or remuneration from the sale of alcoholic beverages other than the salary or wages payable for the discharge of the duties of the office.

(ii) A person who violates this paragraph is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,000 or both.

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§ 32-307

(a) (1) The county may lend money to the Liquor Control Board to provide the Liquor Control Board with adequate working capital to acquire, establish, and operate the dispensary system and warehouse facilities.

(2) The county may finance a loan under this subsection by issuing notes, certificates of indebtedness, or bonds as the county finds necessary.

(3) (i) The Liquor Control Board may borrow money from a banking institution on the Liquor Control Board's own credit.

(ii) The aggregate sum advanced to or borrowed by the Liquor Control Board may not exceed \$500,000.

(b) (1) Money shall bear interest at the lowest rate possible, not exceeding 6% a year that, under this subtitle is:

(i) loaned to the Liquor Control Board by the county;

(ii) borrowed by the county; or

(iii) borrowed by the Liquor Control Board.

(2) Money loaned or borrowed, and the interest on it, shall be repaid from the receipts from sales made at the dispensaries.

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§ 32-308

Subject to § 1–319 of this article, the Liquor Control Board may:

(1) purchase from a holder of a wholesaler's license or manufacturer's license alcoholic beverages that the Liquor Control Board is authorized to sell and on which the excise tax imposed by § 5–102 of the Tax – General Article is paid;

(2) (i) purchase from a holder of a resident or nonresident dealer's permit and import for resale alcoholic beverages that the Liquor Control Board is authorized to sell; and

(ii) resell the alcoholic beverages once the excise tax is paid;

(3) sell alcoholic beverages in sealed containers at prices that it determines and that are uniform in all dispensaries;

(4) refuse to sell alcoholic beverages to a person that, in the judgment of the Liquor Control Board, is not suitable to purchase or consume the alcoholic beverages;

- (5) restrict by any method the quantity of alcoholic beverages that may be sold to an individual consumer or license holder at or during any time;
- (6) enter into a contract or adopt regulations necessary or desirable to carry out this article;
- (7) sell and ship outside the county a container or package of alcoholic beverages kept for sale in a dispensary, if not prohibited by law in the place where the shipment is consigned;
- (8) subject to the approval of the county, rent, lease, or purchase premises necessary for the operation of the dispensaries; and
- (9) establish the hours of sale for dispensaries, outside of which a dispensary may not remain open.

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§ 32-309

- (a) The Liquor Control Board may establish and maintain stores known as “dispensaries”.
- (b) A dispensary:
 - (1) may sell sparkling or fortified wine or other alcoholic beverages containing more than 14% alcohol by volume; and
 - (2) shall sell the alcoholic beverages in sealed packages or containers.
- (c) A dispensary may sell chilled and nonchilled beer, wine, liquor, ice, or bottled water.
- (d) (1) Except as provided in paragraph (2) of this subsection, all alcoholic beverages other than beer and wine shall be purchased from the Liquor Control Board.
- (2) A holder of a Class A, B, C, or D license may purchase alcoholic beverages from a dispensary or a wholesaler.
- (e) A dispensary shall sell liquor at wholesale to a beer, wine, and liquor license holder:
 - (1) for a Class A, B, or C license, at a markup not exceeding 15% above the operating cost to the dispensary; or
 - (2) for a Class D license, at a markup not exceeding 15% above the wholesale cost to the dispensary.
- (f) (1) The Liquor Control Board may hold wine tasting and sampling promotional events in dispensaries in accordance with this subsection.
- (2) The Liquor Control Board:
 - (i) may not serve to an individual more than 1 ounce from each brand at an event;
 - (ii) may not allow more than six wine bottles to be open at any one time at an event;
 - (iii) may not conduct events in the county on more than 10 days in any 12-month period;
 - (iv) shall mark each wine bottle used for an event, once opened, that it is to be used only for tasting or sampling;
 - (v) may not mix the contents of a wine bottle with the contents of another wine bottle;
 - (vi) shall destroy all empty wine bottles;
 - (vii) shall allow on-premises consumption at an event; and
 - (viii) may not conduct wine tasting and sampling using a drive-through window.
- (g) A person may not open or consume the contents of a sealed container or package on the premises of the dispensary where sold.
- (h) Title 4, Subtitle 2 of this article does not apply to this section.

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§ 32-310

- (a) The Liquor Control Board shall apply proceeds derived from the operation of dispensaries first toward the repayment of money loaned to or borrowed by the Liquor Control Board.
- (b) After repayment under subsection (a) of this section, the Liquor Control Board, subject to the approval of the County Council, may create and maintain a reserve fund to:

- (1) provide adequate working capital; and
- (2) cover any losses sustained by the Liquor Control Board in operating the dispensaries.
- (c) The Liquor Control Board shall pay any remaining net proceeds to the county on January 1, April 1, August 1, and October 1 of each year.

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§ 32-311

- (a) (1) The Liquor Control Board shall:
 - (i) keep accurate records of:
 - 1. all purchases of alcoholic beverages; and
 - 2. a complete statement of the business conducted by the Liquor Control Board and the operational achievements of the dispensary system; and
 - (ii) submit annual and monthly reports to the County Council.
- (2) The records shall be open to inspection by the Comptroller or the Executive Director during regular business hours.
- (b) The Liquor Control Board shall publish an annual report submitted to the county on June 30 of each year in a newspaper of frequent and general circulation that is published in the county.

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§ 32-312

- (a) A supplier may enter into an agreement with a wholesaler or authorized representative of a wholesaler to replace, directly or indirectly, stale or out-of-date malt beverage products on retail licensed premises:
 - (1) on a case for case basis;
 - (2) at the supplier's expense; and
 - (3) under a plan that the Executive Director approves.
- (b) (1) If a wholesaler refuses to replace stale or out-of-date malt beverage products on retail licensed premises under the plan described in subsection (a)(3) of this section, the supplier may unilaterally submit a replacement plan to the Executive Director for approval.
- (2) The replacement plan that the supplier unilaterally submits to the Executive Director may include the designation of an authorized representative or wholesaler outside the territory of the wholesaler who refuses to participate in the plan.

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§ 32-401

- (a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:
 - (1) § 2-201 ("Issuance by Comptroller");
 - (2) § 2-202 ("Class 1 distillery license");
 - (3) § 2-203 ("Class 9 limited distillery license");
 - (4) § 2-204 ("Class 2 rectifying license");
 - (5) § 2-205 ("Class 3 winery license");
 - (6) § 2-206 ("Class 4 limited winery license");
 - (7) § 2-207 ("Class 5 brewery license");
 - (8) § 2-210 ("Class 8 farm brewery license");
 - (9) § 2-211 ("Residency requirement");
 - (10) § 2-212 ("Additional licenses");

- (11) § 2–213 (“Additional fees”);
 - (12) § 2–214 (“Sale or delivery restricted”);
 - (13) § 2–215 (“Beer sale on credit to retail dealer prohibited”);
 - (14) § 2–216 (“Interaction between manufacturing entities and retailers”);
 - (15) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and
 - (16) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).
- (b) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county:
- (1) § 2–208 (“Class 6 pub–brewery license”), subject to § 32–403 of this subtitle; and
 - (2) § 2–209 (“Class 7 micro–brewery license”), subject to § 32–404 of this subtitle.

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§ 32-402

A holder of a manufacturer’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 32-403

- (a) This section applies to a Class 6 pub–brewery license in the county.
- (b) Before the Executive Director may issue a Class 6 pub–brewery license in the county, the Executive Director shall forward a copy of the application to the Board.
- (c) The Board shall:
- (1) review the application;
 - (2) hold a public hearing on the application; and
 - (3) recommend to the Executive Director whether or not to issue the license.

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§ 32-404

A holder of a Class 7 micro–brewery license may not collectively brew, bottle, or contract for more than 45,000 barrels of malt beverages each calendar year.

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§ 32-405

- (a) The Executive Director may issue one Class 6 pub–brewery license or one Class 7 micro–brewery license, but not both, for a location in an enterprise zone, to a person that holds not more than five Class B beer, wine, and liquor licenses.
- (b) A holder of a Class A license may also hold a Class 7 micro–brewery license and not more than five Class B beer, wine, and liquor licenses.

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§ 32-501

The following sections of Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 2–301 (“Licenses issued by Comptroller”);
- (2) § 2–302 (“Class 1 beer, wine, and liquor wholesaler’s license”);
- (3) § 2–303 (“Class 2 wine and liquor wholesaler’s license”);
- (4) § 2–304 (“Class 3 beer and wine wholesaler’s license”);

- (5) § 2–305 (“Class 4 beer wholesaler’s license”);
- (6) § 2–306 (“Class 5 wine wholesaler’s license”);
- (7) § 2–307 (“Class 6 limited wine wholesaler’s license”);
- (8) § 2–308 (“Class 7 limited beer wholesaler’s license”);
- (9) § 2–309 (“Sale and delivery of beer or wine from wholesaler’s vehicle”);
- (10) § 2–310 (“Sale and delivery to retail license holder”);
- (11) § 2–311 (“Additional wholesaler’s licenses”);
- (12) § 2–312 (“Direct importation of alcoholic beverages”);
- (13) § 2–313 (“Sale or delivery restricted to holder of license or permit”);
- (14) § 2–314 (“Beer sale on credit to retail dealer prohibited”);
- (15) § 2–315 (“Interaction between wholesaling entities and retailers”);
- (16) § 2–316 (“Distribution of alcoholic beverages — Prohibited practices”); and
- (17) § 2–317 (“Restrictive agreements between wholesalers and retailers — Prohibited”).

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§ 32-502

Except as provided in § 32–503 of this subtitle, a holder of a wholesaler’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 32-503

- (a) A holder of a wholesaler’s license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.
- (b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 32-601

- (a) There is a Class A beer license.
- (b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.
- (2) A license may not be issued for a premises having a direct or indirect connection with a drug or pharmaceutical business or other business establishment of a type commonly known as a drugstore.
- (3) The license holder shall sell the beer in a sealed package or container.
- (4) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.
- (c) The annual license fees are:
 - (1) \$175 for a 6–day license; and
 - (2) \$275 for a 7–day license.

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§ 32-602

- (a) There is a Class B beer license.
- (b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on– and off–premises consumption.

(2) (i) A license may be issued only for a hotel or restaurant whose average daily receipts from the sale of food for each month exceed the average daily receipts from the sale of alcoholic beverages.

(ii) In calculating average daily receipts from the sale of food, an allocation of foodstuff contained in a mixed drink may not be included in average daily receipts from the sale of food.

(c) The annual license fee is \$275.

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§ 32-603

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on-premises consumption.

(c) The annual license fee is \$75.

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§ 32-604

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on- and off-premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is \$275.

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§ 32-701

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is \$50.

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§ 32-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

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§ 32-802

(a) There is:

(1) a Class A beer and wine 6-day license; and

(2) a Class A beer and wine 7-day license.

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) A person may not hold the license for use by an establishment with a direct or indirect connection with a drugstore.

(d) The annual license fees are:

(1) \$275 for a 6–day license; and

(2) \$350 for a 7–day license.

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§ 32-803

(a) There is a Class B beer and wine license.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, the license may be issued for use by a hotel or restaurant if, for each month, the average daily receipts from the sale of food exceed the average daily receipts from the sale of alcoholic beverages.

(ii) Foodstuff in a mixed drink may not be considered as food when calculating average daily receipts from the sale of food.

(2) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The annual license fee is \$400.

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§ 32-804

(a) There is a Class C beer and wine license.

(b) The license authorizes the license holder to sell beer and wine to a member of a club and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is \$125.

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§ 32-805

(a) There is:

(1) a Class D beer and wine 6–day license; and

(2) a Class D beer and wine 7–day license.

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fees are:

(1) \$275 for a 6–day license; and

(2) \$400 for a 7–day license.

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§ 32-901

(a) There is a Class A beer, wine, and liquor license.

(b) (1) A license may be issued only to an establishment that has been:

(i) issued a Class B license; and

(ii) continually operating as a restaurant in the county since at least 3 months before the application for the license.

(2) The Board may not issue a license to an establishment that is a corporation or limited liability company unless the license applicant owns 75% of the total issued capital stock of the corporation or the limited liability company.

(3) The Board may issue not more than three licenses in the county.

(c) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor, at retail at the place described in the application, for off–premises consumption.

(2) The place described in the application:

- (i) may not exceed 20% of the area normally used in the operation of the restaurant business; and
- (ii) shall be contiguous to and adjoin the restaurant establishment.

(d) The license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(e) (1) The license holder shall purchase liquor for retail sale from a county dispensary or from a wholesaler.

(2) A dispensary may not charge the license holder more than 15% above the wholesale operating cost to the dispensary.

(f) The annual license fee is \$4,400 and is in addition to the fee paid for the Class B license.

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§ 32-902

(a) There is a Class B beer, wine, and liquor license.

(b) (1) The Board may issue the license for use by:

(i) a hotel that has:

1. at least 25 rooms;
2. a lobby with registration, mail desk, and seating facilities; and
3. a dining room that serves full-course meals at least twice daily; or

(ii) a restaurant that:

1. has a proper and adequate dining room with facilities for preparing and serving regular meals;
2. not counting seating at a bar or counter, has table seating for at least 40 individuals; and
3. has average daily receipts from the sale of food, not counting foodstuff contained in a mixed drink, that each month exceed the average daily receipts from the sale of alcoholic beverages.

(2) The seating requirement in paragraph (1)(ii)2 of this subsection does not apply to a Class B beer, wine, and liquor license holder who held the license on July 1, 1978.

(c) The license authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant at retail at the place described in the license, for on-premises consumption.

(d) (1) In this subsection, "lounge area" means an area that includes:

- (i) a bar where alcoholic beverages are served; and
- (ii) an entertainment facility in the same area as the bar.

(2) The license holder may:

(i) prohibit an individual under the legal drinking age from entering the lounge area after 9 p.m. unless the individual is accompanied by a parent or legal guardian who is of the legal drinking age; and

(ii) charge an entertainment fee for each individual who is present while live entertainment is in progress in the lounge area.

(e) (1) Notwithstanding § 32–306 of this title, the license holder may purchase liquor for retail sale from a county dispensary or from a licensed wholesaler.

(2) A county dispensary may not charge the license holder more than 15% above the wholesale operating cost to the county dispensary.

(f) The annual license fees are:

- (1) \$1,980 for a hotel; and
- (2) \$1,320 for a restaurant.
- (g) (1) The Board may issue a wine permit to a holder of the license for use by a restaurant that:
 - (i) at least 5 days per week, offers for sale and describes in a printed menu:
 - 1. breakfast and lunch;
 - 2. breakfast and dinner; or
 - 3. lunch and dinner; and
 - (ii) has an area used for the preparation and consumption of food and beverages that is at least 80% of the area of the premises.
- (2) Off-sale alcoholic beverages receipts shall be included in the calculation of average daily receipts from the sale of alcoholic beverages under § 32-901(c)(2)(i)3 of this subtitle.
- (3) The wine permit authorizes the license holder to sell, at retail, at the place described in the license:
 - (i) beer, wine, and liquor for on-premises consumption; and
 - (ii) wine for off-premises consumption.
- (4) The term of the wine permit is the same as the term of the Class B license.
- (5) If the premises is open for business as a restaurant, the hours and days of sale for the wine permit are:
 - (i) 10 a.m. to midnight, Monday through Saturday; and
 - (ii) 12:30 p.m. to midnight on Sunday.
- (6) Wine sold under the wine permit may not have an alcohol content greater than 15.5%.
- (7) An applicant for the wine permit shall complete the form that the Board provides.
- (8) Advertising, posting of notice, and public hearing requirements for the wine permit are the same as those for Class B licenses.
- (9) The Board may adopt regulations to carry out this subsection, including a limit on the number of wine permits to be granted.
- (10) The annual permit fee is \$1,500.
- (h) The holder of a Class B beer, wine, and liquor restaurant license that has been issued a Class 9 limited distillery license may sell products manufactured under the distillery license at the place described in the Class B license in a manner consistent with the underlying Class B license for on- and off-premises consumption.
- (i) (1) The Board may issue a temporary to-go event permit under § 32-1104 of this title to a holder of a license under this section if the licensed establishment is located within or immediately adjacent to a special event area identified in a Class C per diem municipal to-go beer, wine, and liquor license issued under § 32-1314 of this title.
- (2) The temporary to-go event permit authorizes the holder to sell at retail beer, wine, and liquor in approved to-go cups that may be carried outside the licensed establishment and into the designated special event area.

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§ 32-903

- (a) There is:
 - (1) a 6-day Class C beer, wine, and liquor license; and
 - (2) a 7-day Class C beer, wine, and liquor license.
- (b) The Board may issue the license for use by a nonprofit fraternal, social, or veterans' club that:
 - (1) has been incorporated for at least 5 years immediately before the application for the license is made;
 - (2) is in a clubhouse or premises that is used principally for club purposes;
 - (3) during the year immediately before the filing of the application:

- (i) except as provided in item (ii) of this item, has at least 100 dues-paying members; or
- (ii) if the club is composed only of members who served in the armed forces of the United States, has at least 50 dues-paying members; and
- (4) has facilities for preparing and serving food on the premises to members and guests.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license for on-premises consumption.
- (d) A license holder shall purchase alcoholic beverages for retail sale, except beer and wine, from the Liquor Control Board or from a wholesaler.
- (e) (1) The annual license fees for a 6-day license, depending on the size of the dues-paying membership of the club, are:
 - (i) \$275, for a membership of 50 to 399;
 - (ii) \$550, for a membership of 400 to 599; and
 - (iii) \$825, for a membership of at least 600.
- (2) The annual license fees for a 7-day license, depending on the size of the dues-paying membership of the club, are:
 - (i) \$400, for a membership of 50 to 399;
 - (ii) \$675, for a membership of 400 to 599; and
 - (iii) \$950, for a membership of at least 600.
- (3) A license fee shall be established on the maximum number of dues-paying members during the calendar year immediately before the filing of the application for the license.

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§ 32-904

- (a) There is a Class D beer, wine, and liquor license.
- (b) The Board may issue the license for use by a tavern that, not including the dance floor or bar area, has seating for at least 140 individuals.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on-premises consumption 7 days a week.
- (d) An individual under the legal drinking age may not enter the licensed premises.
- (e) The license may not be issued for use by a drugstore.
- (f) The annual license fee is \$2,200.

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§ 32-1001

- (a) There is a Class B-BB (bed and breakfast) beer and wine license.
- (b) The Board may issue the license to a license holder who is approved by the appropriate local governmental unit to operate a bed and breakfast that:
 - (1) provides services ordinarily provided by a bed and breakfast;
 - (2) has at least one room but not more than 10 rooms, each with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time; and
 - (3) has a kitchen facility that has been approved by the appropriate local governmental unit.
- (c) The license authorizes the license holder to sell beer and wine to a guest if:
 - (1) the name and address of the guest appears on the registry that the bed and breakfast maintains; and
 - (2) the guest is an occupant of a sleeping room in the bed and breakfast.

(d) (1) The license authorizes the license holder to sell beer and wine for on-premises consumption to a guest of a catered event at the bed and breakfast if:

- (i) 1. the license holder is under contract to cater the event;
- 2. the license holder caters the event; and
- 3. food is served at the catered event; or
- (ii) the license holder hosts an event for which tickets are sold in advance.

(2) The license authorizes the license holder to allow a guest of the bed and breakfast, whose name and address appear on the registry of the establishment, to bring personal alcoholic beverages onto the premises for on-premises consumption during the hours and days as set out under subsection (e) of this section.

(e) The license holder may sell beer and wine for on-premises consumption on Monday through Sunday, from 7 a.m. to midnight.

(f) Except during catered events that meet the requirements under subsection (d) of this section or ticketed events hosted by the license holder, the license does not authorize the sale of beer and wine to an individual who:

- (1) is not a guest of the bed and breakfast; or
- (2) is registered as a guest at the bed and breakfast only to obtain beer and wine.

(g) (1) A bed and breakfast may not be operated only to sell or provide beer and wine.

(2) If the bed and breakfast ends operations as a bed and breakfast:

- (i) the license is void; and
- (ii) the license holder shall return the license to the Board.

(h) This section may not be construed to apply to a permanent resident on the premises or to guests of the permanent resident.

(i) The license holder shall:

- (1) maintain records of all catered events where alcoholic beverages are served; and
- (2) make the records required under item (1) of this subsection available on request to the Board, the Executive Director, or the Comptroller.

(j) The annual license fee is \$300.

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§ 32-1002

(a) There is a Class D beer, wine, and liquor entertainment and amusement license.

(b) (1) The Board may issue the license for an entertainment amusement center that:

- (i) is a business establishment that accommodates the public;
- (ii) has a minimum seating capacity of 140 individuals, not including the bar area or dancing floor area;
- (iii) meets the minimum requirements of the fire code applicable for the jurisdiction in which the premises is located;
- (iv) is equipped with an adequate dining room with facilities for preparing and serving regular meals;
- (v) has an initial capital investment of at least \$300,000, excluding the cost of the land and building; and
- (vi) subject to paragraph (2) of this subsection, has more than 50% of its floor space dedicated to or occupied by equipment for foosball, billiards, darts, virtual reality simulation games, and other games that the Board approves that require the active physical participation of one or more players.

(2) Under paragraph (1)(vi) of this subsection:

- (i) floor space may not be dedicated to or occupied by equipment for keno, a card game, a pinball machine, or a bar game; and
- (ii) the floor space requirement may not be met by floor space occupied by:

1. a jukebox or similar passive entertainment device; or
 2. the kitchen.
- (c) The license authorizes the license holder to sell beer, wine, and liquor 7 days a week for on-premises consumption.
- (d) An individual who is:
- (1) under the age of 21 years may not enter or remain on the licensed premises after 9 p.m.; and
 - (2) under the age of 17 years may not enter the licensed premises without a parent or guardian.
- (e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class D beer, wine, and liquor license under § 32-2005 of this title.
- (f) The annual license fee is \$4,000.

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§ 32-1003

- (a) There is a Class B beer, wine, and liquor (golf course) license.
- (b) The Board of License Commissioners may issue the license for the use of a golf course or organization that:
- (1) is open to the public;
 - (2) is operated for profit;
 - (3) owns real estate in the county; and
 - (4) has a golf course with a minimum of 18 holes.
- (c) (1) The license holder may sell beer, wine, and liquor for consumption on the land and in the buildings, including the clubhouse, used for golfing purposes.
- (2) A patron need not be seated to be served.
- (d) A holder of the license may sell beer, wine, and liquor:
- (1) on Monday through Saturday, from 10 a.m. to 2 a.m. the following day; and
 - (2) on Sunday, from 10 a.m. to midnight.
- (e) The annual license fee is \$2,200.

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§ 32-1004

- (a) There is a Class B (stadium) beer and wine license.
- (b) (1) The Board may issue the license:
- (i) to the owner of a professional baseball team franchise, regardless of whether the franchise is a partnership or corporation; and
 - (ii) subject to paragraph (2) of this subsection, only for a stadium that has the average daily receipts from the sale of food for each month exceed the average daily receipts from the sale of alcoholic beverages.
- (2) An allocation of foodstuff contained in a mixed drink may not be included in average daily receipts from the sale of food.
- (c) The license authorizes the license holder to sell beer and wine:
- (1) for on-premises consumption;
 - (2) in plastic, Styrofoam, paper, or aluminum containers on the stadium premises, except that glass containers may be used in an enclosed dining premises in which the patrons are seated; and
 - (3) to an individual present at any event held at the stadium.
- (d) The license holder may not allow an individual to carry alcoholic beverages onto or from the licensed premises.
- (e) (1) Subject to paragraph (2) of this subsection, the license holder may sell beer and wine:

- (i) on Monday through Saturday, from noon to 9 p.m.; and
- (ii) on Sunday, from 1 p.m. to 5 p.m.
- (2) During a baseball game, a holder of a stadium beer and wine license may not sell beer or wine:
 - (i) after the beginning of the eighth inning; or
 - (ii) during a doubleheader, after the beginning of the sixth inning of the second game.
- (f) The annual license fee is \$2,000.

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§ 32-1005

- (a) There is a Class B Youth and Civic Center license.
- (b) (1) The Board may issue a license to a designee of the County Executive for use at the Wicomico Youth and Civic Center.
- (2) During the term of the license, the Wicomico Youth and Civic Center shall maintain:
 - (i) a kitchen;
 - (ii) dining space; and
 - (iii) meeting space.
- (c) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption to individuals attending a youth and civic center event.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 32-2005 of this title.
- (e) The license holder may:
 - (1) authorize a vendor to sell alcoholic beverages for on-premises consumption under the license that the manager of the youth and civic center is issued; and
 - (2) contract to receive part of the revenue derived from the vendor's sale of alcoholic beverages.
- (f) The annual license fee is \$1,500.

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§ 32-1101

- (a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:
 - (1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and
 - (2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").
- (b) Section 4-1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.
- (c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:
 - (1) § 4-1104 ("Refillable container permit — Draft beer"), subject to § 32-1102 of this subtitle; and
 - (2) § 4-1106 ("Nonrefillable container permit — Draft beer"), subject to § 32-1103 of this subtitle.

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§ 32-1102

- (a) The Board may issue a refillable container permit for draft beer to a holder of any license issued by the Board except a Class C license, Class D license, Class B—Conference Center license, and Class B—Stadium license.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) Receipts collected under the permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under a Class B restaurant license, Class B hotel license, and Class B golf course license.

(e) The annual permit fee is \$500.

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§ 32-1103

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of any license issued by the Board except a Class C license, Class D license, Class B–Conference Center license, and Class B–Stadium license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) Receipts collected under the permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under a Class B restaurant license, Class B hotel license, and Class B golf course license.

(e) (1) Except as provided in paragraph (2) of this subsection, the annual permit fee is \$500.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

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§ 32-1104

(a) There is a temporary to-go event permit.

(b) The Board may issue the permit to a holder of a Class B beer, wine, and liquor license if the licensed establishment is located within or immediately adjacent to a special event area identified in and for use in conjunction with a Class C per diem municipal to-go beer, wine, and liquor license.

(c) The permit authorizes the holder to sell at retail beer, wine, and liquor in approved to-go cups that may be carried outside the licensed establishment of the Class B license and into the designated special event area.

(d) The permit holder shall be responsible for complying with all applicable laws and regulations.

(e) The term of the permit is the same as the term of the associated Class C per diem municipal to-go beer, wine, and liquor license.

(f) The Board shall adopt regulations related to the issuance of and requirements for the permit, including regulations related to:

(1) the designation of a special event area;

(2) the hours of sale;

(3) age verification requirements;

(4) the use of specified to-go cups; and

(5) advertising, posting of notice, and public hearing requirements for the temporary to-go event permit.

(g) The fee for the permit is \$20 per day.

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§ 32-1201

(a) There is a local caterer's license.

(b) The Board may issue the license to the holder of:

(1) a Class B restaurant or hotel (on-sale) beer and wine license; or

(2) a Class B restaurant or hotel (on-sale) beer, wine, and liquor license.

(c) The license authorizes a holder to:

(1) (i) provide beer and wine at an event that is held off the premises for which the holder's Class B restaurant or hotel (on-sale) beer and wine license is issued; or

(ii) provide beer, wine, and liquor at an event that is held off the premises for which the holder's Class B restaurant or hotel (on-sale) beer, wine, and liquor license is issued; and

(2) exercise the privileges of the license only during the hours and on the days authorized for the holder's Class B license.

(d) The license holder shall provide food for consumption at the catered event.

(e) The annual license fee is \$550.

(f) This section does not require a holder of a Class B restaurant or hotel (on-sale) beer and wine license or a Class B restaurant or hotel (on-sale) beer, wine, and liquor license to obtain a local caterer's license under this section for catering on the premises for which the Class B license is issued.

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§ 32-1301

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-1202 ("Per diem licenses");

(2) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(3) § 4-1204 ("Class C per diem beer, wine, and liquor license");

(4) § 4-1206 ("License to dispose of stock");

(5) § 4-1207 ("Temporary move of licensed premises");

(6) § 4-1208 ("Hours and days of sale"); and

(7) § 4-1209 ("Wine permit for fund-raising event").

(b) Section 4-1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 32-1311 of this subtitle.

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§ 32-1304

(a) There is a beer festival license.

(b) (1) The Board may issue the license to a holder of a Class 5 brewery license, Class 6 pub-brewery license, Class 7 micro-brewery license, or Class 8 farm brewery license.

(2) Each manufacturer that participates in the beer festival shall obtain a beer festival license.

(c) The license authorizes the holder to display and sell beer owned and manufactured by the license holder.

(d) A license holder shall display and sell beer:

(1) at retail for on-premises consumption; and

(2) during the hours and days designated for the festival.

(e) (1) The Board may designate the number of times during a calendar year that the license may be issued.

(2) The festival shall be held at a location that is not already licensed.

(f) The license may be in effect for not more than 3 consecutive days.

(g) The license holder may hold another license of a different class or nature.

(h) The license fee is \$50 per day.

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§ 32-1305

- (a) In this section, "Festival" means the Wicomico County Wine Festival.
- (b) There is a Wicomico County Wine Festival (WCWF) license.
- (c) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.
- (d) The license authorizes the holder to display and sell wine that is:
- (1) manufactured and processed in any state; and
 - (2) distributed in the State when the license application is filed.
- (e) The license holder shall display and sell wine:
- (1) at retail for on- and off-premises consumption; and
 - (2) during the hours and days designated for the Festival.
- (f) The Board shall:
- (1) choose one weekend, Friday through Sunday inclusive, each year for the Festival;
 - (2) choose a location that is not already licensed; and
 - (3) ensure that the primary focus of the Festival is the promotion of Maryland wine.
- (g) The license holder may hold another license of a different class or nature.
- (h) Wine displayed and sold shall be:
- (1) invoiced to the license holder by a wholesaler, Class 3 winery, or Class 4 limited winery; and
 - (2) delivered to the Festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.
- (i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the holder of a WCWF license to:
- (1) deliver wine not earlier than 2 days before the effective date of the license; and
 - (2) accept returns not later than 2 days after the expiration date of the license.
- (j) The license fee is \$50 per day.
- (k) The Board shall adopt regulations to carry out this section.

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§ 32-1306

- (a) There is a beer tasting (BT) license.
- (b) The Board may issue the license to a holder of a Class A beer and wine license or Class A beer, wine, and liquor license.
- (c) The license authorizes the holder to allow on-premises consumption of beer.
- (d) (1) An applicant for the license shall submit to the Board an application on a form that the Board provides.
- (2) The Board may issue a license without a hearing.
- (3) If a license application is denied, the applicant may request a public hearing before the Board.
- (4) Renewal of the license may be made when the Class A beer and wine license or Class A beer, wine, and liquor license is renewed.
- (e) A license holder shall notify the Board in writing at least 5 days before a beer tasting event.
- (f) The license holder may serve an individual a quantity of not more than 3 ounces of beer from each offering for tasting.
- (g) (1) A maximum of six containers of beer may be open at one time at a beer tasting event.
- (2) Once opened, each container shall be marked that it is to be used for the beer tasting only.
- (3) Once empty, all containers shall be destroyed.

- (h) The days during which a beer tasting event is held may not exceed 50 in any period for which a license is in effect.
- (i) The annual license fee is \$150.
- (j) (1) The contents of a container may not be mixed with any other container.
- (2) Beer tasting may not be conducted from a drive-through window.

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§ 32-1307

- (a) There is a wine tasting (WT) license.
- (b) The Board may issue the license to a holder of a Class A beer and wine license or Class A beer, wine, and liquor license.
- (c) The license authorizes the holder to allow the on-premises consumption of wine.
- (d) (1) An applicant for the license shall submit to the Board an application on a form that the Board provides.
- (2) The Board may issue the license without a hearing.
- (3) If a license application is denied, the applicant may request a public hearing before the Board.
- (4) Renewal of the license may be made when the Class A beer and wine license or Class A beer, wine, and liquor license is renewed.
- (e) A license holder shall notify the Board in writing at least 5 days before a wine tasting event.
- (f) The license holder may serve an individual a quantity of not more than 1 ounce of wine from each offering for tasting.
- (g) (1) A maximum of six bottles of wine may be open at one time at a wine tasting event.
- (2) Once opened, each bottle shall be marked that it is to be used for the wine tasting event only.
- (3) Once empty, each bottle shall be destroyed.
- (h) The days during which a wine tasting event is held may not exceed 50 in any period for which a license is in effect.
- (i) The annual license fee is \$150.
- (j) (1) The contents of a bottle may not be mixed with that of any other bottle.
- (2) Wine tasting may not be conducted from a drive-through window.

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§ 32-1308

- (a) There is a beer and wine tasting (BWT) license.
- (b) The Board may issue the license to a holder of a Class A beer and wine license or Class A beer, wine, and liquor license.
- (c) The license authorizes the holder to allow the on-premises consumption of beer or wine.
- (d) (1) An applicant for the license shall submit to the Board an application on a form that the Board provides.
- (2) The Board may issue the license without a hearing.
- (3) If a license application is denied, the applicant may request a public hearing before the Board.
- (4) Renewal of the license may be made when the Class A beer and wine license or Class A beer, wine, and liquor license is renewed.
- (e) A license holder shall notify the Board in writing at least 5 days before a beer and wine tasting event.
- (f) The license holder may serve an individual, for tasting, a quantity of not more than:
 - (1) 1 ounce of wine from each offering; or
 - (2) 3 ounces of beer from each offering.
- (g) (1) A maximum of six bottles of wine and six containers of beer may be open at one time at a beer and wine tasting event.

- (2) Once opened, each bottle or container shall be marked that it is to be used for the beer and wine tasting event only.
- (3) Once empty, each bottle and container shall be destroyed.
- (h) The days during which beer and wine tasting events are held may not exceed 50 in any period for which the license is in effect.
- (i) The annual license fee is \$250.
- (j) (1) The contents of a bottle or container may not be mixed with that of any other bottle or container.
- (2) Beer and wine tasting may not be conducted from a drive-through window.

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§ 32-1311

- (a) The fee for a Class C per diem beer license and a Class C per diem beer and wine license is \$30 per day.
- (b) The fee for a Class C per diem beer, wine, and liquor license is \$45 per day.

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§ 32-1312

- (a) The Board may issue a Class C multiple event beer license, beer and wine license, or beer, wine, and liquor license.
- (b) The license entitles the license holder to exercise any privilege conferred by the license at an entertainment event held by a fire department.
- (c) (1) The license application shall be in the form that the Board provides.
- (2) The applicant shall sign the form.
- (d) A license holder:
 - (1) may use only one multiple event license in a license year; and
 - (2) may not use the license for more than 40 days in a calendar year.
- (e) The license holder shall notify the Board in writing at least 7 days before each day that the license is to be used.
- (f) A fire department is not prevented from obtaining a Class C per diem license under § 4–1202 of this article.
- (g) The annual fee for a license is:
 - (1) \$400 for not more than 10 days;
 - (2) \$800 for at least 11 but not more than 20 days;
 - (3) \$1,000 for at least 21 but not more than 30 days; and
 - (4) \$1,100 for at least 31 but not more than 40 days.

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§ 32-1313

- (a) There is a basket of cheer permit.
- (b) The Board may issue the permit to a nonprofit organization, as defined by § 501(c) of the Internal Revenue Code, that meets the requirements of this section.
- (c) The permit authorizes the permit holder to provide as a prize at a benefit performance a basket of cheer, consisting of:
 - (1) for a holder of a Class C per diem beer and wine license, not more than:
 - (i) 288 ounces of beer; and
 - (ii) 2.25 liters of wine; and
 - (2) for a holder of a Class C per diem beer, wine, and liquor license, not more than:
 - (i) 288 ounces of beer;
 - (ii) 2.25 liters of wine; and

(iii) 2.25 liters of liquor.

(d) The alcoholic beverages contained in a basket of cheer shall be for off-premises consumption.

(e) The permit fees are:

(1) \$30 per event for the holder of a Class C per diem beer and wine license; and

(2) \$45 per event for the holder of a Class C per diem beer, wine, and liquor license.

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§ 32-1314

(a) There is a Class C per diem municipal to-go beer, wine, and liquor license.

(b) The license entitles the license holder to allow beer, wine, and liquor sold by a holder of a temporary to-go event permit under § 32-1104 of this title to enter a designated special event area described in the license for a period not exceeding 7 consecutive days.

(c) The Board may issue the license to a municipality in the county.

(d) The Board shall adopt regulations related to the issuance of and requirements for a license under this section, including regulations related to:

(1) the designation of a special event area;

(2) the hours of sale;

(3) age verification requirements;

(4) the use of specified to-go cups;

(5) advertising, posting of notice, and public hearing requirements for the license and any associated temporary to-go event permit; and

(6) public safety and event security requirements.

(e) The fee for the license is \$45 per day.

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§ 32-1401

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-102 ("Applications to be filed with local licensing board");

(2) § 4-105 ("Application on behalf of limited liability company");

(3) § 4-106 ("Payment of notice expenses");

(4) § 4-108 ("Application form required by Comptroller");

(5) § 4-110 ("Required information on application — Petition of support");

(6) § 4-111 ("Payment of license fees");

(7) § 4-112 ("Disposition of license fees");

(8) § 4-113 ("Refund of license fees"); and

(9) § 4-114 ("Fees for licenses issued for less than 1 year").

(b) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:

(1) § 4-103 ("Application on behalf of partnership"), subject to § 32-1403 of this subtitle;

(2) § 4-104 ("Application on behalf of corporation or club"), in addition to § 32-1406 of this subtitle;

(3) § 4-107 ("Criminal history records check"), subject to § 32-1402 of this subtitle; and

(4) § 4-109 ("Required information on application — In general"), in addition to § 32-1404 of this subtitle.

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§ 32-1402

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

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§ 32-1403

(a) If a corporation, partnership, or limited liability company is a partner of a partnership applying for a license, the application shall state:

- (1) the name of each owner of more than 33% of the stock in the corporate partner;
- (2) the name of each owner of more than 33% of ownership interest of the partnership partner; or
- (3) the name of each member with more than a 33% interest in the limited liability company partner.

(b) (1) An application for a stadium beer and wine license for a partnership shall be made by and the license issued to three individuals who:

- (i) shall be authorized in writing to apply for and hold the license on behalf of the partnership; but
- (ii) are not required to be partners.

(2) One of the three individuals who applies for a license shall be a resident and registered voter of the county at the time the application is filed.

(3) The name of each partner shall be stated on the application.

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§ 32-1404

An applicant shall include a statement in the application that:

- (1) the applicant consents to an investigation by the Board of the applicant's criminal record; and
- (2) (i) the applicant is at least 21 years old; or
- (ii) if there is more than one applicant, at least one of the applicants is at least 21 years old.

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§ 32-1405

(a) Except as provided in subsection (b) of this section, the Board may not issue a license to a corporation or limited liability company unless the individual qualifying under this article:

- (1) is a registered voter, taxpayer, and resident of the county at the time of submission of the application; and
- (2) owns at least 20% of the total issued capital stock of the corporation or 20% of the total interests of the limited liability company.

(b) This section does not affect a license that has already been issued.

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§ 32-1406

If three officers of a club acting as individuals apply for a Class C club license, the applicants are not required to file a statement indicating a financial interest in the business to be conducted under the license.

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§ 32-1407

(a) In addition to any other fee required for a license, an application fee of \$75 shall be charged for an application for a new license, made payable to the county collecting agent.

(b) The application fee is nonrefundable whether the license is issued or denied.

(c) The application fee does not apply to the renewal or transfer of a license for the same premises.

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§ 32-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-202 ("Authority of local licensing boards");
- (2) § 4-206 ("Limitations on retail sales floor space");
- (3) § 4-207 ("Licenses issued to minors");
- (4) § 4-209 ("Hearing");
- (5) § 4-211 ("License forms; effective date; expiration");
- (6) § 4-213 ("Replacement licenses"); and
- (7) § 4-214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

- (1) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to §§ 32-1502 and 32-1506 of this subtitle and Subtitle 13, Part III of this title;
- (2) § 4-204 ("Prohibition against issuing multiple licenses for same premises"), subject to §§ 32-1502 and 32-1506 of this subtitle and Subtitle 13, Part III of this title;
- (3) § 4-205 ("Chain store, supermarket, or discount house"), subject to § 32-1503 of this subtitle;
- (4) § 4-208 ("Notice of license application required"), subject to § 32-1507 of this subtitle;
- (5) § 4-210 ("Approval or denial of license application"), subject to § 32-1508 of this subtitle; and
- (6) § 4-212 ("License not property"), subject to § 32-1509 of this subtitle.

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§ 32-1502

The prohibitions against one person being issued more than one license under § 4-203 of this article do not apply to:

- (1) a Class 6 pub-brewery license issued under § 2-208 of this article or a Class 7 micro-brewery license issued under § 2-209 of this article; or
- (2) a Class B beer, wine, and liquor license issued under § 32-902 of this article if:
 - (i) the resident applicant is a resident of the county at the time of application; and
 - (ii) the minimum capital investment in the premises is at least \$200,000 or the premises have a fair market value of at least \$200,000.

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§ 32-1503

Section 4-205 of this article does not apply to a license issued under:

- (1) § 2-208 or § 2-209 (regarding pub-brewery and micro-brewery licenses) of this article; or
- (2) § 32-902 (regarding Class B beer, wine, and liquor licenses) of this title if:
 - (i) the resident applicant is a resident of the county at the time of application; and
 - (ii) the minimum capital investment in the premises is at least \$200,000 or the premises have a fair market value of at least \$200,000.

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§ 32-1504

For purposes of this subtitle, a married couple is considered to be one person.

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§ 32-1505

(a) The Board may give tentative approval to issuing a license for an establishment that is not completed or that is to be remodeled or renovated, based on the building plans and specifications that accompany the application.

(b) The Board may give final approval of a license application under this section on completion of the construction, remodeling, or renovation in accordance with the plans and specifications.

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§ 32-1506

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

- (1) the licenses are Class D beer or Class D beer and wine licenses; and
- (2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

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§ 32-1507

(a) In addition to the newspaper notice required under § 4-208 of this article, the Board shall post a suitable notice in a conspicuous place at the location described in an application for at least 10 days before the application hearing.

(b) A notice under this section shall state the class of license for which the application is made and the date, time, and location set by the Board for an application hearing.

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§ 32-1508

(a) The Board shall make a physical inspection of the location described in the application before issuing a license.

(b) Before the Board issues a license, the Board shall consider and determine as suitable:

- (1) the moral character and financial responsibility of the applicant;
- (2) the appropriateness of the location described in the application, taking into consideration the number of existing licenses; and
- (3) the general fitness of the applicant to engage in the business authorized by the license.

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§ 32-1509

A license is not subject to:

- (1) a writ of execution by a judgment creditor of a license holder; or
- (2) a distraint for rent.

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§ 32-1601

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment that is within 500 feet of a place of worship or a public or private elementary or secondary school.

(2) The distance from the establishment to the place of worship or the public or private elementary or secondary school is to be the distance that an individual could walk directly from the main entrance of the establishment to the main entrance of the place of worship or school.

(b) (1) A person may apply for a license within 6 months following the termination of a license at an existing location that falls within the restriction imposed by subsection (a) of this section.

(2) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(i) a temporary license; or

(ii) the Downtown Plaza of Salisbury that:

1. is within the area starting from the intersection of Camden Avenue and Carroll Street, eastward along Carroll Street to U.S. Route 13, then northward to U.S. Route 50, then westward to Mill Street, and then southward to the point of origin; but

2. does not include businesses located on the opposite sides of the streets listed in item 1 of this item.

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§ 32-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4-303 ("Chain store, supermarket, or discount house"); and

(2) § 4-304 ("Compliance with Bulk Transfers Act required").

(b) Section 4-306 ("Substitution of names of officers on license") of Division I of this article does not apply in the county and is superseded by § 32-1704 of this subtitle.

(c) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4-302 ("Transfer of place of business; transfer of license and inventory"), subject to § 32-1702 of this subtitle; and

(2) § 4-305 ("Filing fee and endorsement"), subject to § 32-1703 of this subtitle.

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§ 32-1702

The Board may waive the publication notice required under § 4-302(b)(4) of this article for the transfer of a Class C club license if:

(1) the person whose name appears on the license becomes ineligible; and

(2) a new application for the same class of license is properly filed with the Board within 10 days after the person becomes ineligible.

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§ 32-1703

The fee for a transfer of a license is \$75, in addition to the costs of publication, notice, and any hearing fees required.

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§ 32-1704

(a) (1) Subject to paragraph (2) of this subsection, for a license issued for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

(i) has died;

(ii) has retired; or

(iii) no longer holds an office in the corporation or club.

(2) A substitute officer shall be an individual approved by the Board who meets all the requirements applicable to the original officer.

(b) The license holder shall file an affidavit with the Board that contains:

(1) the substitution of the officer; and

(2) an explanation for the substitution.

(c) On receipt of the affidavit by the Board and payment of a \$50 fee to the county treasurer, the Board shall:

- (1) amend its records; and
- (2) issue a corrected license.

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§ 32-1801

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4-402 ("Eligibility for renewal; process");
- (2) § 4-404 ("Filing period for renewal application");
- (3) § 4-406 ("Protests");
- (4) § 4-407 ("Denial of renewal application");
- (5) § 4-408 ("Issuance of renewed licenses");
- (6) § 4-409 ("Multiple licenses"); and
- (7) § 4-410 ("Chain store, supermarket, or discount house").

(b) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county:

- (1) § 4-403 ("Renewal application"), subject to § 32-1802 of this subtitle; and
- (2) § 4-405 ("Contents of renewal application"), subject to § 32-1803 of this subtitle.

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§ 32-1802

An applicant for license renewal shall pay a renewal application fee of \$50 to the local collecting agent in addition to the license fee.

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§ 32-1803

The Board may not renew a license until the license holder presents the Board with a certificate of receipt issued by the County Finance Department showing that there are no unpaid taxes on the inventory and personal property of the renewal applicant due to the county or State.

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§ 32-1901

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

- (1) § 4-502 ("Storage of alcoholic beverages");
- (2) § 4-503 ("Solicitations and sales outside of licensed premises");
- (3) § 4-506 ("Evidence of purchaser's age");
- (4) § 4-507 ("Retail delivery of alcoholic beverages"); and
- (5) § 4-508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

- (1) § 4-504 ("Employment of underage individuals"), subject to § 32-1902 of this subtitle; and
- (2) § 4-505 ("Alcohol awareness program"), subject to § 32-1903 of this subtitle.

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§ 32-1902

An individual who is at least 16 years old and has a work permit may be employed at a licensed premises to stock alcoholic beverages or clear tables and bar areas.

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§ 32-1903

(a) This section does not apply to a holder of a Class C license.

(b) (1) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(i) be certified by an approved alcohol awareness program; and

(ii) except as provided in paragraph (2) of this subsection, be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(2) The license holder or individual specified in paragraph (1) of this subsection may be absent from the licensed premises for a personal or business reason or an emergency if the absence lasts for not more than 2 hours.

(3) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(c) A license holder who violates this section is subject to:

(1) for a first offense, a \$100 fine; and

(2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

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§ 32-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 32-2002

(a) A holder of a Class A beer license may sell beer under:

(1) a 6-day license, on Monday through Saturday, from 6 a.m. to midnight; or

(2) a 7-day license, on Monday through Sunday, from 6 a.m. to midnight.

(b) (1) A holder of a Class B (hotel and restaurant) beer license may sell beer:

(i) for off-premises consumption, from 6 a.m. to midnight; and

(ii) for on-premises consumption:

1. on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

2. on Sunday, from 10 a.m. to midnight, only to customers who are seated at tables on the premises.

(2) The license holder may not sell beer at a bar or counter on Sunday.

(c) (1) A holder of a Class C beer license may sell beer on Monday through Saturday, from 6 a.m. to midnight.

(2) The license holder may not sell beer at a bar or counter on Sunday.

(d) A holder of a Class D beer license may sell beer from 6 a.m. to midnight.

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§ 32-2003

- (a) A holder of a Class A beer and wine license may sell beer and wine under:
- (1) a 6-day license, on Monday through Saturday, from 6 a.m. to midnight; or
 - (2) a 7-day license, on Monday through Sunday, from 6 a.m. to midnight.
- (b) (1) A holder of a Class B (hotel and restaurant) beer and wine license may sell beer and wine:
- (i) for off-premises consumption, from 6 a.m. to midnight; and
 - (ii) for on-premises consumption:
 1. on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
 2. on Sunday, from 10 a.m. to midnight, only to customers who are seated at tables on the premises.
- (2) The license holder may not sell beer or wine at a bar or counter on Sunday.
- (c) A holder of a Class C beer and wine (on-sale) license may sell beer and wine on Monday through Saturday, from 6 a.m. to midnight.
- (d) (1) A holder of a 6-day Class D beer and wine license may sell beer and wine on Monday through Saturday:
- (i) for off-premises consumption, from 6 a.m. to midnight; and
 - (ii) for on-premises consumption, from 6 a.m. to 2 a.m. the following day.
- (2) A holder of a 7-day Class D beer and wine license may sell beer and wine:
- (i) for off-premises consumption, on Monday through Sunday, from 6 a.m. to midnight; and
 - (ii) for on-premises consumption:
 1. on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
 2. except as provided in paragraph (3) of this subsection, on Sunday, from 12:30 p.m. to midnight for customers who are seated.
- (3) A holder of a 7-day Class D beer and wine license issued for a bowling alley may sell beer and wine on Sunday from noon to midnight.

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§ 32-2004

- (a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to midnight.
- (b) (1) A holder of a Class B beer, wine, and liquor (on-sale) license may sell beer, wine, and liquor:
- (i) on Monday through Saturday, from 10 a.m. to 2 a.m. the following day; and
 - (ii) on Sunday, from 10 a.m. to midnight, only to customers who are seated at tables on the premises.
- (2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.
- (c) (1) Subject to paragraph (2) of this subsection, a holder of a Class B-SWL license may sell wine for off-premises consumption:
- (i) on Monday through Saturday, from 10 a.m. to midnight; and
 - (ii) on Sunday, from 12:30 p.m. to midnight.
- (2) A holder of a Class B-SWL license may exercise the privileges under paragraph (1) of this subsection only if the licensed premises is open for business as a restaurant.
- (d) (1) A holder of a Class C club beer, wine, and liquor license may sell beer, wine, and liquor:
- (i) on Monday through Saturday, from 10 a.m. to 2 a.m. the following day; and
 - (ii) on Sunday, from 12:30 p.m. to midnight, only to customers who are seated on the premises.
- (2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.

(e) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 10 a.m. to 2 a.m. the following day.

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§ 32-2005

The Board shall determine the hour when a license holder shall stop selling alcoholic beverages on the morning of January 1, regardless of the day on which January 1 falls.

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§ 32-2006

When the hours of sale for consumption on the premises end:

- (1) alcoholic beverages may continue to be consumed on the premises for 30 minutes; and
- (2) thereafter, each table and bar area shall be cleared of all alcoholic beverages.

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§ 32-2101

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4–602 ("Power of local licensing board");
- (2) § 4–603 ("Revocation and suspension procedures"); and
- (3) § 4–605 ("Nudity and sexual displays").

(b) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county:

- (1) § 4–604 ("Grounds for revocation or suspension"), subject to § 32–2102 of this subtitle; and
- (2) § 4–606 ("Effects of revocation"), subject to § 32–2103 of this subtitle.

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§ 32-2102

In addition to the grounds for revocation or suspension in § 4–604 of this article, the Board may revoke or suspend a new or transferred license:

- (1) if the license has not been placed in operation after 6 months following its issuance or transfer; or
- (2) for a conviction of the license holder for violating State gambling law in or on the licensed premises.

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§ 32-2103

(a) If a license is revoked because the license holder is convicted of violating this article or the provisions of the Tax – General Article that relate to the alcoholic beverage tax, a license may not be issued to the former license holder within 1 year after the revocation.

(b) A person other than the former license holder may not obtain a license for the same premises until after 6 months following the revocation.

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§ 32-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 32-2202

The Board may authorize the closing of a licensed premises for not more than 6 months if:

- (1) the Board determines that the licensed premises is seasonally operated; and
- (2) the license holder submits a written request to the Board at least 30 days before the anticipated date of closing.

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§ 32-2301

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

- (1) § 4-802 ("Expiration of license on death of license holder");
- (2) § 4-804 ("Transfer or reinstatement of license");
- (3) § 4-805 ("Rights of protest, revocation, suspension, and restriction"); and
- (4) § 4-806 ("Refund").

(b) Section 4-803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 32-2302 of this subtitle.

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§ 32-2302

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

- (i) the surviving spouse;
- (ii) the surviving partners for the benefit of the partnership; or
- (iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

- (i) for the balance of the license year; and
- (ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

- (1) the surviving spouse;
- (2) the surviving partners of a partnership; or
- (3) the senior surviving officer of a corporation for the benefit of the corporation.

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§ 32-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 32-2501

(a) A person may not serve setups, including drinking containers and ice, or serve, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of adult entertainment that:

- (1) does not hold a license under this article; and
- (2) allows at its location any form of attire or sexual display prohibited under § 4-605 of this article.

(b) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 32-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

- (1) an establishment open to the public;
- (2) a place of public entertainment; or
- (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 32-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

- (1) § 6-202 ("Inspections");
- (2) § 6-203 ("Use of equipment to measure quantity and quality of alcoholic beverages");
- (3) § 6-204 ("Power to summon witnesses");
- (4) § 6-205 ("Peace officers");
- (5) § 6-206 ("Charging document for unlawful sale of alcoholic beverage");
- (6) § 6-207 ("Display of alcoholic beverages as prima facie evidence of sale");
- (7) § 6-208 ("Regulating possession or consumption of alcohol in public places");
- (8) § 6-209 ("Adoption of standards for authorization of consumption"); and
- (9) § 6-210 ("State preemption of local disorderly intoxication laws").

(b) Section 6-211 ("Fines and forfeitures") of Division I of this article applies in the county, subject to §§ 32-2612 and 32-2613 of this subtitle.

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§ 32-2602

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

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§ 32-2603

(a) A judge in the District Court may issue a search warrant if a police officer or other applicant files a complaint or an affidavit that:

- (1) is sworn to by the applicant;
- (2) describes with particularity the place or thing to be searched;
- (3) describes with particularity the things to be searched for; and
- (4) states that the applicant has reason to believe that alcoholic beverages are sold or kept to be sold or otherwise disposed of in violation of law.

(b) A warrant issued under this section shall:

- (1) be directed to the sheriff, deputy sheriff, or proper police officer;

- (2) include a copy of the affidavit;
- (3) require the officer to whom the warrant is directed to search the place or thing described in the warrant, and seize any:
 - (i) alcoholic beverages found in quantities that suggest that they are being kept for sale;
 - (ii) means to sell alcoholic beverages, including furniture, implements, and equipment;
 - (iii) paraphernalia of a barroom or saloon that sells alcoholic beverages; and
 - (iv) United States Internal Revenue tax receipts for the sale of alcoholic beverages dated during the time of the alleged offense; and
- (4) require the officer to report in writing on the search and make an immediate return on the warrant.
- (c) An affidavit, a warrant for search, and a report and return shall be substantially in the following form:

State of Maryland, Wicomico County, to wit: To:, of Wicomico County: Greetings: Whereas, there has been filed with the undersigned an affidavit, of which the following is a copy, to wit: Whereas on this day of, 20.., before the Subscriber, ... in and for said County, personally appeared, and made complaint and oath that the applicant has just and reasonable cause to suspect and believe and does suspect and believe that intoxicating liquor is sold, or except for the purpose of being sold or otherwise disposed of in violation of the law in the of at, in of said County, and that in and upon said premises and at said place and house will be found upon search thereof, the following: Intoxicating liquors, and the vessels and bottles in which the same are contained, and barroom, and drinking saloon paraphernalia, and the United States Internal Revenue tax receipt for sale of intoxicating liquor at this time effective (and any other facts material): These Are Therefore, in the name of the State of Maryland, to command you, together with the necessary and proper assistance, to enter into the said of the said at, in in the County aforesaid, and there diligently search for the said intoxicating liquor and means used for the sale of same, or any part thereof as described in the foregoing affidavit of complaint, and that you bring the same, or any part thereof, found in such search, and the person or persons in whose custody they are found forthwith before me to be disposed of and dealt with according to law; and have you there this warrant. Given under my hand this day of, 20... Judge of the District Court

REPORT AND RETURN

To Hon., Judge of the District Court in Wicomico County. This Return and Report, made this day of, 20.., is to certify, That pursuant and in obedience to the commands of the annexed warrant to me directed, I did on the day of, 20.., enter and search the place, house and premises described in said warrant and found and seized the following, to wit: (here set forth what was found and seized), and do forthwith bring the same, and one the person in whose custody the same were found before you. (Person serving warrant)

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§ 32-2604

An applicant for a warrant under this subtitle or an agent of the applicant may:

- (1) accompany the officer who serves the warrant;
- (2) point out and enter the place or thing to be searched; and
- (3) assist the officer in searching the place or thing.

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§ 32-2605

(a) Except as provided in subsection (b) of this section, a warrant may not be issued to search a residence unless:

- (1) the residence or part of the residence is used as a store, hotel, restaurant, or boarding house;
- (2) the residence is used as a public resort; or
- (3) the residence is used to keep, hide, or provide alcoholic beverages to sell or for another use that violates the law.

(b) A judge of the District Court may issue a warrant after determining that the issuance would be proper, based on an examination of:

- (1) the applicant for the warrant; or
- (2) other evidence.

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§ 32-2606

If an owner or operator of the establishment or thing from which alcoholic beverages or other items are seized cannot be served under this subtitle, the officer seizing the items shall:

- (1) post a copy of the warrant in a conspicuous location at the place searched at or near the thing searched; and
- (2) hold the items subject to the order of the court and make return of that action.

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§ 32-2607

In a prosecution under this title:

- (1) it is not necessary to:
 - (i) describe the place where the alcoholic beverage is sold or handled;
 - (ii) show knowledge on the part of the principal to convict for the acts of the agent; or
 - (iii) state the name of any person to whom the alcoholic beverage is sold; but
- (2) it is sufficient to state that the violation charged took place in the county.

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§ 32-2608

In a prosecution under this article, a receipt issued by the United States in the county to a person as a wholesaler or retail dealer in alcoholic beverages or malt liquor is prima facie evidence of the sale of the class of alcoholic beverages or malt liquor authorized to be sold under the receipt:

- (1) by the person;
- (2) in the county or a place of business of the person where the receipt is posted; and
- (3) at the time charged in a suit or prosecution under this article, if the time is within the life of the receipt.

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§ 32-2609

(a) Alcoholic beverages and items used to sell alcoholic beverages that are seized shall be held subject to the order of the court to be used as evidence in the prosecution of a violation of this article.

(b) Prima facie evidence of the violation of this article includes:

- (1) alcoholic beverages and items used to sell alcoholic beverages;
- (2) the means or materials to manufacture, transport, or dispose of the alcoholic beverages; and
- (3) the paraphernalia of a barroom or saloon.

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§ 32-2610

(a) (1) After scheduling a hearing to determine the purpose for which the alcoholic beverages are kept, the court shall issue a hearing notice to the officer who carried out the search.

(2) On receipt of the notice, the officer shall post the notice at or near the place or thing where the alcoholic beverages were found.

(b) If no one appears to claim the alcoholic beverages or other seized items at the hearing scheduled in accordance with this section or within 30 days after the hearing, the court shall order that the alcoholic beverages and other items be disposed of.

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§ 32-2611

(a) If a prosecution under this article results in a conviction and an appeal is not taken:

- (1) alcoholic beverages seized in connection with the prosecution shall be ordered to be destroyed; and
- (2) other property seized in connection with the prosecution shall continue to be held as the property of the defendant or the owner.

(b) If a prosecution under this article does not result in a conviction, property seized in connection with the prosecution shall be returned to the person from whom it was taken.

(c) (1) Subject to paragraph (2) of this subsection, a person's claim of insufficiency of the description of the alcoholic beverages seized under this subtitle or the place or thing searched provided in the complaint or warrant does not result in the immediate return of the alcoholic beverages to the person.

(2) The person with a claim of insufficiency under paragraph (1) of this subsection is entitled to a hearing on the claim when the case is tried.

(3) A conviction under this subtitle bars an action for:

- (i) the recovery of alcoholic beverages or the value of alcoholic beverages; or
- (ii) damages alleged to have arisen from seizing alcoholic beverages.

(4) Alcoholic beverages or other items seized under this subtitle may not be taken from the custody of the officer by a writ of replevin or other process while a prosecution under this subtitle is pending.

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§ 32-2612

One-half of each fine imposed in the county shall be distributed as provided under § 7-507 of the Courts Article.

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§ 32-2613

(a) (1) The county may use any part of the fines for a violation of this article to hire detectives or undercover agents.

(2) A detective or an undercover agent hired under this section shall be deputized as an officer.

(b) When money is not available from fines, the County Commissioners may appropriate not more than \$200 annually from the general fund of the county to enforce this subtitle.

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§ 32-2614

(a) A place where alcoholic beverages are sold in violation of this article or Title 5 of the Tax – General Article is a public nuisance.

(b) (1) On conviction of the owner or operator of the place, the place may be closed and the public nuisance may be abated until a \$2,000 bond is posted, payable to the State.

(2) The bond shall be conditioned on the owner or operator:

- (i) not selling alcoholic beverages in violation of this article; and
- (ii) paying all fines, costs, and damages assessed against the owner.

(3) If a condition of the bond is violated, the county may bring action against the owner or operator for fines, costs, and damages.

(c) If a jury trial is requested or appeal is taken in a case in which a place is alleged to be a public nuisance, the place shall be closed until the defendant posts a \$2,000 bond under the same conditions as those specified under subsection (b) of this section.

(d) A person who owns or operates a public nuisance as described in subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$200 or imprisonment not exceeding 6 months or both.

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§ 32-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6-305 ("Proof of age for sale of alcoholic beverages");
- (2) § 6-306 ("Defense to prosecution for sale to underage individual");
- (3) § 6-308 ("Allowing on-premises consumption of alcoholic beverages not purchased from license holder");
- (4) § 6-309 ("Allowing on-premises consumption or possession of alcoholic beverages by individual under the age of 21 years");
- (5) § 6-310 ("Providing free food");
- (6) § 6-311 ("Restrictions on purchases and sales by retail dealer");
- (7) § 6-312 ("Beverage misrepresentation");
- (8) § 6-313 ("Tampering with alcoholic beverage container");
- (9) § 6-314 ("Sale of alcoholic beverage container with detachable metal tab");
- (10) § 6-315 ("Alcoholic beverage in container without regular label presumed illicit");
- (11) § 6-316 ("Maximum alcohol content");
- (12) § 6-317 ("Multiple serving purchase required");
- (13) § 6-319 ("On-premises consumption of alcoholic beverages not purchased from license holder");
- (14) § 6-320 ("Disorderly intoxication");
- (15) § 6-321 ("Consumption of alcoholic beverages in public");
- (16) § 6-323 ("Possession or use of Alcohol Without Liquid machine");
- (17) § 6-326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");
- (18) § 6-327 ("Unlicensed out-of-state sale of alcoholic beverages");
- (19) § 6-328 ("Tax evasion");
- (20) § 6-329 ("Destruction of evidence"); and
- (21) § 6-330 ("Perjury").

(b) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

- (1) § 6-304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 32-2702 of this subtitle;
- (2) § 6-307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 32-2703 of this subtitle; and
- (3) § 6-322 ("Possession of open container"), subject to § 32-2704 of this subtitle.

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§ 32-2702

The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6-304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 32-2703

The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6-307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

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§ 32-2704

An individual may possess an alcoholic beverage in an open container on private property described under § 6–322(a)(1) of this article only if the individual possesses and presents the written consent of the owner of the property.

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§ 32-2705

(a) (1) A license holder or an agent or an employee of the license holder may not allow an individual under the age of 21 years to loiter about the premises for which a Class B or Class D beer license is issued.

(2) An individual under the age of 21 years may not loiter or be a nuisance on the premises for which a Class B or Class D beer license is issued.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$200 or both.

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§ 32-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 32-2802

(a) The Board may suspend a license or impose a fine not exceeding \$5,000 or both for a violation that is cause for suspension under the alcoholic beverage laws affecting the county.

(b) Fines collected under this section shall be paid to the director of finance.

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Title 33 — Title 33

§ 33-101

(a) In this title:

(1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Worcester County.

(c) “County” means Worcester County.

(d) “Taxpayer” means an individual who:

(1) owns real estate in the county in the individual's own name, individually or jointly with others; and

(2) pays real estate taxes to the county.

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§ 33-102

This title applies only in Worcester County.

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§ 33-103

Notwithstanding § 1–203 of this article, a municipality may require a license holder for a place of business in the municipality to pay to the municipality an additional annual license fee not exceeding 20% of the fee payable under this article.

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§ 33-104

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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§ 33-201

There is a Board of License Commissioners for Worcester County.

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§ 33-202

- (a) The Governor shall appoint three members to the Board, subject to the advice and consent of the Senate.
- (b) Each member of the Board shall be:
 - (1) a resident and voter of the county; and
 - (2) an individual of high character and integrity and of recognized business capacity.
- (c) (1) The term of a member is 4 years.
- (2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.
- (d) (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.
- (2) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.
- (e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.
- (2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.
- (3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

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§ 33-203

- (a) In addition to the regular members of the Board, the Governor shall appoint a substitute Board member.
- (b) (1) The term of the substitute member is 4 years.
- (2) The substitute member:
 - (i) shall serve on the Board in the absence of a quorum of the regular members due to illness or conflict of interest; and
 - (ii) has all of the powers and duties of a regular member when serving on the Board.

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§ 33-204

In making the appointments, the Governor shall designate a chair from among the members of the Board.

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§ 33-205

- (a) (1) The chair of the Board shall receive a salary of not less than \$2,500 annually, as determined by the County Commissioners.
- (2) Each other regular member of the Board shall receive a salary of not less than \$2,100 annually, as determined by the County Commissioners.

(3) The substitute member of the Board shall receive compensation that the County Commissioners determine for services when acting on the Board.

(b) Subject to § 33–206 of this subtitle, the Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

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§ 33-206

(a) (1) The Board may appoint an inspector with the consent of the County Commissioners.

(2) The salary of the inspector shall be as provided in the county budget.

(b) The inspector has the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article.

(c) The Board shall specify the duties of the inspector, including the proper administration and enforcement of the alcoholic beverages laws in the county.

(d) The inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

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§ 33-207

The Board of County Commissioners shall pay the salaries and expenses of the Board of License Commissioners.

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§ 33-208

(a) A person may not play on licensed premises music that exceeds the noise level limits established under local law.

(b) The Board may regulate the playing time and noise level of live music, a mechanical music box, or a sound making device on licensed premises if the sound disturbs the peace, tranquility, safety, and health of the surrounding neighborhood.

(c) If the Board finds that a licensed premises is in violation of this section, the Board may:

(1) require the license holder to alter the time that the music is played;

(2) require the license holder to reduce the noise level; or

(3) take any other enforcement action that is authorized under this article.

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§ 33-209

The Board may adopt regulations to carry out this article.

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§ 33-301

(a) In this subtitle the following words have the meanings indicated.

(b) "Department" means the Department of Liquor Control for the county.

(c) "Dispensary" means a store established and maintained by the Department for the sale of alcoholic beverages.

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§ 33-302

There is a Department of Liquor Control in the county government, which functions as a liquor control board.

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§ 33-303

(a) The Board of County Commissioners shall appoint the director of the Department.

(b) The director shall serve at the pleasure of the Board of County Commissioners.

(c) (1) The director of the Department may not:

(i) have a direct or indirect financial interest in the manufacture or sale of alcoholic beverages; or

(ii) derive profit or remuneration from the sale of alcoholic beverages other than the salary or wages payable for the discharge of the duties of the office.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,000 or both.

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§ 33-304

(a) The Department shall appoint employees necessary to operate the dispensary system, set employee compensation, and require a bond for the faithful performance of employee duties.

(b) (1) An employee of the Department may not:

(i) have a direct or indirect financial interest in the manufacture or sale of alcoholic beverages; or

(ii) derive profit or remuneration from the sale of alcoholic beverages other than the salary or wages payable for the discharge of the duties of the office.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,000 or both.

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§ 33-305

(a) (1) Subject to § 1–319 of this article, and except as provided in subsection (c) of this section:

(i) the Department has a monopoly on the sale and distribution of wine, liquor, or any other alcoholic beverage containing more than 14% of alcohol by volume in the county; and

(ii) a license holder shall purchase all wine containing more than 14% of alcohol by volume and liquor from the Department.

(2) A license holder may purchase beer and wine containing 14% alcohol by volume or less from a licensed wholesaler.

(b) Except as provided in subsection (c) of this section, a license holder who purchases wine or liquor from the Department may not be charged more than 85% of the retail price or any special sale price or discount price, whichever is lower, set by the Department.

(c) (1) (i) A license holder in the county may elect to purchase wine or liquor from a licensed wholesaler by providing written notice of the license holder's intent to the Department at least 60 days before the date the purchasing activity is to start.

(ii) The notice shall contain:

1. the name of the license holder;

2. the name and address of the licensed premises; and

3. the date that the notice was sent to the Department.

(2) A license holder that meets the requirements of this subsection may purchase wine or liquor from a licensed wholesaler in addition to or instead of the Department.

(3) (i) The Department shall issue a letter of confirmation to a license holder that meets the requirements of this subsection.

(ii) The license holder shall display the letter conspicuously on the licensed premises.

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§ 33-306

(a) Subject to § 1–319 of this article, the Department may:

(1) purchase from a holder of a wholesaler's license or manufacturer's license alcoholic beverages that the Department is authorized to sell and on which the excise tax imposed by § 5–102 of the Tax – General Article is paid;

(2) (i) purchase from a holder of a resident or nonresident dealer's permit and import for resale alcoholic beverages that the Department is authorized to sell; and

(ii) resell the alcoholic beverages once the excise tax is paid;

(3) sell alcoholic beverages in sealed containers at prices that the Department determines and that are uniform in all dispensaries;

(4) refuse to sell alcoholic beverages to a person that, in the judgment of the Department, is not suitable to purchase or consume the alcoholic beverages;

(5) restrict by any method the quantity of alcoholic beverages that may be sold to an individual consumer or license holder at or during any time;

(6) enter into a contract or adopt regulations necessary or desirable to carry out this article;

(7) sell and ship outside of the county a container or package of alcoholic beverages kept for sale in a dispensary, if not prohibited by law in the place where the shipment is consigned;

(8) subject to the approval of the county, rent, lease, or purchase premises necessary for the operation of the dispensaries; and

(9) subject to § 33–307(d) of this subtitle, establish the hours of sale for dispensaries, outside of which a dispensary may not remain open.

(b) (1) Subject to § 1–319 of this article and the approval of the County Commissioners, the Director of the Department may purchase or otherwise acquire:

(i) real or personal property that the Director considers necessary to operate dispensaries, stores, or warehouses; and

(ii) subject to paragraph (2) of this subsection, wine and liquor from any source for resale.

(2) (i) 1. Acting as a wholesaler, the Department may purchase wine and liquor, on which the excise tax has not been paid, from a licensed wholesaler.

2. The Department may only resell the wine and liquor purchased under this subparagraph to a nondispensary, licensed retailer and only after the excise tax has been paid.

(ii) Acting as a retailer, the Department may purchase wine and liquor, on which the excise tax has been paid, from a licensed wholesaler for retail sale in dispensary stores.

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§ 33-307

(a) The Department may establish and maintain stores known as "dispensaries".

(b) A dispensary:

(1) may sell any alcoholic beverage except beer; and

(2) shall sell alcoholic beverages in a sealed package or container.

(c) The Department may establish and maintain dispensaries only in:

(1) Berlin;

(2) Ocean City;

- (3) Pocomoke City;
- (4) Snow Hill;
- (5) a rural area approved by the Department and the County Commissioners; and
- (6) a housing development that:
 - (i) has a population of at least 10,000 individuals;
 - (ii) is overseen by a homeowners association; and
 - (iii) has a special police force commissioned under Title 3, Subtitle 3 of the Public Safety Article.
- (d) The Department may sell or deliver liquor to a retail license holder from 6 a.m. to midnight Monday through Saturday and from 9 a.m. to 5 p.m. on Sunday.
- (e) A person may not open or consume the contents of a sealed package or container containing alcoholic beverages on the premises of the dispensary where sold.
- (f) Title 4, Subtitle 2 of this article does not apply to this section.

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§ 33-308

- (a) The Department shall apply proceeds derived from the operation of dispensaries first toward the repayment of money that was loaned to or borrowed by the Department.
- (b) After repayment under subsection (a) of this section, the Department may create and maintain a reserve fund not exceeding \$400,000 to:
 - (1) provide adequate working capital; and
 - (2) cover any losses sustained by the Department in operating the dispensaries.
- (c) (1) After the distributions under subsections (a) and (b) of this section, the Department shall distribute on or before June 1 annually:
 - (i) the proceeds generated by dispensaries in rural areas outside of a municipal boundary to the county general fund; and
 - (ii) of the remaining proceeds:
 - 1. 50% to the County Commissioners; and
 - 2. 50% to the mayors and city councils of Berlin, Ocean City, Pocomoke City, and Snow Hill, and homeowners associations that oversee an area in which a dispensary has been established, in amounts determined under paragraph (2) of this subsection.
- (2) (i) The Department shall distribute the proceeds due to municipalities listed in paragraph (1)(ii)2 of this subsection and homeowners associations proportionally according to the net profits on total sales derived from the dispensaries in each municipality or area overseen by a homeowners association.
- (ii) If County Commissioners consent for each municipality listed in paragraph (1)(ii)2 of this subsection, to determine the share of a municipality, a dispensary within 2 miles outside of the municipal boundary shall be considered to be within the municipal boundary.
- (iii) Distributions paid to a municipality under this subsection shall be used for general municipal purposes.
- (iv) Distributions paid to a homeowners association shall be used for the benefit of the special police force of the housing development.

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§ 33-309

- (a) (1) The Department shall keep accurate records of:
 - (i) all purchases of alcoholic beverages; and
 - (ii) a complete statement of the business conducted by the Department and the operational achievements of the dispensary system.

- (2) The records shall be open to inspection by the Comptroller or the Executive Director during regular business hours.
- (b) The Department shall submit a report annually to the County Commissioners for the period ending on April 30.

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§ 33-401

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2-201 ("Issuance by Comptroller");
- (2) § 2-202 ("Class 1 distillery license");
- (3) § 2-203 ("Class 9 limited distillery license");
- (4) § 2-204 ("Class 2 rectifying license");
- (5) § 2-205 ("Class 3 winery license");
- (6) § 2-206 ("Class 4 limited winery license");
- (7) § 2-207 ("Class 5 brewery license");
- (8) § 2-208 ("Class 6 pub-brewery license");
- (9) § 2-210 ("Class 8 farm brewery license");
- (10) § 2-211 ("Residency requirement");
- (11) § 2-212 ("Additional licenses");
- (12) § 2-213 ("Additional fees");
- (13) § 2-214 ("Sale or delivery restricted");
- (14) § 2-215 ("Beer sale on credit to retail dealer prohibited");
- (15) § 2-216 ("Interaction between manufacturing entities and retailers");
- (16) § 2-217 ("Distribution of alcoholic beverages — Prohibited practices"); and
- (17) § 2-218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2-209 ("Class 7 micro-brewery license") of Division I of this article applies in the county, subject to § 33-403 of this subtitle.

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§ 33-402

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 33-403

(a) This section applies to a Class 7 micro-brewery license in the county.

(b) Notwithstanding § 2-209 (b) of this article, the license may be issued only to the holder of:

- (1) a Class B beer, wine, and liquor (on-sale) license that is issued for use on the premises of a restaurant located in the county; or
 - (2) a holder of a Class D beer (off-sale) license that is issued for use on the premises of the Class D license if the premises is located in the Town of Berlin.
- (c) The hours and days of sale under a Class 7 micro-brewery license are the same as those for a Class D license.

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§ 33-501

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 2–301 ("Licenses issued by Comptroller");
- (2) § 2–304 ("Class 3 beer and wine wholesaler's license");
- (3) § 2–305 ("Class 4 beer wholesaler's license");
- (4) § 2–306 ("Class 5 wine wholesaler's license");
- (5) § 2–307 ("Class 6 limited wine wholesaler's license");
- (6) § 2–308 ("Class 7 limited beer wholesaler's license");
- (7) § 2–309 ("Sale and delivery of beer or wine from wholesaler's vehicle");
- (8) § 2–310 ("Sale and delivery to retail license holder");
- (9) § 2–311 ("Additional wholesaler's licenses");
- (10) § 2–312 ("Direct importation of alcoholic beverages");
- (11) § 2–313 ("Sale or delivery restricted to holder of license or permit");
- (12) § 2–315 ("Interaction between wholesaling entities and retailers");
- (13) § 2–316 ("Distribution of alcoholic beverages — Prohibited practices"); and
- (14) § 2–317 ("Restrictive agreements between wholesalers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county:

- (1) §§ 2–302 ("Class 1 beer, wine, and liquor wholesaler's license") and 2–303 ("Class 2 wine and liquor wholesaler's license"), subject to § 33–505 of this subtitle; and
- (2) § 2–314 ("Beer sale on credit to retail dealer prohibited"), subject to § 33–504 of this subtitle.

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§ 33-502

Except as provided in § 33–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

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§ 33-503

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

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§ 33-504

(a) (1) Notwithstanding § 2–314 of this article, a wholesaler may sell beer on credit to a retail dealer if:

- (i) the retail dealer has been doing business for at least 2 years; and
- (ii) the term of credit extended to the retail dealer does not exceed 10 days, with no grace period.

(2) A wholesaler that extends credit under this subsection may establish different prices for cash and credit transactions.

(b) (1) (i) A wholesaler may not intentionally deliver beer to a retail dealer to whom any wholesaler has extended credit under this section if the retail dealer:

1. fails to pay the balance owed or makes a payment on the debt by bad check; and
2. is currently listed on the county beer credit control list in accordance with regulations that the Executive Director issues.

(ii) A wholesaler who violates this paragraph is subject to a fine not exceeding \$1,000 for each delivery.

(2) The Board may not transfer or renew the license of a retail dealer if the dealer was extended credit under this section and owes a balance on the debt at the time of the transfer or renewal.

(3) A retail dealer that fails to satisfy a debt on credit extended under this section on three separate occasions within a single calendar year may not obtain beer on credit for 2 years after the third occurrence.

(4) (i) A retail dealer may request a hearing with the Executive Director within 10 days after being listed on the county beer credit control list for failure to comply with this section.

(ii) The Executive Director shall remove immediately from the county beer credit control list a retail dealer who requests a hearing, pending the disposition of the hearing.

(c) A suit or civil action to enforce or collect a claim for credit extended in violation of this section may not be maintained in the State.

(d) The Executive Director shall enforce subsections (a) and (b) of this section and shall adopt regulations to carry out those subsections.

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§ 33-505

A license holder in the county may elect to purchase wine or liquor from a licensed wholesaler under § 33-305(c) of this title.

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§ 33-601

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fees are:

(1) \$225 for a 6-day license; and

(2) \$250 for a 7-day license.

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§ 33-602

(a) There is a Class B beer license.

(b) The license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on-premises consumption or on- and off-premises consumption.

(c) The annual license fees are:

(1) \$275 for a 6-day license; and

(2) \$350 for a 7-day license.

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§ 33-603

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on-premises consumption.

(c) The annual license fee is \$150.

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§ 33-604

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on-premises consumption or on- and off-premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fees are:

(1) \$325 for a 6-day license; and

(2) \$450 for a 7-day license.

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§ 33-701

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail wine produced at the winery on the premises described in the license.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is \$50.

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§ 33-801

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

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§ 33-802

(a) There is:

(1) a Class A beer and wine 6-day license; and

(2) a Class A beer and wine 7-day license.

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fees are:

(1) \$250 for a 6-day license; and

(2) \$300 for a 7-day license.

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§ 33-803

(a) There is:

(1) a Class B beer and wine 6-day license; and

(2) a Class B beer and wine 7-day license.

(b) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on-premises consumption or on- and off-premises consumption.

(c) The annual license fees are:

- (1) \$300 for a 6–day license; and
- (2) \$400 for a 7–day license.

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§ 33-804

- (a) There is a Class C beer and wine license.
- (b) The license authorizes the license holder to sell beer and wine to a member of a club and guests of members, at retail, at the place described in the license, for on–premises consumption.
- (c) The annual license fee is \$200.

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§ 33-805

- (a) There is:
 - (1) a Class D beer and wine 6–day license; and
 - (2) a Class D beer and wine 7–day license.
- (b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on–premises consumption or on– and off–premises consumption.
- (c) The license may not be issued for use by a drugstore.
- (d) The annual license fees are:
 - (1) \$350 for a 6–day license; and
 - (2) \$500 for a 7–day license.

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§ 33-901

- (a) There is a Class A beer, wine, and liquor license.
- (b) (1) The Board may issue the license to an individual for use at:
 - (i) a store previously operated by the Department of Liquor Control;
 - (ii) subject to paragraph (2) of this subsection, an establishment outside a 10–block radius of a store previously operated by the Department of Liquor Control that is in Ocean City; or
 - (iii) subject to paragraph (2) of this subsection, an establishment outside a 1–mile radius of a store previously operated by the Department of Liquor Control that is not in Ocean City.
- (2) A distance restriction described in paragraph (1)(ii) or (iii) of this subsection on issuing licenses to establishments expires on the earlier of:
 - (i) July 1, 2017; or
 - (ii) the date a license is issued for use by a store previously operated by the Department of Liquor Control to which the distance restriction applies.
- (c) (1) The license authorizes the license holder to sell beer, wine, and liquor, at retail, at the place described in the license.
- (2) The license holder shall sell the beer, wine, and liquor in a sealed package or container.
- (3) The package or container may not be opened and its contents may not be consumed on the premises where the beer, wine, or liquor is sold.
- (d) The annual license fee is \$4,500.

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§ 33-902

- (a) There are:
- (1) a Class B beer, wine, and liquor 6-day license; and
 - (2) a Class B beer, wine, and liquor 7-day license.
- (b) (1) The Board may issue a 6-day license for use in:
- (i) a hotel that has at least 20 rooms and serves meals regularly; or
 - (ii) a restaurant that has seating at tables for at least 70 individuals.
- (2) The Board may issue a 7-day license for use in:
- (i) a hotel that:
 1. has at least 20 rooms and serves meals regularly;
 2. provides services ordinarily found in hotels;
 3. has a lobby with a registration and mail desk and seating facilities; and
 4. has an enclosed dining area that serves full-course meals from menus at least two times a day; or
 - (ii) a restaurant that has:
 1. a seating capacity at tables for at least 70 individuals;
 2. an enclosed dining area that serves full-course meals from menus at least two times a day; and
 3. average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages during the license term.
- (3) The Board may not issue a license under this section for use in a hotel or restaurant unless the hotel or restaurant is:
- (i) operated in a clean and sanitary manner; and
 - (ii) has proper restroom facilities.
- (4) Before a license under this section may be issued for a premises in a municipality, the license application:
- (i) shall be approved by the Board; and
 - (ii) may be subject to approval by the mayor and town council of the municipality.
- (c) A license under this section authorizes the license holder to sell beer, wine, and liquor, at retail, at the place described in the license, for on-premises consumption or on- and off-premises consumption.
- (d) (1) The annual license fees are:
- (i) \$1,750 for a 6-day license; and
 - (ii) \$2,000 for a 7-day license.
- (2) (i) Subject to subparagraph (ii) of this paragraph, all license fees shall be distributed to the general fund of the county.
- (ii) If the licensed premises is located in a municipality, 75% of the license fees shall be distributed to the municipality.

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§ 33-903

- (a) There are:
- (1) a Class C (fishing club) beer, wine, and liquor license;
 - (2) a Class C (fraternal/sororal/service organization) beer, wine, and liquor license;
 - (3) a Class C (golf, tennis, or swimming club) beer, wine, and liquor license; and
 - (4) a Class C (veterans' organization or club) beer, wine, and liquor license.
- (b) (1) This section does not apply to a "bring your own bottle" social function at which alcoholic beverages are provided only by the participants or guests.

(2) If such a social function is held in a facility open to the public, the function shall be held during the hours of operation allowed under a Class C license.

(c) (1) The Board may issue the fishing club license for use by a club that:

- (i) is organized to promote the sport of fishing;
- (ii) owns its own building;
- (iii) has been in existence for at least 5 years before the application for the license is made;
- (iv) has at least 25 members paying dues of at least \$25 per year per adult member;
- (v) operates only for the use of its members and guests when accompanied by members; and
- (vi) meets in a clubhouse principally used for its members and guests.

(2) The Board may issue the fraternal/sororal/service organization license for use by a lodge or chapter of a nationwide nonprofit fraternal, sororal, or service organization that:

- (i) is composed of inducted members;
- (ii) was operating in the county for at least 5 years before the application for the license was made;
- (iii) has at least 40 members paying dues of at least \$5 per year per member; and
- (iv) owns or operates a home or clubhouse principally used for members and guests when accompanied by members.

(3) The Board may issue the golf, tennis, or swimming club license for use by a country club, not including a miniature golf course, that:

- (i) has been incorporated for at least 1 year before the application for the license was made;
- (ii) has at least 100 members paying dues of at least \$10 per year per adult member;
- (iii) has facilities for preparing and serving food on the premises to members and guests when accompanied by members; and
- (iv) owns or operates on the premises a clubhouse principally used for its members and guests.

(4) The Board may issue the veterans' organization or club license for use by a local unit of a nationwide nonprofit organization or club that:

- (i) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;
- (ii) has held a charter from a national veterans' organization for at least 5 years before the application for the license is made;
- (iii) has at least 15 members paying dues of at least \$5 per year per member;
- (iv) operates only for the use of its members and guests when accompanied by members; and
- (v) meets in a clubhouse principally used for its members and guests.

(d) The license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license, for on-premises consumption.

(e) To qualify for a 7-day license, a club shall:

- (1) have an enclosed dining area that has a seating capacity for at least 60 individuals; and
- (2) serve full-course meals from menus at least twice daily.

(f) A club or organization that is issued a Class C license may:

- (1) serve, sell, provide, or dispense alcoholic beverages to its members or guests;
- (2) keep alcoholic beverages for its members or guests;
- (3) allow on-premises consumption by its members or guests of any alcoholic beverages that have been reserved or purchased from the club by its members or guests;

(4) from the supplies that its members or guests have previously purchased or reserved, serve or provide alcoholic beverages or allow alcoholic beverages to be consumed by members or guests after legal closing hours; or

(5) sell, dispense, serve, keep, or allow to be consumed any setups or other component parts of mixed alcoholic drinks to its members or guests.

(g) The annual license fees:

- (1) for a 6-day license is \$500; and
- (2) for a 7-day license is \$750.

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§ 33-904

(a) There are:

- (1) a 6-day Class D beer, wine, and liquor license; and
- (2) a 7-day Class D beer, wine, and liquor license.

(b) The Board may issue a license under this section only for premises within:

- (1) the corporate limits of Ocean City;
- (2) the boundary lines of the 10th taxing district;
- (3) the area bounded by U.S. Route 50 to the south, Turville Creek and Herring Creek to the east, St. Martin River to the north, and Maryland Route 589 to the west;
- (4) the area bounded by Maryland Route 589 to the north and east, U.S. Route 50 to the south, and U.S. Route 113 to the west;
- (5) from the intersection of Maryland Route 589 and U.S. Route 50, an area bounded by a line that extends 1,500 feet south of U.S. Route 50, east to the boundary of the 10th taxing district, north along the 10th taxing district boundary to U.S. Route 50, and west to the intersection of Maryland Route 589 and U.S. Route 50;
- (6) the corporate limits of the Town of Berlin; and
- (7) the corporate limits of the Town of Snow Hill.

(c) A license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on-premises consumption and beer and wine for off-premises consumption.

(d) The annual license fees, set by the County Commissioners, may not be less than:

- (1) \$3,000 for a 6-day license; and
- (2) \$3,500 for a 7-day license.

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§ 33-905

(a) There are:

- (1) a 6-day Class H beer, wine, and liquor license; and
- (2) a 7-day Class H beer, wine, and liquor license.

(b) The Board may issue a license under this section for a hotel or restaurant.

(c) A license under this section authorizes the license holder to sell beer, wine, and liquor at retail, at the place described in the license, for on-premises consumption.

(d) The annual license fees are:

- (1) \$1,700 for a 6-day license; and
- (2) \$2,400 for a 7-day license.

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§ 33-906

- (a) There is a Class I beer, wine, and liquor license.
- (b) (1) The Board may only issue the license for a premises within:
- (i) the corporate limits of Ocean City;
 - (ii) the boundary lines of the 10th election district;
 - (iii) the boundary lines of the 2nd precinct of the 3rd election district; or
 - (iv) the area bounded by Maryland Route 589 to the north and east, U.S. Route 50 to the south, and U.S. Route 113 to the west, all of which lie within the 1st precinct of the 3rd election district.
- (2) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on-premises consumption.
- (c) (1) A license holder may purchase:
- (i) wine and liquor from:
 - 1. the Department of Liquor Control for the county; or
 - 2. a licensed wholesaler; and
 - (ii) beer from a licensed wholesaler.
- (2) The Department of Liquor Control for the county shall charge a license holder the lesser of the following prices set by the Department:
- (i) 85% of the retail price of the wine or liquor; and
 - (ii) the special sale price or discount price.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class I beer, wine, and liquor license under § 33-2005(e) of this title.
- (e) (1) The license fees, set by the County Commissioners, may not be less than:
- (i) \$2,500 for a 6-day license; and
 - (ii) \$3,000 for a 7-day license.
- (2) (i) Subject to subparagraph (ii) of this paragraph, license fees shall be distributed to the general fund of the county.
- (ii) If the licensed premises are in a municipality, 75% of the fees shall be distributed to the municipality.

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§ 33-1001

- (a) There is a Class EF (entertainment facility) beer, wine, and liquor license.
- (b) The Board may issue the license to an applicant that has a capital investment in the facility for which the license is sought of at least \$45,000,000.
- (c) (1) The license authorizes the license holder to sell beer, wine, and liquor:
- (i) by the drink and bottle;
 - (ii) from one or more outlets in the entertainment facility; and
 - (iii) for consumption anywhere in the entertainment facility.
- (2) The license authorizes the playing of music and dancing.
- (3) The Board may issue one or more licenses for the same facility.
- (d) The license holder may sell and serve beer, wine, and liquor on each day that the entertainment facility is open for business, from 9 a.m. to 4 a.m. the following day.
- (e) The annual license fee is \$15,000.

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§ 33-1002

- (a) There is a Class C (golf course) beer, wine, and liquor license.
- (b) The Board may issue the license for use by a golf course or organization that:
 - (1) is open to the public;
 - (2) is operated for profit;
 - (3) owns real estate in the county; and
 - (4) has a golf course with a minimum of 18 holes.
- (c) (1) The license holder may sell beer, wine, and liquor for consumption on the land and in the buildings that are part of the golf course.
- (2) A patron need not be seated to be served.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 33-2005 of this title.
- (e) The annual license fee is \$2,625.

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§ 33-1003

- (a) There is an Ocean City Convention Hall license.
- (b) The Board may issue the license to the Convention Hall Commission and its successors for use on the premises of the Ocean City Convention Hall.
- (c) The Ocean City Convention Hall Commission may:
 - (1) authorize a vendor to sell alcoholic beverages for on-premises consumption under the license that the Commission is issued; and
 - (2) contract to receive part of the revenue derived from the vendor's sale of alcoholic beverages.
- (d) This section does not affect the operation of § 33-1102 of this title.

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§ 33-1004

- (a) There is a Class D Ocean City municipal golf course beer, wine, and liquor license.
- (b) (1) The Board may issue the license to the Mayor of Ocean City for on-premises consumption for use on the premises of the Ocean City municipal golf courses.
- (2) A separate license is required for each Ocean City municipal golf course.
- (c) (1) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption 7 days a week on the premises of an Ocean City golf course.
- (2) The license holder may contract with a concessionaire to sell beer, wine, and liquor for on-premises consumption.
- (d) (1) Before the license is issued, the Mayor shall designate an individual to complete training in an alcohol awareness program approved under § 4-505 of this article.
- (2) The individual designated by the Mayor shall:
 - (i) represent the concessionaire; and
 - (ii) be directly involved with the management of the sale of beer, wine, and liquor by the concessionaire.
- (e) The license holder may sell beer, wine, and liquor:
 - (1) during the hours and days as set out for a Class D beer, wine, and liquor license under § 33-2005 of this title; or
 - (2) during fewer hours as specified by the license holder.
- (f) The license:

- (1) shall be issued and renewed without charge or an annual fee; and
- (2) may not be transferred.

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§ 33-1005

(a) There is a racetrack:

- (1) beer license;
- (2) beer and wine license; and
- (3) beer, wine, and liquor license.

(b) (1) The Board may issue a license under this section to:

- (i) the owner of a licensed horse racing establishment that holds public meetings at which pari-mutuel betting is allowed; or
- (ii) the concessionaire or catering organization at the racing establishment, whether an individual, an association, or a corporation.

(2) There are no residential or voting qualifications for a license under this section.

(c) The license authorizes the license holder to sell the alcoholic beverages stated on the license at one or more locations in the racing park of the license holder.

(d) A license holder may purchase:

- (1) beer, wine, and liquor from a holder of a wholesaler's license; or
- (2) wine and liquor from the county Department of Liquor Control, which shall sell wine and liquor to a license holder at a discount of at least 15% from the retail sales price or any special sale price or discount price, whichever is lower.

(e) The annual fee for:

- (1) the beer license is the same as the fee for other beer licenses in the county;
- (2) the beer and wine license is the same as the fee for other beer and wine licenses in the county; and
- (3) the beer, wine, and liquor license is \$1,500.

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§ 33-1101

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

- (1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and
- (2) § 4-1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4-1105 ("Refillable container permit — Wine") of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

- (1) § 4-1104 ("Refillable container permit — Draft beer"), subject to § 33-1103 of this subtitle; and
- (2) § 4-1106 ("Nonrefillable container permit — Draft beer"), subject to § 33-1104 of this subtitle.

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§ 33-1102

(a) (1) In this section the following words have the meanings indicated.

(2) "Commission" means the Ocean City Convention Hall Commission.

(3) "Organization" includes the following types of nonprofit organizations:

- (i) armed services;
- (ii) charitable;
- (iii) civic;
- (iv) employees;
- (v) firefighters;
- (vi) fraternal;
- (vii) governmental—support;
- (viii) hospital;
- (ix) labor;
- (x) patriotic;
- (xi) political;
- (xii) professional;
- (xiii) religious;
- (xiv) trade; and
- (xv) war veterans.

(b) With the approval of the Commission, the Board may allow the members and guests of an organization to bring their own alcoholic beverages onto the premises of the Ocean City Convention Hall without first obtaining a license if:

- (1) the alcoholic beverages are not sold; and
- (2) the consumption of the alcoholic beverages is restricted to the premises.

(c) With the approval of the Commission, the Board may allow the Mayor and City Council of Ocean City or their designee to sponsor a function at which patrons are allowed to bring their own alcoholic beverages onto the premises of the Ocean City Convention Hall without first obtaining a license if:

- (1) the alcoholic beverages are not sold; and
- (2) the consumption of the alcoholic beverages is on the premises only.

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§ 33-1103

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class B or Class D license.

(b) Before the Board issues the permit to an applicant, the applicant shall:

- (1) complete the form that the Board provides; and
- (2) pay an annual permit fee of \$500.

(c) The hours of sale for the permit:

- (1) begin at the same time as those for the underlying license; and
- (2) end at midnight.

(d) Receipts collected under the permit shall be included in the calculation of average daily receipts from the sale of alcoholic beverages under a Class B restaurant license and a Class B hotel license.

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§ 33-1104

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class B license or a Class D license.

(b) (1) Before the Board issues the permit to an applicant, the applicant shall:

- (i) complete the form that the Board provides; and

- (ii) except as provided in paragraph (2) of this subsection, pay an annual permit fee of \$500.
- (2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.
- (c) The hours of sale for the permit:
 - (1) begin at the same time as those for the underlying license; and
 - (2) end at midnight.
- (d) Receipts collected under the permit shall be included in the calculation of average daily receipts from the sale of alcoholic beverages under a Class B restaurant license and a Class B hotel license.

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§ 33-1201

- (a) There is a local caterer's license.
- (b) The Board may issue the license to the holder of:
 - (1) a Class B restaurant or hotel (on-sale) beer, wine, and liquor license; and
 - (2) a Class D beer, wine, and liquor license.
- (c) The license authorizes a holder to:
 - (1) provide beer, wine, and liquor at an event that is held off the premises for which the holder's Class B restaurant or hotel (on-sale) beer, wine, and liquor license or Class D beer, wine, and liquor license is issued; and
 - (2) exercise the privileges of the license only during the hours and on the days authorized for the Class B restaurant or hotel (on-sale) beer, wine, and liquor license or Class D beer, wine, and liquor license.
- (d) The license holder shall provide food for consumption at the catered event.
- (e) The annual license fee is \$500.
- (f) This section does not require a holder of a Class B restaurant or hotel (on-sale) beer, wine, and liquor license or a Class D beer, wine, and liquor license to obtain a local caterer's license for catering on the premises for which the holder's Class B or Class D license is issued.

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§ 33-1301

- (a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county without exception or variation:
 - (1) § 4-1202 ("Per diem licenses");
 - (2) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine licenses");
 - (3) § 4-1206 ("License to dispose of stock");
 - (4) § 4-1207 ("Temporary move of licensed premises"); and
 - (5) § 4-1209 ("Wine permit for fund-raising event").
- (b) Section 4-1204 ("Class C per diem beer, wine, and liquor license") of Division I of this article does not apply in the county.
- (c) Sections 4-1205 ("License fees") and 4-1208 ("Hours and days of sale") of Division I of this article apply in the county, subject to § 33-1307 of this subtitle.

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§ 33-1304

(a) In this section, "Festival" means:

- (1) the Worcester County Beer and Wine Festival; or
- (2) a similar festival featuring beer and wine that the Board approves.

(b) (1) There is a beer and wine festival license.

(2) The Board may issue not more than three festival licenses each year.

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.

(d) The license authorizes the holder to display and sell:

(1) wine that is:

- (i) manufactured and processed in any state; and
- (ii) distributed in the State when the license application is filed; and

(2) beer that is brewed by a brewer:

- (i) that brews less than 60,000 barrels of beer annually; and
- (ii) whose product is distributed in the State when the license application is filed.

(e) A license holder shall display and sell beer and wine:

- (1) at retail for on- and off-premises consumption; and
- (2) during the hours and days designated for the festival.

(f) The Board:

- (1) each year may choose one weekend, Friday through Sunday inclusive, for each Festival;
- (2) may not choose a weekend for each Festival that is the same weekend as the Maryland Wine Festival in Carroll County;
- (3) shall choose a location that is not already licensed; and
- (4) shall ensure that the primary focus of the Festival is the promotion of Maryland beer and wine.

(g) The license holder may hold another license of a different class or nature.

(h) Beer and wine displayed and sold shall be:

- (1) invoiced to the license holder by a licensed wholesaler, Class 3 winery, or Class 4 limited winery; and
- (2) delivered to each festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.

(i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder to:

- (1) deliver beer and wine not earlier than 2 days before the effective date of the license; and
- (2) accept returns not later than 2 days after the expiration date of the license.

(j) The Board may set the license fee.

(k) The Board shall adopt regulations to carry out this section.

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§ 33-1305

(a) There is a 1-day beer and wine tasting license.

(b) The Board may issue not more than two licenses per year.

(c) The Board may issue a license to an organization representing local governments in the State for the primary purpose of promoting products and businesses from across the State.

(d) An organization may apply for not more than one license per year.

(e) The license authorizes the holder to allow the on-premises consumption, for tasting, of beer or wine on the premises of the Ocean City Convention Center, with the approval of the management of the Ocean City Convention Center.

(f) A license holder may serve:

(1) wine in a quantity of not more than 2 ounces from each offering; or

(2) beer in a quantity of not more than 3 ounces from each offering.

(g) An individual who serves beer or wine shall have a certificate of completion of an alcohol awareness program, as defined in § 4–505 of this article.

(h) An organization shall apply for the license at least 15 days before the license is issued.

(i) The license fee is \$100.

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§ 33-1307

(a) The Board may issue a Sunday license to a holder of a 6-day Class B or a 6-day Class C beer, wine, and liquor license.

(b) The license entitles the holder to sell alcoholic beverages to a convention or other special group that is approved by:

(1) the Board; and

(2) the mayor and city council of a municipality if:

(i) the premises is in the municipality; and

(ii) the mayor and city council require that the group obtain their approval.

(c) The license allows on-premises consumption from 12:30 p.m. on Sunday to 1 a.m. the following day.

(d) An applicant shall file an application for a license at least 10 days before the day the license is to be used.

(e) The fee shall be paid to the Board before the license is issued.

(f) The fee for a Sunday license is \$10 per day of use.

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§ 33-1308

(a) There is a Sunday club license.

(b) The Board may issue a Sunday club license to a club that already holds a Class C beer, wine, and liquor license.

(c) The Board may issue to a club not more than 20 Sunday club licenses during a calendar year.

(d) An applicant shall file an application for a license with the Board at least 14 days before the license is to be used.

(e) A license issued by the Board is subject to all conditions and regulations established by the Board for the on-premises consumption of alcoholic beverages authorized under the license.

(f) The fee for the license is \$10 per day of use.

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§ 33-1309

(a) There is a Class C per diem (nonprofit charitable organization) beer, wine, and liquor license.

(b) The Board may issue a Class C per diem (nonprofit charitable organization) beer, wine, and liquor license to a nonprofit organization.

(c) (1) The license is a multiple 1-day alcoholic beverages license.

(2) On application, the applicant:

(i) shall specify the dates of the events for which the license will be used; but

(ii) may not specify more than 12 dates.

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§ 33-1310

- (a) There is an Ocean City promoter's license.
- (b) The Board may issue the license to a for-profit organization to sell and serve beer, wine, and liquor at an entertainment event that is held on a premises that is:
 - (1) located within the corporate limits of the Town of Ocean City;
 - (2) owned by the Town of Ocean City; and
 - (3) approved in writing by the Ocean City Police Department.
- (c) The Board may adopt regulations that:
 - (1) restrict the number of licenses issued under this section each year; and
 - (2) establish the requirements for conducting the sale and service of beer, wine, and liquor at the event described in subsection (b) of this section, including health and safety standards to be met by a license holder.
- (d) An applicant for the license shall submit an application under oath on the form that the Board provides.
- (e) The license fee is \$5,000 per entertainment event.

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§ 33-1401

- (a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:
 - (1) § 4-102 ("Applications to be filed with local licensing board");
 - (2) § 4-103 ("Application on behalf of partnership");
 - (3) § 4-106 ("Payment of notice expenses");
 - (4) § 4-108 ("Application form required by Comptroller");
 - (5) § 4-110 ("Required information on application – Petition of support");
 - (6) § 4-113 ("Refund of license fees"); and
 - (7) § 4-114 ("Fees for licenses issued for less than 1 year").
- (b) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:
 - (1) § 4-104 ("Application on behalf of corporation or club"), subject to § 33-1402 of this subtitle;
 - (2) § 4-105 ("Application on behalf of limited liability company"), subject to § 33-1402 of this subtitle;
 - (3) § 4-107 ("Criminal history records check"), subject to §§ 33-1404 through 33-1406 of this subtitle;
 - (4) § 4-109 ("Required information on application — In general"), subject to § 33-1403 of this subtitle;
 - (5) § 4-111 ("Payment of license fees"), subject to § 33-1407 of this subtitle; and
 - (6) § 4-112 ("Disposition of license fees"), subject to § 33-1408 of this subtitle.

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§ 33-1402

- (a) This section does not apply to:
 - (1) a license holder of a license issued before May 1, 1977; and
 - (2) an applicant for a Class B beer, wine, and liquor license.
- (b) (1) Except as provided in subsection (a) of this section, a license on behalf of a corporation or limited liability company may be issued only if the following requirements are met.

(2) At least one applicant shall:

- (i) be a registered voter, taxpayer, and resident of the county; and
- (ii) own at least 10% of the total issued capital stock of the corporation or 10% interest in the limited liability company.

(3) Each applicant shall submit to the Board a sworn statement that includes:

- (i) 1. the name and address of each stockholder of the corporation; and
- 2. the number of voting shares owned by each stockholder; or
- (ii) 1. the name and address of each member of the limited liability company; and
- 2. the percentage share of voting interest owned by each member.

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§ 33-1403

An applicant for a license shall include a signed statement that:

- (1) the applicant has never offered a plea of nolo contendere to a felony indictment which was accepted by a court; and
- (2) (i) the applicant has not been convicted of a felony; or
- (ii) if the application is made on behalf of a corporation, neither the applicant nor the stockholders of the corporation have been convicted of a felony.

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§ 33-1404

The Board may obtain criminal records on license applicants and their agents from the county police, Sheriff's Department, and all municipal police departments, as well as from the Central Repository.

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§ 33-1405

The Board also may obtain criminal records under § 33–1404 of this subtitle on the stockholders holding at least a 10% interest in the corporation.

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§ 33-1406

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of its necessary use.

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§ 33-1407

- (a) The County Commissioners shall regulate the license fees.
- (b) Unless otherwise provided by the County Commissioners, the license fees established in this title prevail.

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§ 33-1408

- (a) Except as provided in subsection (b) of this section, the license fees shall be paid into the general fund of the county.
- (b) If a licensed premises is in a municipality, 75% of the license fees shall be remitted to the municipality.

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§ 33-1501

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4–202 ("Authority of local licensing boards");

- (2) § 4-205 (“Chain store, supermarket, or discount house”);
- (3) § 4-206 (“Limitations on retail sales floor space”);
- (4) § 4-207 (“Licenses issued to minors”);
- (5) § 4-209 (“Hearing”);
- (6) § 4-210 (“Approval or denial of license application”);
- (7) § 4-211 (“License forms; effective date; expiration”);
- (8) § 4-213 (“Replacement licenses”); and
- (9) § 4-214 (“Waiting periods after denial of license applications”).

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:

- (1) § 4-203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to Subtitle 13, Part III and Subtitle 16, Part II of this title;
- (2) § 4-204 (“Prohibition against issuing multiple licenses for same premises”), subject to Subtitle 13, Part III of this title;
- (3) § 4-208 (“Notice of license application required”), subject to § 33-1502 of this subtitle; and
- (4) § 4-212 (“License not property”), subject to § 33-1503 of this subtitle.

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§ 33-1502

Notice of a license application shall be published once a week for 2 consecutive weeks in at least one newspaper published in the municipality in which or nearest to which the location described in the application is situated.

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§ 33-1503

A license is not subject to:

- (1) a writ of execution by a judgment creditor of a license holder; or
- (2) a distraint for rent.

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§ 33-1504

(a) If an applicant applies for a license to sell alcoholic beverages in a building that is incomplete, or in a building or portion of a building that is to be remodeled or renovated, the Board may give tentative approval of the application on the basis of the building plans and specifications that accompany the application.

(b) The Board may give final approval of the license application for which it had given tentative approval on completion of the construction or the remodeling or renovation of the building in accordance with the building plans submitted by the applicant.

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§ 33-1601

The Board may not issue any license with an off-sale privilege for use in a business that is intended to be operated as a drive-through sales facility at which alcoholic beverages are:

- (1) sold at retail; and
- (2) dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

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§ 33-1604

The Board may issue not more than nine licenses to a person under §§ 33–1605 and 33–1606 of this subtitle, including not more than three licenses for a restaurant under § 33–1605 of this subtitle.

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§ 33-1605

(a) (1) Subject to subsection (b) of this section, the Board may issue not more than two additional licenses of the same type to a holder of:

- (i) a Class B (on–sale) hotel and restaurant beer, wine, and liquor license; or
- (ii) a Class B (on–sale) hotel and restaurant beer and wine license.

(2) A license issued under this subsection shall be issued for premises used as a restaurant.

(b) (1) The restaurant shall have:

- (i) a minimum capital investment of \$150,000 for restaurant facilities, not including the cost of land or buildings; and
- (ii) a minimum seating capacity of 125 individuals.

(2) The Board may define “restaurant” by regulation.

(3) Except as provided in § 33–1606 of this subtitle, the Board may not issue more than three licenses of all classes under this section to or for the use of the same person.

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§ 33-1606

(a) (1) Subject to paragraph (2) of this subsection and § 33–1604 of this subtitle, the Board may not issue additional licenses of the same class and type to a holder of:

- (i) a Class B (on–sale) beer, wine, and liquor license; or
- (ii) a Class B (on–sale) beer and wine license.

(2) A license under this subsection shall be issued for premises used and operated as a hotel–restaurant or motel–restaurant complex.

(b) The premises of a license holder under this section shall have:

- (1) 50 or more sleeping rooms for rent;
- (2) a minimum capital investment of \$150,000 for restaurant facilities, not including the cost of land or building; and
- (3) a minimum restaurant seating capacity of 75 individuals.

(c) (1) The Board may only issue an additional license under this section if the restaurant operation is part of the hotel or motel operation.

(2) A person may not have a pecuniary interest in the license other than the person’s entity that owns the hotel or motel.

(d) (1) Except as provided in paragraph (2) of this subsection, the Board may not allow the transfer of a license granted under this section.

(2) A license may only be transferred subject to the filing of a new application.

(e) The Board shall limit additional licenses to providing alcoholic beverages for on–premises consumption.

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§ 33-1607

(a) Subject to subsection (b) of this section, the Board may allow a homeowners association that owns more than one facility, as defined by the Board, to hold multiple Class B licenses, multiple Class C licenses, or a combination of Class B and Class C licenses.

(b) Admission to a facility licensed with a Class C license shall be limited to:

- (1) the owners of the real property as governed by recorded covenants of the homeowners association;

- (2) the owners' tenants; and
- (3) guests in the company of the owners.

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§ 33-1701

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

- (1) § 4-303 ("Chain store, supermarket, or discount house"); and
- (2) § 4-304 ("Compliance with Bulk Transfers Act required").

(b) Section 4-306 ("Substitution of names of officers on license") of Division I of this article does not apply in the county and is superseded by § 33-1706 of this subtitle.

(c) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

- (1) § 4-302 ("Transfer of place of business; transfer of license and inventory"), subject to § 33-1702 of this subtitle; and
- (2) § 4-305 ("Filing fee and endorsement"), subject to § 33-1705 of this subtitle.

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§ 33-1702

The Board may not transfer an off-sale license for use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

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§ 33-1703

Before a license holder transfers a pecuniary interest in the licensed establishment, the license holder shall obtain the approval of the Board.

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§ 33-1704

The Board may not transfer the license of a retail dealer that has been extended credit under § 33-504 of this title and that owes a balance on the debt.

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§ 33-1705

In addition to the costs of publication, notice, and any hearing fees required, the fee for a transfer of a license is the greater of:

- (1) \$50; or
- (2) 25% of the annual fee for the license.

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§ 33-1706

(a) (1) Subject to paragraph (2) of this subsection, for a license issued for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

- (i) has died;
- (ii) has retired; or
- (iii) no longer holds an office in the corporation or club.

(2) A substitute officer shall be an individual approved by the Board who meets all the requirements applicable to the original officer.

(b) The license holder shall file an affidavit and application with the Board that contains:

(1) the substitution of the officer; and

(2) an explanation for the substitution.

(c) On receipt of the affidavit and application and after a finding by the Board that the individual is fit and would meet the same requirements applicable to the original officer, the Board shall:

(1) amend its record; and

(2) issue a corrected license.

(d) On receipt of the affidavit and application and payment of a \$5 fee, the Board shall:

(1) amend its records; and

(2) issue a corrected license.

(e) The license holder shall pay a fee of \$100 to the Board for the service.

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§ 33-1801

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-402 ("Eligibility for renewal; process");

(2) § 4-403 ("Renewal application");

(3) § 4-405 ("Contents of renewal application");

(4) § 4-406 ("Protests");

(5) § 4-407 ("Denial of renewal application");

(6) § 4-408 ("Issuance of renewed licenses");

(7) § 4-409 ("Multiple licenses"); and

(8) § 4-410 ("Chain store, supermarket, or discount house").

(b) Section 4-404 ("Filing period for renewal application") of Division I of this article applies in the county, subject to § 33-1802 of this subtitle.

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§ 33-1802

The Board may accept late applications during April and fine the license holder an amount not exceeding \$50 for each day the application is late.

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§ 33-1803

The Board may renew a Class A beer license, beer and wine license, or wine license issued before January 1, 2002.

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§ 33-1901

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4-502 ("Storage of alcoholic beverages");

(2) § 4-503 ("Solicitations and sales outside of licensed premises");

(3) § 4-506 ("Evidence of purchaser's age"); and

(4) § 4–508 (“Display of license”).

(b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county:

(1) § 4–504 (“Employment of underage individuals”), subject to § 33–1902 of this subtitle;

(2) § 4–505 (“Alcohol awareness program”), subject to § 33–1903 of this subtitle; and

(3) § 4–507 (“Retail delivery of alcoholic beverages”), subject to § 33–1904 of this subtitle.

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§ 33-1902

(a) A license holder may not employ an individual under the age of 18 years in the sale of alcoholic beverages, unless a permit is obtained from the Sheriff and State’s Attorney of the county.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$200 or both.

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§ 33-1903

(a) This section does not apply to a holder of a Class C license.

(b) (1) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(i) be certified by an approved alcohol awareness program; and

(ii) except as provided in paragraph (2) of this subsection, be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(2) The license holder or individual specified in paragraph (1) of this subsection may be absent from the licensed premises for a personal or business reason or an emergency if the absence lasts for not more than 2 hours.

(3) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(c) A license holder who violates this section is subject to:

(1) for a first offense, a \$100 fine; and

(2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

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§ 33-1904

(a) Except for events catered by a holder of a caterer’s license, a holder of a retail license issued by the Board may not deliver alcoholic beverages outside of the licensed premises.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$200 or both.

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§ 33-1905

(a) Except as provided in subsection (b) of this section, to qualify for an “on-sale” Class B license, Class C license, or Class D license, the licensed premises shall be equipped with public restrooms with:

(1) a minimum of one restroom for each sex; and

(2) a connection to a public or private water and waste system that is approved by the health department.

(b) If the Board finds that the requirements of this section will impose an undue hardship on the applicant, the Board may waive the requirements.

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§ 33-2001

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

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§ 33-2002

(a) A holder of a retail alcoholic beverages license may sell or provide alcoholic beverages or allow alcoholic beverages to be consumed on the licensed premises only in accordance with this subtitle.

(b) Except as otherwise provided in this subtitle, alcoholic beverages may not be sold on Monday through Sunday, from 2 a.m. to 9 a.m.

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§ 33-2003

(a) A holder of a Class A beer license may sell beer under:

(1) a 6-day license, on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; or

(2) a 7-day license, on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) (1) A holder of a 6-day Class B beer license may sell beer on Monday through Saturday:

(i) for off-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for on-premises consumption, from 9 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, a holder of a 7-day Class B beer license may sell beer:

(i) for off-premises consumption, on Monday through Sunday, from 6 a.m. to 2 a.m. the following day; and

(ii) for on-premises consumption:

1. on Monday through Saturday, from 9 a.m. to 2 a.m. the following day; and

2. on Sunday, from 12:30 p.m. to 2 a.m. the following day.

(3) A holder of a 7-day Class B beer license in the tenth election district in the county may sell beer on Monday through Sunday:

(i) for off-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for on-premises consumption, from 9 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer license may sell beer on Monday through Saturday, from 9 a.m. to 2 a.m. the following day.

(d) (1) A holder of a 6-day Class D beer license may sell beer on Monday through Saturday:

(i) for off-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for on-premises consumption, from 9 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, a holder of a 7-day Class D beer license may sell beer:

(i) for off-premises consumption, on Monday through Sunday, from 6 a.m. to 2 a.m. the following day; and

(ii) for on-premises consumption:

1. on Monday through Saturday, from 9 a.m. to 2 a.m. the following day; and

2. on Sunday, from 12:30 p.m. to 2 a.m. the following day.

(3) A holder of a 7-day Class D beer license in the tenth election district in the county may sell beer on Monday through Sunday:

- (i) for off-premises consumption, from 6 a.m. to 2 a.m. the following day; and
- (ii) for on-premises consumption, from 9 a.m. to 2 a.m. the following day.

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§ 33-2004

(a) A holder of a Class A beer and wine license may sell beer and wine under:

- (1) a 6-day license, on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; or
- (2) a 7-day license, on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) (1) A holder of a 6-day Class B beer and wine license may sell beer and wine on Monday through Saturday:

- (i) for off-premises consumption, from 6 a.m. to 2 a.m. the following day; and
- (ii) for on-premises consumption, from 9 a.m. to 2 a.m. the following day.

(2) A holder of a 7-day Class B beer and wine license may sell beer and wine on Monday through Sunday:

- (i) for off-premises consumption, from 6 a.m. to 2 a.m. the following day; and
- (ii) for on-premises consumption, from 9 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer and wine license may sell beer and wine on Monday through Saturday, from 9 a.m. to 2 a.m. the following day.

(d) (1) A holder of a 6-day Class D beer and wine license may sell beer and wine on Monday through Saturday:

- (i) for off-premises consumption, from 6 a.m. to 2 a.m. the following day; and
- (ii) for on-premises consumption, from 9 a.m. to 2 a.m. the following day.

(2) A holder of a 7-day Class D beer and wine license may sell beer and wine on Monday through Sunday:

- (i) for off-premises consumption, from 6 a.m. to 2 a.m. the following day; and
- (ii) for on-premises consumption, from 9 a.m. to 2 a.m. the following day.

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§ 33-2005

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) (1) Except as provided in paragraph (3) of this subsection, a holder of a 6-day Class B beer, wine, and liquor license may sell:

(i) for off-premises consumption on Monday through Saturday:

- 1. beer and wine, from 6 a.m. to 2 a.m. the following day; and
- 2. liquor, from 9 a.m. to 2 a.m. the following day; and

(ii) for on-premises consumption on Monday through Saturday, beer, wine, and liquor, from 9 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, a holder of a 7-day Class B beer, wine, and liquor license may sell:

(i) for off-premises consumption on Monday through Sunday:

- 1. beer and wine, from 6 a.m. to 2 a.m. the following day; and
- 2. liquor, from 9 a.m. to 2 a.m. the following day; and

(ii) for on-premises consumption on Monday through Sunday, beer, wine, and liquor, from 9 a.m. to 2 a.m. the following day.

(3) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor during the hours that are set out under paragraphs (1) or (2) of this subsection, unless the Ocean City Convention Hall Commission specifies a shorter

time.

(c) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor under:

- (1) a 6-day license, on Monday through Saturday, from 9 a.m. to 2 a.m. the following day; or
- (2) a 7-day license, on Monday through Sunday, from 9 a.m. to 2 a.m. the following day.

(d) (1) A holder of a 6-day Class D beer, wine, and liquor license may sell:

(i) for off-premises consumption:

1. beer and wine, on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
2. liquor, on Monday through Saturday, from 9 a.m. to 2 a.m. the following day; and

(ii) for on-premises consumption, beer, wine, and liquor, on Monday through Saturday, from 9 a.m. to 2 a.m. the following day.

(2) A holder of a 7-day Class D beer, wine, and liquor license may sell:

(i) for off-premises consumption:

1. beer and wine, from 6 a.m. to 2 a.m. the following day; and
2. liquor, from 9 a.m. to 2 a.m. the following day; and

(ii) for on-premises consumption, beer, wine, and liquor from 9 a.m. to 2 a.m. the following day.

(e) A holder of a Class I beer, wine, and liquor license may sell beer, wine, and liquor, for on-premises consumption, under:

- (1) a 6-day license, on Monday through Saturday, from 9 a.m. to 2 a.m. the following day; or
- (2) a 7-day license, on Monday through Sunday, from 9 a.m. to 2 a.m. the following day.

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§ 33-2006

The Board shall determine the hour when a license holder shall stop selling alcoholic beverages on January 1, regardless of the day of the week on which January 1 falls.

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§ 33-2007

(a) (1) Except as provided in paragraph (2) or (3) of this subsection, an individual may not consume alcoholic beverages in an unlicensed club, dance studio, disco, hotel, restaurant, tavern, or any other place of public entertainment.

(2) An individual may consume alcoholic beverages:

- (i) in the room of a registered guest in a hotel, motel, or hospice; or
- (ii) on the property of a volunteer fire company.

(3) An individual may consume alcoholic beverages on the premises of:

- (i) a fishing club that was established before January 1, 1970; or
- (ii) any of the following establishments if it has been in existence for at least 3 years:

1. a catering establishment;
2. a community or civic association;
3. a swim club;
4. a social, civic, nonprofit, charitable, fraternal, patriotic, educational, or public service organization; or
5. a religious institution.

(b) The prohibition under subsection (a) of this section applies at all times, unless consumption is authorized by this subtitle.

(c) The Board shall adopt regulations to carry out this section.

(d) A person subject to this section who knowingly violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000.

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§ 33-2008

If sales of alcoholic beverages in a licensed premises may continue until 2 a.m., alcoholic beverages may not be consumed later than 2:30 a.m., when the licensed premises shall be vacated by all customers.

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§ 33-2101

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4–602 ("Power of local licensing board");
- (2) § 4–605 ("Nudity and sexual displays"); and
- (3) § 4–606 ("Effects of revocation").

(b) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county:

- (1) § 4–603 ("Revocation and suspension procedures"), subject to § 33–2102 of this subtitle; and
- (2) § 4–604 ("Grounds for revocation or suspension"), subject to § 33–2103 of this subtitle.

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§ 33-2102

(a) In addition to the procedures under § 4–603 of this article, the Board shall notify the license holder of the complaint by:

- (1) personal service on the license holder or any adult employee of the license holder; or
- (2) any other method of service of notice that conforms with Maryland Rules 2–121 and 2–122.

(b) If notice is given to an adult employee of the license holder under subsection (a) of this section, the Board shall mail a copy of the notice or a letter describing the contents of the notice to the home or business address of the license holder within 72 hours after the notice is given to the adult employee.

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§ 33-2103

In addition to the grounds for revocation or suspension in § 4–604 of this article, the Board may revoke or suspend a license if the license has not been placed in operation after 6 months following its issuance or transfer.

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§ 33-2201

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

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§ 33-2301

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

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§ 33-2401

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

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§ 33-2501

(a) A person may not serve setups, including drinking containers and ice, or serve, keep, or allow to be consumed alcoholic beverages or other component parts of mixed alcoholic drinks in a place of adult entertainment that:

- (1) does not hold a license under this article; and
- (2) allows at its location any form of sexual display or attire prohibited under § 4–605 of this article.

(b) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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§ 33-2502

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

- (1) an establishment open to the public;
- (2) a place of public entertainment; or
- (3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$4,000.

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§ 33-2503

(a) Except as otherwise provided in subsection (b) of this section and elsewhere in this article, a person may not consume alcoholic beverages at any time on any day of the week in a restaurant, tavern, hotel, club, dance studio, disco, and any other place of public entertainment.

(b) Exempt from subsection (a) of this section are:

- (1) the room of a registered guest in a hotel, motel, or hospice;
- (2) the property of a volunteer fire company;
- (3) a fishing club established before January 1, 1970; and
- (4) if it has been in existence for at least 3 years:
 - (i) a catering establishment;
 - (ii) a community or civic association;
 - (iii) a swim club;
 - (iv) a social, civic, nonprofit, charitable, fraternal, patriotic, educational, or public service organization; and
 - (v) a religious institution.

(c) The Board shall adopt regulations to carry out this section.

(d) An owner, a manager, or an employee of an establishment or a place subject to the prohibitions of this section who knowingly allows consumption in violation of this section is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$10,000.

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§ 33-2601

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

- (1) § 6–202 ("Inspections");
- (2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");
- (3) § 6–204 ("Power to summon witnesses");
- (4) § 6–205 ("Peace officers");
- (5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");
- (6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");
- (7) § 6–208 ("Regulating possession or consumption of alcohol in public places");
- (8) § 6–209 ("Adoption of standards for authorization of consumption"); and
- (9) § 6–210 ("State preemption of local disorderly intoxication laws").

(b) Section 6–211 ("Fines and forfeitures") of Division I of this article applies in the county, subject to § 33–2603 of this subtitle.

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§ 33-2602

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

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§ 33-2603

One-half of each fine imposed in the county shall be distributed as provided under § 7–507 of the Courts Article.

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§ 33-2701

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

- (1) § 6–305 ("Proof of age for sale of alcoholic beverages");
- (2) § 6–306 ("Defense to prosecution for sale to underage individual");
- (3) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual");
- (4) § 6–308 ("Allowing on-premises consumption of alcoholic beverages not purchased from license holder");
- (5) § 6–309 ("Allowing on-premises consumption or possession of alcoholic beverages by individual under the age of 21 years");
- (6) § 6–310 ("Providing free food");
- (7) § 6–311 ("Restrictions on purchases and sales by retail dealer");
- (8) § 6–312 ("Beverage misrepresentation");
- (9) § 6–313 ("Tampering with alcoholic beverage container");
- (10) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");
- (11) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");
- (12) § 6–316 ("Maximum alcohol content");
- (13) § 6–317 ("Multiple serving purchase required");

(14) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);

(15) § 6–320 (“Disorderly intoxication”);

(16) § 6–321 (“Consumption of alcoholic beverages in public”);

(17) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(18) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(19) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(20) § 6–328 (“Tax evasion”);

(21) § 6–329 (“Destruction of evidence”); and

(22) § 6–330 (“Perjury”).

(b) Section 6–322 (“Possession of open container”) of Division I of this article does not apply in the county.

(c) Section 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”) of Division I of this article applies in the county, subject to § 33–2702 of this subtitle.

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§ 33-2702

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article may be proceeded against on a charging document issued by the District Court for the county or by an indictment returned by the grand jury of the county.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years.

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§ 33-2703

(a) Except as provided in subsection (b) of this section, a license holder may not allow an individual who is not a consumer to loiter on the premises for which the license is issued.

(b) A restaurant may serve a meal without an alcoholic beverage to an individual.

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§ 33-2801

Section 6–402 (“General penalty”) of Division I of this article applies in the county.

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§ 33-2802

(a) The Board may suspend a license or impose a fine not exceeding \$4,000 or both for a violation of the alcoholic beverage laws affecting the county.

(b) Fines collected under this section shall be paid into the general fund of the county.

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Title 36 — Title 36

§ 36-101

(a) In this title the following words have the meanings indicated.

(b) “Academic research representative” means an individual who is:

- (1) an employee or agent of an institution of higher education, a related medical facility, or an affiliated biomedical research firm that filed a registration with the Administration under § 36–701 of this title; and
- (2) authorized to purchase medical cannabis for the institution of higher education, related medical facility, or affiliated biomedical research firm.
- (c) “Administration” means the Maryland Cannabis Administration established under this title.
- (c–1) “Cannabinoid beverage” means a beverage intended for human consumption by oral ingestion that:
- (1) is suitable for beverage purposes;
 - (2) contains 5 milligrams or less of tetrahydrocannabinol, as defined in § 36–1102 of this title, per serving;
 - (3) is contained as a single-serving product;
 - (4) is lawfully produced by a cannabis licensee; and
 - (5) complies with:
 - (i) the laboratory testing standards established under § 36–203 of this title; and
 - (ii) the packaging and labeling standards established under §§ 36–203 and 36–203.1 of this title.
- (d) “Cannabis agent” means an employee, a volunteer, or any other authorized person who acts for or at the direction of a cannabis licensee or cannabis registrant.
- (e) “Cannabis business” means a business licensed or registered by the Administration to operate in the cannabis industry.
- (f) “Cannabis concentrate” means a product derived from cannabis that is kief, hashish, bubble hash, oil, wax, or any other product produced by extracting cannabinoids from the plant through the use of solvents, carbon dioxide, or heat, screens, presses, or steam distillation.
- (g) “Cannabis-infused product” means oil, wax, ointment, salve, tincture, capsule, suppository, dermal patch, cartridge, or any other product containing cannabis concentrate or usable cannabis that has been processed so that the dried leaves and flowers are integrated into other material.
- (h) “Cannabis licensee” means a business licensed by the Administration to operate in the cannabis industry.
- (h–1) “Cannabis nursery” means a business that provides cannabis seeds, seedlings, immature plants, or clones to a cannabis business.
- (i) “Cannabis products” means products that are composed of cannabis, cannabis concentrate, cannabis extract, or other ingredients and are intended for use or consumption, including cannabinoid beverages, edible products, oils, and tinctures.
- (j) “Cannabis registrant” means an independent testing laboratory, a transporter, a security guard company, a waste disposal company, a cannabis nursery, and any other type of cannabis business registered under this title and authorized by the Administration.
- (k) (1) “Canopy” means the total square footage of space used by a cannabis licensee for the production of flowering cannabis plants.
- (2) “Canopy” includes each layer of flowering cannabis plants grown on any rack or shelving.
- (3) “Canopy” does not include square footage used for:
- (i) mother stock;
 - (ii) propagation;
 - (iii) immature or nonflowering plants;
 - (iv) processing;
 - (v) drying;
 - (vi) curing;
 - (vii) trimming;

- (viii) storage;
- (ix) offices;
- (x) hallways;
- (xi) pathways;
- (xii) work areas; or
- (xiii) other administrative and nonproduction uses.
- (l) (1) "Caregiver" means:
 - (i) an individual who has agreed to assist with a qualifying patient's medical use of cannabis; and
 - (ii) for a qualifying patient under the age of 18 years:
 - 1. a parent or legal guardian; and
 - 2. not more than two additional adults designated by the parent or legal guardian.
- (2) "Caregiver" does not include any designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under § 7-446 of the Education Article.
- (m) "Certifying provider" means an individual who:
 - (i) (i) 1. has an active, unrestricted license to practice medicine that was issued by the State Board of Physicians under Title 14 of the Health Occupations Article; and
 - 2. is in good standing with the State Board of Physicians;
 - (ii) 1. has an active, unrestricted license to practice dentistry that was issued by the State Board of Dental Examiners under Title 4 of the Health Occupations Article; and
 - 2. is in good standing with the State Board of Dental Examiners;
 - (iii) 1. has an active, unrestricted license to practice podiatry that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the Health Occupations Article; and
 - 2. is in good standing with the State Board of Podiatric Medical Examiners;
 - (iv) 1. has an active, unrestricted license to practice registered nursing and has an active, unrestricted certification to practice as a nurse practitioner or a nurse midwife that was issued by the State Board of Nursing under Title 8 of the Health Occupations Article; and
 - 2. is in good standing with the State Board of Nursing; or
 - (v) 1. has an active, unrestricted license to practice as a physician assistant issued by the State Board of Physicians under Title 15 of the Health Occupations Article;
 - 2. has an active collaboration agreement with a patient care team physician who is a certifying provider; and
 - 3. is in good standing with the State Board of Physicians;
- (2) has a State controlled dangerous substances registration; and
- (3) is registered with the Administration to make cannabis available to patients for medical use in accordance with regulations adopted by the Administration.
- (n) "Consumer" means an individual at least 21 years old who purchases cannabis or cannabis products for personal use by individuals at least 21 years old.
- (o) (1) "Control" means:
 - (i) the decision-making authority over the management, operations, or policies that guide a business; or
 - (ii) authority over the operation of the technical aspects of a business.
- (2) "Control" includes:
 - (i) holding a right to veto significant events;

- (ii) the right or authority to make or veto decisions regarding operations and strategic planning, capital allocations, acquisitions, and divestments;
- (iii) the right or authority to appoint or remove directors, corporate-level officers, or their equivalent;
- (iv) the right or authority to make major marketing, production, and financial decisions; and
- (v) the right or authority to execute exclusive contracts or significant contracts in the aggregate of \$10,000 or greater on behalf of the licensee.
- (p) "Delivery service" means a cannabis licensee authorized to deliver cannabis in accordance with a micro license to operate a dispensary.
- (q) "Dispensary" means an entity licensed under this title that acquires, possesses, repackages, transports, sells, distributes, or dispenses cannabis or cannabis products, including tinctures, aerosols, oils, and ointments, related supplies, and educational materials for use by qualifying patients, caregivers, or consumers through a storefront or through a delivery service, based on license type.
- (r) "Disproportionately impacted area" means a geographic area identified by the Office of Social Equity that has had above 150% of the State's 10-year average for cannabis possession charges.
- (s) (1) "Edible cannabis product" means a cannabis product intended for human consumption by oral ingestion, in whole or in part.
- (2) "Edible cannabis product" includes a cannabis product that dissolves or disintegrates in the mouth.
- (3) "Edible cannabis product" does not include any:
 - (i) cannabis concentrate;
 - (ii) cannabis-infused product, including an oil, a wax, an ointment, a salve, a tincture, a capsule, a suppository, a dermal patch, or a cartridge; or
 - (iii) other dosage form that is recognized by the United States Pharmacopeia, the National Formulary, or the U.S. Food and Drug Administration and is approved by the Administration.
- (t) "Grower" means an entity licensed under this title that:
 - (1) cultivates or packages cannabis; and
 - (2) is authorized by the Administration to provide cannabis to other cannabis licensees and registered independent testing laboratories.
- (u) "Incubator space" means a facility operated in accordance with § 36-401(c)(3) of this title.
- (v) "Independent testing laboratory" means a facility, an entity, or a site that is registered with the Administration to perform tests related to the inspection and testing of cannabis and products containing cannabis.
- (w) "Institution of higher education" has the meaning stated in § 10-101 of the Education Article.
- (x) "Micro license" means a license issued in accordance with § 36-401(c)(2) of this title.
- (y) "On-site consumption establishment" means an entity licensed under § 36-401(c)(4) of this title to distribute cannabis or cannabis products for on-site consumption other than consumption by smoking indoors.
- (z) "Owner" means a person with an ownership interest in a cannabis licensee.
- (aa) "Ownership interest" means a direct or indirect equity interest in a cannabis licensee, including in its profits, revenues, shares, or stock.
- (bb) "Passive investor" means an individual or an entity that:
 - (1) holds an aggregate ownership interest of less than 5% in a cannabis licensee; and
 - (2) does not have control of the cannabis licensee.
- (cc) "Principal officer" means a board member, a president, a vice president, a secretary, a treasurer, a partner, an officer, or a managing member, or any other individual with a profit sharing, financial interest, or revenue sharing arrangement, including an individual with the authority to control a cannabis licensee.
- (dd) "Processor" means an entity licensed under this title that:

- (1) transforms cannabis into another product or an extract and packages and labels the cannabis product; and
- (2) is authorized by the Administration to provide cannabis to cannabis licensees and registered independent testing laboratories.

(ee) "Qualifying patient" means an individual who:

- (1) has been provided with a written certification by a certifying provider in accordance with a bona fide provider–patient relationship; and
- (2) if under the age of 18 years, has a caregiver.

(ee–1) (1) "Single-serving product" means an edible cannabis product that:

- (i) is individually packaged for retail sale;
- (ii) does not exceed the serving limits established by the regulations of the Administration; and
- (iii) is intended for immediate consumption.

(2) "Single-serving product" includes a cannabinoid beverage.

(ff) "Social equity applicant" means an applicant for a cannabis license or cannabis registration that:

- (1) has at least 65% ownership and control held by one or more individuals who:
 - (i) have lived in a disproportionately impacted area for at least 5 of the 10 years immediately preceding the submission of the application;
 - (ii) attended a public school in a disproportionately impacted area for at least 5 years; or
 - (iii) for at least 2 years, attended a 4-year institution of higher education in the State where at least 40% of the individuals who attend the institution of higher education are eligible for a Pell Grant; or
- (2) meets any other criteria established by the Administration.

(gg) (1) "Social equity licensee" means a social equity applicant who has been awarded a cannabis license or cannabis registration.

(2) "Social equity licensee" includes a grower, processor, or dispensary that:

- (i) held a Stage One Preapproval for a license before October 1, 2022; and
- (ii) was not operational before October 1, 2022.

(hh) "Standard license" means a license issued in accordance with § 36–401(c)(1) of this title.

(ii) "Transporter" means an entity registered under this title to transport cannabis between cannabis licensees and registered independent testing laboratories.

(jj) (1) "Usable cannabis" means the dried leaves and flowers of the cannabis plant.

(2) "Usable cannabis" does not include seedlings, seeds, stems, stalks, or roots of the plant or the weight of any noncannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration.

(kk) "Written certification" means a certification that:

- (1) is issued by a certifying provider to a qualifying patient with whom the provider has a bona fide provider–patient relationship;
- (2) includes a written statement certifying that, in the certifying provider's professional opinion, after having completed an assessment of the patient's medical history and current medical condition, the patient has a condition:
 - (i) that meets the inclusion criteria and does not meet the exclusion criteria of the certifying provider's application; and
 - (ii) for which the potential benefits of the medical use of cannabis would likely outweigh the health risks for the patient; and
- (3) may include a written statement certifying that, in the certifying provider's professional opinion, a 30-day supply of medical cannabis would be inadequate to meet the medical needs of the qualifying patient.

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§ 36-201

- (a) There is a Maryland Cannabis Administration established as an independent unit of State government.
- (b) (1) There is a Director of the Administration.
- (2) The Governor shall appoint the Director of the Administration with the advice and consent of the Senate.
- (3) The Director serves at the pleasure of the Governor.
- (c) The Director must have the training and experience, including knowledge of the State cannabis industry and regulatory system, that is needed to direct the work of the Administration.
- (d) The Administration may employ staff and retain contractors as provided in the State budget.
- (e) The Administration:
 - (1) shall be responsible for carrying out the requirements and duties established under this title; and
 - (2) may recommend changes to improve the administration of this title relating to the regulation of cannabis.
- (f) The Administration shall administer and enforce this title.

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§ 36-202

- (a) The Administration shall:
 - (1) develop and maintain a seed-to-sale tracking system that tracks cannabis from either the seed or immature plant stage until the cannabis is sold to a patient, caregiver, or consumer;
 - (2) conduct financial and criminal background investigations of any person who submits an application for a cannabis license or a cannabis licensee, as required under this title;
 - (3) develop a process for consumers and qualifying patients to purchase clones and seeds, seedlings, stalks, roots, and stems of the cannabis plant for cultivation in accordance with § 5-601.2 of the Criminal Law Article;
 - (4) solicit, evaluate, and issue or deny applications for cannabis licenses and cannabis registrations, including:
 - (i) licenses to operate a cannabis business in accordance with this title; and
 - (ii) registration for independent testing laboratories, transporters, security guard companies, waste disposal companies, and cannabis nurseries;
 - (5) award or deny:
 - (i) a license to operate a cannabis business in accordance with this title; and
 - (ii) registration to independent testing laboratories, transporters, security guard companies, waste disposal companies, cannabis nurseries, and any other type of cannabis business authorized by the Administration;
 - (6) conduct announced and unannounced inspections of any business licensed or registered under this title to ensure compliance with this title;
 - (7) after a determination that a violation of this title or a regulation adopted under this title has occurred, suspend, fine, restrict, or revoke cannabis licenses and cannabis registrations, whether active, expired, or surrendered, or impose any other penalty authorized by this title or any regulation adopted under this title;
 - (8) (i) give notice and hold a hearing in accordance with Title 10, Subtitle 2 of the State Government Article, for any:
 - 1. contested cannabis license or registration denial; or
 - 2. violation of this title or any regulation adopted under this title;
 - (ii) administer oaths in a proceeding under this section; and
 - (iii) subject to subsection (b)(3) of this section, allow the person against whom the action is contemplated to be represented at the hearing by counsel;
 - (9) adopt regulations necessary to carry out its duties under this title; and
 - (10) perform any other power authorized or duty required under this title or any other provision of State law.

(b) The Administration may:

(1) issue a subpoena for the attendance of a witness to testify or the production of evidence in connection with:

(i) any disciplinary action under this title; or

(ii) any investigation or proceeding initiated for an alleged violation of this title;

(2) delegate the hearing authority authorized under subsection (a)(8) of this section to an employee within the Administration;

(3) if, after due notice, the person against whom a disciplinary action is contemplated does not appear at a hearing, hear and determine the matter; and

(4) after a hearing under this subsection, fine a cannabis licensee or suspend, restrict, or revoke a cannabis license or a cannabis registration for a violation of:

(i) this title or a regulation adopted under this title; or

(ii) any other State law or regulation related to cannabis or the operations of a cannabis business or registrant.

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§ 36-203

(a) The Administration shall:

(1) evaluate the regulations adopted by the Natalie M. LaPrade Medical Cannabis Commission in Title 10, Subtitle 62 of the Code of Maryland Regulations; and

(2) on or before July 1, 2023, adopt emergency regulations to:

(i) carry out the licensure requirements specified under this title;

(ii) implement procedures related to cannabis applications, licenses, and registrations in accordance with this title;

(iii) assist the Comptroller in the collection of taxes imposed on the sale of adult-use cannabis under § 11-104(k) of the Tax – General Article;

(iv) implement inventory management and tracking that does not differentiate between adult-use or medical cannabis or cannabis products before the point of sale, except for products allowed by the Administration for sale only to patients and caregivers; and

(v) establish operating requirements for cannabis licensees or cannabis registrants, including requirements for:

1. security, including lighting, physical security, video, and alarm requirements;

2. safe and secure delivery, transport, and storage of cannabis;

3. preventing the sale or diversion of cannabis and cannabis products to persons under the age of 21 years; and

4. health and safety standards governing the cultivation, manufacture, testing, and dispensing of cannabis or cannabis products.

(b) The emergency regulations that the Administration is required to adopt under subsection (a) of this section shall:

(1) be supplemental to the medical cannabis regulations under Title 10, Subtitle 62 of the Code of Maryland Regulations; and

(2) notwithstanding any other law, remain in effect until the taking effect of nonemergency regulations adopted under subsection (c) of this section.

(c) (1) On or before July 1, 2024, the Administration shall adopt nonemergency regulations to carry out this title.

(2) To the extent practicable, the Administration shall adopt regulations requiring cannabis licensees to transition from a cash system and to use traditional banking services.

(3) The Administration shall adopt regulations:

(i) governing Internet sales of cannabis;

(ii) implementing and supplementing packaging and labeling requirements for cannabis products under § 36–203.1 of this subtitle;

(iii) establishing procedures for the use of point of sale technologies by dispensaries for all transactions in order to verify a consumer's age using a driver's license or other valid identification issued by a governmental unit specified by the Administration; and

(iv) establishing health, safety, security, and tracking requirements for the packaging and repackaging of cannabis by a dispensary in accordance with § 36–203.1 of this subtitle.

(d) The regulations adopted by the Administration under this section shall, to the extent practicable, regulate medical and adult-use cannabis in the same manner.

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§ 36-204

(a) (1) Subject to paragraph (2) of this subsection, the Administration shall establish and maintain a State cannabis testing laboratory.

(2) (i) On or before July 1, 2023, the Maryland Department of Agriculture or the Maryland Department of Health may enter into a memorandum of understanding with the Administration to test cannabis at an existing State-owned laboratory if doing so would be a more economic and efficient alternative to the establishment of a testing laboratory under paragraph (1) of this subsection.

(ii) If the Maryland Department of Agriculture or the Maryland Department of Health and the Administration determine that co-locating cannabis testing at an existing State-owned laboratory is not operationally feasible, sufficient funding shall be provided in the annual budget to comply with paragraph (1) of this subsection.

(b) The State cannabis testing laboratory is responsible for:

(1) developing and maintaining a cannabis laboratory reference library that contains cannabis testing methodologies in the areas of:

(i) potency;

(ii) homogeneity;

(iii) detection and quantitation of contaminants; and

(iv) solvents;

(2) establishing standard operating procedures for sample collection, preparation, and analysis of cannabis by independent testing laboratories;

(3) conducting proficiency testing of independent testing laboratories;

(4) remediating problems with independent testing laboratories;

(5) conducting compliance testing on cannabis samples analyzed by independent testing laboratories; and

(6) identifying and detecting the presence and purity of cannabis, alcohol, and tobacco in samples or seized contraband in support of the regulatory authority of the Administration.

(c) Independent testing laboratories licensed under § 36–408 of this title shall provide materials for the cannabis laboratory reference library.

(d) The State cannabis testing laboratory shall hold medical and adult-use cannabis testing to the same standards.

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§ 36-205

(a) The Administration may impose registration and other fees to defray the costs of:

(1) the operations of the Administration and the Commission; and

(2) administering and enforcing this title.

(b) If fees are imposed under subsection (a) of this section, the Administration shall deposit the fees collected in the Cannabis Regulation and Enforcement Fund established under § 36–206 of this subtitle.

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§ 36-206

(a) In this section, “Fund” means the Cannabis Regulation and Enforcement Fund.

(b) There is a Cannabis Regulation and Enforcement Fund.

(c) The purpose of the Fund is to provide funds to cover the costs of:

- (1) the operation of the Administration;
- (2) administering and enforcing this title; and
- (3) supporting the Social Equity Partnership Grant Program established under § 1–323 of this article.

(d) The Administration shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

- (1) fees distributed to the Fund under § 36–205 of this subtitle;
- (2) revenue distributed to the Fund under § 2–1302.2 of the Tax – General Article;
- (3) interest earnings of the Fund; and
- (4) any other money from any other source accepted for the benefit of the Fund, in accordance with any conditions adopted by the Commission for the acceptance of donations or gifts to the Fund.

(g) The Fund may be used for carrying out this title and supporting the Social Equity Partnership Grant Program established under § 1–323 of this article.

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(i) The Fund is subject to audit by the Office of Legislative Audits as provided for in § 2–1220 of the State Government Article.

(j) (1) On or before March 15 each year, the Administration shall publish on its website a detailed report on revenue distributed to and expenditures from the Fund.

(2) The report shall also be submitted to the General Assembly in accordance with § 2–1257 of the State Government Article.

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§ 36-301

(a) The Administration shall register as a certifying provider an individual who:

- (1) meets the requirements of this subtitle; and
- (2) submits the required application to the Administration.

(b) To be registered as a certifying provider, a provider shall submit an application to the Administration that includes:

- (1) the reasons for including a patient under the care of the provider for the purposes of this subtitle, including the patient’s qualifying medical conditions;
- (2) an attestation that a standard patient evaluation will be completed, including a history, a physical examination, a review of symptoms, and other relevant medical information; and
- (3) the provider’s plan for the ongoing assessment and follow–up care of a patient and for collecting and analyzing data.

(c) The Administration is encouraged to approve provider applications for the following:

(1) a chronic or debilitating disease or medical condition that results in a patient being admitted into hospice or receiving palliative care;

(2) a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces:

(i) cachexia, anorexia, or wasting syndrome;

(ii) severe or chronic pain;

(iii) severe nausea;

(iv) seizures; or

(v) severe or persistent muscle spasms;

(3) glaucoma; or

(4) post-traumatic stress disorder.

(d) The Administration may not limit treatment of a particular medical condition to one class of providers.

(e) The Administration may approve applications that include any other condition that is severe and for which other medical treatments have been ineffective if the symptoms reasonably can be expected to be relieved by the medical use of cannabis.

(f) A certifying provider or the spouse of a certifying provider may not:

(1) receive any gift from a cannabis licensee;

(2) hold an ownership interest in a cannabis licensee or a business that controls a cannabis licensee; or

(3) receive any compensation from a cannabis licensee.

(g) A certifying provider shall issue each written certification in the form required by the Administration.

(h) A certifying provider may discuss medical cannabis with a patient.

(i) (1) A certifying provider registration is valid for 2 years.

(2) The Administration shall grant or deny a renewal of a registration based on the provider's performance in complying with regulations adopted by the Administration.

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§ 36-302

(a) A qualifying patient or caregiver may obtain medical cannabis from a dispensary licensed by the Administration.

(b) (1) A qualifying patient who is at least 21 years old may not cultivate more than four cannabis plants.

(2) If two or more qualifying patients who are at least 21 years old reside at the same residence, not more than four cannabis plants may be cultivated at that residence.

(3) Except as provided in paragraphs (1) and (2) of this subsection, a qualifying patient shall comply with the cannabis cultivation requirements established under § 5–601.2 of the Criminal Law Article.

(c) A qualifying patient under the age of 18 years may obtain medical cannabis only through:

(1) the qualifying patient's caregiver; or

(2) any designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under § 7–446 of the Education Article.

(d) A caregiver may serve not more than five qualifying patients at any time.

(e) (1) Except as provided in paragraph (2) of this subsection, a qualifying patient may have not more than two caregivers.

(2) A qualifying patient under the age of 18 years may have not more than four caregivers.

(f) A sale of cannabis or cannabis products to a qualifying patient is not subject to taxes imposed on the sale of cannabis or cannabis products under § 11–104(k) of the Tax – General Article.

(g) A qualifying patient may not possess more than the amount of cannabis or cannabis-infused product that is authorized in the written certification of the patient.

(h) Designated school personnel described in subsection (c)(2) of this section:

(1) may administer to a student only medical cannabis:

(i) that is obtained through the student's caregiver; and

(ii) in accordance with dosing, timing, and delivery route instructions as provided by the certifying provider's written instructions; and

(2) are not required to register with the Administration under this subtitle.

(i) A caregiver may administer medical cannabis to a student who is a qualifying patient of the caregiver on school property, during school-sponsored activities, and while on a school bus.

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§ 36-401

(a) (1) A person must obtain a cannabis license issued by the Administration to operate a cannabis business.

(2) A cannabis license issued under this subtitle:

(i) authorizes the holder of the license to operate a medical and adult-use cannabis business;

(ii) is valid for 5 years on initial licensure and 5 years on renewal; and

(iii) may be transferred only in accordance with Subtitle 5 of this title.

(b) (1) The Administration shall:

(i) issue standard licenses, micro licenses, incubator space licenses, and on-site consumption licenses in accordance with this title;

(ii) on or before July 1, 2023, convert licenses that were issued to medical cannabis growers, processors, and dispensaries, including those businesses preapproved for licensure, to licenses to operate a medical and adult-use cannabis business if:

1. a conversion fee is paid in accordance with § 36-403 of this subtitle; and

2. the business complies with the ownership restrictions under subsection (e) of this section;

(iii) set production, processing, sales, and other limitations and requirements for all license types;

(iv) issue dispensary licenses in a manner that encourages a balanced geographic distribution based on population and market demand within a specific county, as well as cross-jurisdictional market demand; and

(v) adopt regulations requiring licensees whose licenses were converted by the Administration under item (ii) of this paragraph to reserve a specified amount of cannabis for social equity licensees.

(2) The Administration may:

(i) inspect a cannabis licensee to ensure compliance with this title and the regulations adopted under this title;

(ii) revoke a cannabis license if good faith efforts have not been made by the cannabis licensee to establish a cannabis business within 18 months after the license was awarded;

(iii) impose penalties or rescind the license of a cannabis licensee that does not meet the standards for licensure established under this title or regulations adopted under this title; and

(iv) conditionally award cannabis licenses.

(c) (1) A standard license authorizes the holder of the license:

(i) for growers, to operate more than 10,000 square feet, but not more than 300,000 square feet, of indoor canopy or its equivalent, as calculated by the Administration;

(ii) for processors, to process more than 2,000 pounds of cannabis per year, as calculated by the Administration; and

(iii) for dispensaries, to operate a store at a physical location that sells cannabis or cannabis products.

(2) A micro license authorizes the holder of the license:

(i) for growers, to operate not more than 10,000 square feet of indoor canopy or its equivalent, as calculated by the Administration;

(ii) for processors, to process not more than 2,000 pounds of cannabis per year, as calculated by the Administration; and

(iii) for dispensaries, to operate a delivery service that sells cannabis or cannabis products without a physical storefront, provided that the licensee employs not more than 10 employees.

(3) An incubator space license authorizes the holder of the license to operate a facility within which a micro licensee may operate in accordance with § 36–406 of this subtitle.

(4) An on–site consumption license authorizes the holder of the license to operate a facility on the premises of which individuals can smoke outdoors, vape, or consume cannabis in accordance with § 36–407 of this subtitle.

(d) The Administration may not issue more than the following number of licenses per type, including licenses converted under subsection (b)(1)(ii) of this section:

(1) for standard licenses:

(i) 75 grower licenses;

(ii) 100 processor licenses; and

(iii) 300 dispensary licenses;

(2) for micro licenses:

(i) 100 grower licenses;

(ii) 100 processor licenses; and

(iii) 10 dispensary licenses;

(3) for incubator space licenses, 10 licenses; and

(4) for on–site consumption licenses, 50 licenses.

(e) (1) This subsection applies to all licenses, including licenses converted under subsection (b)(1)(ii) of this section.

(2) Subject to paragraph (3) of this subsection, a person may have an ownership interest in or control of, including the power to manage and operate:

(i) for standard licenses and micro licenses:

1. one grower licensee;

2. one processor licensee; and

3. not more than four dispensary licensees;

(ii) for incubator space licenses, not more than two licensees; and

(iii) for on–site consumption licenses, not more than two licensees.

(3) (i) A person who owns or controls an incubator space licensee or an on–site consumption licensee may not own or control any cannabis licensee listed under paragraph (2)(i) of this subsection.

(ii) The Administration shall adopt regulations limiting a person or fund from acquiring a nonmajority ownership interest in multiple cannabis businesses beyond the limitations established under this subsection.

(4) The restrictions in paragraph (2) of this subsection do not apply to a person or an entity who holds an ownership interest only as a passive investor.

(f) (1) The holder of a cannabis license may not surrender the license and apply for a new license in the same or a similar category.

(2) The limitation under paragraph (1) of this subsection applies to:

(i) affiliates, holding companies, parent companies, or other related entities;

(ii) individuals and firms with identical or substantially identical business or economic interests;

- (iii) persons with common investments; and
- (iv) firms that are economically dependent on each other through contractual or other relationships.
- (g) Notwithstanding any provisions of this title, the holder of a dispensary license issued by the Natalie M. LaPrade Medical Cannabis Commission who converts the license or a registrant with the Natalie M. LaPrade Medical Cannabis Commission may continue to deliver medical cannabis until July 1, 2026.
- (h) A license issued under this title:
 - (1) is not property and does not confer property rights; and
 - (2) is subject to:
 - (i) suspension, revocation, and restrictions authorized by law; and
 - (ii) regulations authorized under this article.
- (i) (1) On and after July 1, 2023, the holder of a license issued by the Natalie M. LaPrade Medical Cannabis Commission who does not convert the license:
 - (i) may not:
 - 1. operate under the license; or
 - 2. renew the license; but
 - (ii) may continue to hold the license for resale to another person for conversion under this subtitle.
- (2) The purchaser of a license sold by a license holder who does not convert a license under paragraph (1) of this subsection is responsible for paying the one-time conversion fee under § 36-403 of this subtitle.

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§ 36-402

- (a) It is the intent of the General Assembly to preserve production availability for new adult-use cannabis cultivation licenses issued under this subtitle.
- (b) (1) If the license of a cannabis licensee is converted by the Administration under § 36-401(b)(1)(ii) of this subtitle, the cannabis licensee shall:
 - (i) if the licensee is a grower, adhere to the expansion limitations specified under paragraph (2) of this subsection; and
 - (ii) pay the conversion fee required under § 36-403 of this subtitle.
- (2) (i) Except as provided in subparagraph (ii) of this paragraph and subject to subparagraph (iii) of this paragraph, on or before January 1, 2027, an operational business that holds a grower license issued before December 31, 2022, may expand the canopy of its operations as it existed on December 31, 2022, and based on facility square footage of indoor canopy space or its equivalent, as calculated by the Administration in accordance with subsection (d) of this section, only as follows:
 - 1. if the canopy is under 25,000 square feet, to 25,000 square feet or by 20%, whichever is greater;
 - 2. if the canopy is at or above 25,000 square feet, by 20%; or
 - 3. if the cannabis licensee has a square footage expansion that was preapproved before December 31, 2022, the preapproved expansion or 20%, whichever is greater.
- (ii) If the Administration and an operational business described under subparagraph (i) of this paragraph are unable to agree as to the square footage of the canopy expansion of the licensee's operations authorized under subparagraph (i) of this paragraph, the square footage of the canopy expansion shall be calculated based on the licensee's average cannabis production in calendar years 2021 and 2022.
- (iii) An operational business described under subparagraph (i) of this paragraph may begin to expand its canopy of operations:
 - 1. by not more than 50% of the total square footage authorized under subparagraph (i) or (ii) of this paragraph on or after January 1, 2024; and

2. for the remaining total square footage authorized under subparagraph (i) or (ii) of this paragraph on or after May 1, 2024.

(iv) A grower licensee may not operate an indoor canopy that exceeds 300,000 square feet or its equivalent, as calculated by the Administration in accordance with subsection (d) of this section, if the grower licensee:

1. held a Stage One Preapproval for a license before October 1, 2022; and
2. was not operational before October 1, 2022.

(c) A business that is issued a new cannabis license under § 36–401 of this subtitle may not operate an indoor canopy that exceeds 300,000 square feet for indoor canopies or its equivalent, as calculated by the Administration.

(d) (1) (i) This paragraph applies to all licensed growers.

(ii) A licensed grower shall accurately calculate and report annually to the Administration its flowering cannabis plant canopy area.

(iii) The canopy area is measured in accordance with the definition of “canopy” established under § 36–101 of this title.

(iv) For the purpose of measuring canopy, 1 square foot of indoor canopy is equal to 4 square feet of outdoor canopy.

(v) The maximum amount of space for cannabis production may not exceed the canopy authorized under this section.

(vi) If the amount of square feet of production for a licensed grower exceeds the canopy authorized under this section and § 36–401 of this subtitle, the Administration may:

1. reduce the canopy of the licensed grower by the same percentage as it exceeds the authorized canopy; and
2. seize, destroy, confiscate, or place an administrative hold on any flowering cannabis plants produced in excess of the canopy.

(vii) The Administration shall annually report to the General Assembly, in accordance with § 2–1257 of the State Government Article, the amount of canopy area reported to the Administration by licensed growers under item (ii) of this paragraph.

(2) The maximum amount of canopy for an operational business that holds a license issued before October 1, 2022, shall be calculated based on the maximum canopy of the licensee as self-reported by the licensee and recorded by the Natalie M. LaPrade Medical Cannabis Commission on or before December 1, 2022.

(e) (1) On or before July 1, 2024, the Administration shall adopt minimum standards for licensed growers to protect the rights of the growers and employees concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.

(2) The standards shall, at a minimum, protect the State's interests by prohibiting a labor organization from engaging in picketing, work stoppages, boycotts, or any other economic interference with the operation of the licensed grower.

(3) As a condition of licensure, the licensed grower shall:

- (i) comply with the standards adopted under paragraph (1) of this subsection; and
- (ii) negotiate in good faith with employees and any legitimate labor organization recognized by the Administration.

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§ 36-403

(a) (1) This subsection applies only to a business that holds a cannabis license and was physically and actively engaged in the cultivation or processing of medical cannabis before October 1, 2022.

(2) (i) Subject to subsection (e) of this section and except as provided in subparagraph (ii) of this paragraph:

1. each grower and processor shall pay a one-time conversion fee of 10% of the total gross revenue of the grower or processor in 2022, but not more than \$2,000,000; and
2. each dispensary shall pay a one-time conversion fee of 8% of the total gross revenue of the dispensary in 2022, but not more than \$2,000,000.

(ii) The amount of the conversion fees in subparagraph (i) of this paragraph may not be less than \$100,000.

(3) If a business holds a grower and processor license, the fee shall be based on total gross revenue from both license types.

(b) (1) This subsection applies only to a business that:

(i) held a Stage One Preapproval for a license before October 1, 2022; and

(ii) was not operational before October 1, 2022.

(2) Subject to subsection (e) of this section, a grower or processor shall pay a one-time conversion fee of \$50,000.

(3) Subject to subsection (e) of this section, a dispensary shall pay a one-time conversion fee of \$25,000.

(c) (1) This subsection applies only to an applicant applying for a cannabis license under § 36-404 of this subtitle.

(2) An applicant for a standard license, an incubator space license, or an on-site consumption license shall pay an application fee of \$5,000.

(3) An applicant for a micro license shall pay an application fee of \$1,000.

(d) (1) Subject to paragraphs (2) and (3) of this subsection, the Administration shall establish licensing and renewal fees for all cannabis licenses.

(2) Except as provided in paragraph (3) of this subsection, the licensing and renewal fees established under paragraph (1) of this subsection for standard cannabis licensees may not exceed:

(i) for initial license fees, \$50,000; and

(ii) for renewal license fees, the lesser of 10% of the standard cannabis licensee's annual gross revenue or \$50,000.

(3) The Administration shall reduce licensing and renewal fees by at least 50% for social equity licenses, micro licenses, incubator space licenses, and on-site consumption licenses.

(e) (1) The one-time conversion fees under this section:

(i) may be paid in separate installments; and

(ii) shall be paid in full on or before January 1, 2025.

(2) The amount of any licensing or renewal fee paid by a business for fiscal year 2023 to the Natalie M. LaPrade Medical Cannabis Commission shall be credited against the one-time conversion fee assessed under this section.

(f) All fees collected under this section shall be paid to the Administration.

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§ 36-404

(a) (1) On or before January 1, 2024, the Administration shall begin issuing first round licenses in accordance with subsection (d) of this section.

(2) On or after May 1, 2024, the Administration shall begin issuing second round licenses in accordance with subsections (e) or (f) of this section.

(3) Subject to paragraphs (1) and (2) of this subsection, the Administration may issue licenses in accordance with subsection (g) of this section.

(b) (1) The Administration shall:

(i) conduct extensive outreach to small, minority, and women business owners and entrepreneurs who may have an interest in applying for a cannabis license before accepting and processing cannabis license applications;

(ii) connect potential social equity applicants with the Office of Social Equity;

(iii) accept and process applications for licenses:

1. in response to a request for applications issued under this section;

2. for a period of 30 calendar days; and

3. beginning on a date that is at least 60 calendar days after the date on which the Administration issued the request for applications;

- (iv) award cannabis licenses in at least two separate rounds in accordance with this section; and
 - (v) reserve a reasonable number of licenses to allow micro licenses to transition to standard licenses, as determined in regulations by the Administration.
- (2) The Administration may suspend, fine, restrict, or revoke a cannabis license if it is determined that a cannabis licensee has not complied with statements in the application, including statements about standards of operation or employment practices related to diversity, equity, and inclusion.
- (3) The Administration may not:
- (i) accept more than one application per license type from an applicant in any round;
 - (ii) accept more than two applications from an applicant in any round;
 - (iii) require that an applicant possess or own a property or facility to operate a cannabis business at the time of application;
 - (iv) regardless of the number of license awards authorized in each round, award more licenses than the total number of licenses authorized under § 36–401(d) of this subtitle; or
 - (v) conduct a market demand study before the first round licenses are issued.
- (4) The Administration may adopt regulations concerning the equity and fairness of the pool of applicants throughout the application process.
- (c) To be licensed, an applicant shall submit to the Administration:
- (1) an application fee in accordance with § 36–403 of this subtitle; and
 - (2) an application developed by the Administration under this title.
- (d) (1) For the first round, subject to paragraphs (2) and (3) of this subsection, the Administration shall enter each social equity applicant that meets the minimum qualifications established by the Administration into a lottery and issue to social equity applicants not more than:
- (i) for standard licenses:
 - 1. 20 grower licenses;
 - 2. 40 processor licenses; and
 - 3. 80 dispensary licenses;
 - (ii) for micro licenses:
 - 1. 30 grower licenses;
 - 2. 30 processor licenses; and
 - 3. 10 dispensary licenses; and
 - (iii) 10 incubator space licenses.
- (2) The Administration shall determine whether an application meets the minimum qualifications for the lottery on a pass–fail basis, as determined by the Administration, after evaluating:
- (i) a detailed operational plan for the safe, secure, and effective cultivation, manufacture, or dispensing of cannabis;
 - (ii) a business plan demonstrating a likelihood of success and sufficient business ability and experience on the part of the applicant, and providing for appropriate employee working conditions; and
 - (iii) a detailed diversity plan.
- (3) (i) If an applicant seeking social equity status is from out of state, the applicant must submit with the application evidence that the applicant meets the criteria for a social equity applicant established under this title before the Administration may consider the application.
- (ii) First round application submissions for all license types are limited to social equity applicants.
- (4) (i) On or before January 1, 2024, the Administration shall submit an interim report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the ability of micro dispensary licensees to safely and

securely dispense cannabis.

(ii) On or before December 31, 2024, the Administration shall submit a final report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the ability of micro dispensary licensees to safely and securely dispense cannabis.

(e) For the second round of licensing, the Administration shall issue licenses in accordance with subsection (f) or (g) of this section.

(f) (1) Subject to paragraph (2) of this subsection, if the Administration, in consultation with the certification agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article, the Governor's Office of Small, Minority, and Women Business Affairs, the General Assembly, and the Office of the Attorney General, determines that a disparity study demonstrates a strong basis in evidence of business discrimination against firms owned by minorities and women in the Maryland cannabis market, the Administration shall issue a second round of licenses, applying minimum licensing qualifications and employing remedial measures consistent with constitutional requirements, for not more than:

(i) for standard licenses:

1. 25 grower licenses;
2. 25 processor licenses; and
3. 120 dispensary licenses;

(ii) for micro licenses:

1. 70 grower licenses; and
2. 70 processor licenses; and

(iii) 10 incubator space licenses.

(2) If the Administration, in consultation with the certification agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article, the Governor's Office of Small, Minority, and Women Business Affairs, the General Assembly, and the Office of the Attorney General, determines that a lottery system employing remedial measures established in accordance with a disparity study can be conducted consistent with constitutional requirements, the Administration shall award licenses under paragraph (1) of this subsection through a lottery process that employs remedial measures.

(g) (1) Subject to paragraphs (2) and (3) of this subsection, if the Administration, in consultation with the certification agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article, the Governor's Office of Small, Minority, and Women Business Affairs, the General Assembly, and the Office of the Attorney General, determines that a disparity study does not demonstrate a strong basis in evidence of business discrimination against firms owned by minorities and women in the Maryland cannabis market, the Administration shall enter each applicant that meets the minimum qualifications established by the Administration into a lottery and issue to the applicants not more than:

(i) for standard licenses:

1. 25 grower licenses;
2. 25 processor licenses; and
3. 120 dispensary licenses;

(ii) for micro licenses:

1. 70 grower licenses; and
2. 70 processor licenses; and

(iii) 10 incubator space licenses.

(2) The Administration shall determine whether an application meets the minimum qualifications for a lottery based on a pass–fail basis, as determined by the Administration, after evaluating:

(i) a detailed operational plan for the safe, secure, and effective cultivation, manufacture, or dispensing of cannabis;

(ii) a business plan demonstrating a likelihood of success and sufficient business ability and experience on the part of the applicant, and providing for appropriate employee working conditions; and

(iii) a detailed diversity plan.

(3) Application submissions for micro licenses and on-site consumption licenses under this subsection are limited to social equity applicants.

(h) (1) For cannabis license awards subsequent to the round specified under subsection (f) or (g) of this section, the Administration shall award licenses in accordance with this subsection.

(2) The Administration shall award licenses as needed in accordance with a market demand study.

(3) The Administration may:

(i) limit some or all of the licenses issued under this paragraph to social equity applicants; and

(ii) employ remedial measures, consistent with constitutional requirements, if the Administration, in consultation with the certification agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article, the Governor’s Office of Small, Minority, and Women Business Affairs, the General Assembly, and the Office of the Attorney General, determines that a disparity study demonstrates a strong basis in evidence of business discrimination against firms owned by minorities and women in the Maryland cannabis market.

(i) (1) To the extent practicable and authorized by the U.S. Constitution, a cannabis licensee shall comply with the State’s Minority Business Enterprise Program.

(2) The Administration, in consultation with the certification agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article, the Governor’s Office of Small, Minority, and Women Business Affairs, the General Assembly, and the Office of the Attorney General, shall review the disparity study required by Chapter 26 of the Acts of 2022 to evaluate whether application of the State’s Minority Business Enterprise Program to cannabis licenses would comply with the City of Richmond v. J.A. Croson Co., 488 U.S. 469, and any subsequent federal or constitutional requirements.

(3) On or before 6 months after the issuance of a cannabis license under § 36–401 of this subtitle, the Governor’s Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General and the Office of Social Equity within the Administration and the cannabis licensee, shall establish a clear plan for setting reasonable and appropriate minority business enterprise participation goals and procedures for the procurement of goods and services related to cannabis, including the cultivation, manufacturing, and dispensing of cannabis.

(4) To the extent practicable, the goals and procedures specified in paragraph (3) of this subsection shall be based on the requirements of Title 14, Subtitle 3 of the State Finance and Procurement Article and the regulations implementing that subtitle.

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§ 36-405

(a) In this section, “unduly burden” includes imposing a zoning requirement or restriction on the use of property by a cannabis licensee that is more restrictive than the requirements established under § 36–410 of this subtitle.

(b) A political subdivision may:

(1) establish reasonable zoning requirements for cannabis businesses; and

(2) decide how to distribute its allocation of revenue under § 2–1302.2 of the Tax – General Article.

(c) A political subdivision may not:

(1) establish zoning or other requirements that unduly burden a cannabis licensee;

(2) impose licensing, operating, or other fees or requirements on a cannabis licensee that are disproportionately greater or more burdensome than those imposed on other businesses with a similar impact on the area where the cannabis licensee is located;

(3) prohibit transportation through or deliveries within the political subdivision by cannabis businesses located in other political subdivisions;

- (4) prevent an entity whose license may be converted under § 36–401(b)(1)(ii) of this subtitle and that is in compliance with all relevant medical cannabis regulations from being granted the license conversion; or
- (5) negotiate or enter into an agreement with a cannabis licensee or an applicant for a cannabis license requiring that the cannabis licensee or applicant provide money, donations, in-kind contributions, services, or anything of value to the political subdivision.
- (d) The use of a facility by a cannabis licensee is not required to be submitted to, or approved by, a county or municipal zoning board, authority, or unit if:
 - (1) the facility was properly zoned and operating on or before January 1, 2023; or
 - (2) the cannabis licensee:
 - (i) held a Stage One Preapproval for a license before October 1, 2022; and
 - (ii) was not actively engaged in the growing, processing, or dispensing of cannabis before October 1, 2022.
- (e) A political subdivision or special taxing district may not impose a tax on cannabis.

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§ 36-406

- (a) The Administration may issue incubator space licenses authorizing a nonprofit entity to operate a licensed premises in which micro licensees may operate a cannabis business.
- (b) Subject to subsection (d) of this section, the Maryland Economic Development Corporation, in consultation with the Administration, shall acquire and construct or refurbish at least one facility to operate an incubator space.
- (c) After the completion of the construction or refurbishment of a facility acquired under subsection (b) of this section, ownership of the facility shall be transferred to the Department of General Services.
- (d) The Department of General Services shall contract with a nonprofit organization to operate a facility under subsection (b) of this section.
- (e) An incubator space licensee may purchase equipment to be used by other incubator space licensees in the same incubator space.
- (f) The Administration shall adopt regulations to establish a Maryland Incubator Program based on the best practices in other states.

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§ 36-407

- (a) (1) A person shall obtain an on-site consumption license from the Administration before operating a premises where cannabis may be consumed.
- (2) The Administration may issue on-site consumption licenses authorizing an entity to operate a licensed premises in which cannabis or cannabis products may be consumed, but not smoked indoors, in accordance with this title and any regulations adopted under this title.
- (3) An on-site consumption establishment may operate only if the political subdivision where the business is located has issued a permit or license that expressly allows the operation of the on-site consumption establishment.
- (b) Subject to the limitations in § 36–405 of this subtitle, a political subdivision may:
 - (1) prohibit the operation of on-site consumption establishments;
 - (2) prohibit or restrict the smoking or vaping of cannabis at on-site consumption establishments;
 - (3) adopt zoning and planning requirements for on-site consumption establishments; or
 - (4) establish hours of operation for on-site consumption establishments.
- (c) (1) An on-site consumption license authorizes an entity, for the purposes of on-site consumption, to:
 - (i) distribute cannabis or cannabis products;
 - (ii) acquire cannabis or cannabis products from a cannabis licensee in accordance with this title;

- (iii) repackage cannabis or cannabis products for the purpose of creating single-serving products; and
 - (iv) process single-serving products.
- (2) An on-site consumption license does not authorize the holder of the license to cultivate cannabis.
- (d) (1) Subject to paragraph (2) of this subsection, an on-site consumption establishment may also operate as a food service facility, as defined in § 21-301 of the Health – General Article.
- (2) Before operating as a food service facility, the on-site consumption establishment shall obtain from the political subdivision in which the on-site consumption establishment is located all necessary approvals for operating a food service facility, including:
- (i) building code permits;
 - (ii) mechanical code permits;
 - (iii) a use and occupancy certificate; and
 - (iv) any other applicable permits or licenses.
- (e) An on-site consumption establishment shall comply with the following standards when acting in accordance with subsection (c)(1) of this section:
- (1) manufacturing standards established under § 36-203 of this title;
 - (2) laboratory testing standards established under § 36-203 of this title; and
 - (3) packaging and labeling standards established under §§ 36-203 and 36-203.1 of this title.
- (f) The Administration shall:
- (1) maintain a list of all on-site consumption establishments in the State; and
 - (2) make the list available on its website.
- (g) An on-site consumption establishment may not:
- (1) allow on-duty employees of the business to consume cannabis on the licensed premises;
 - (2) distribute or allow the distribution of free samples of cannabis on the licensed premises;
 - (3) allow the consumption of alcohol on the licensed premises;
 - (4) allow the smoking or vaping of tobacco or tobacco products on the licensed premises;
 - (5) allow an activity on the licensed premises that would require an additional license under this title, including growing or dispensing;
 - (6) allow the indoor smoking of cannabis or cannabis products on the licensed premises;
 - (7) allow the use or consumption of cannabis by a patron who displays any visible signs of intoxication;
 - (8) admit onto the licensed premises an individual who is under the age of 21 years;
 - (9) allow an individual to consume cannabis or cannabis products on the premises if the cannabis or cannabis product was not obtained from the on-site consumption establishment;
 - (10) allow an individual to remove cannabis or cannabis products from the premises of the establishment; or
 - (11) sell or distribute cannabis or cannabis products to an individual that are intended as more than a single-serving product.
- (h) An on-site consumption establishment shall:
- (1) require all employees to successfully complete an annual responsible vendor training program authorized under this title; and
 - (2) ensure that the display and consumption of cannabis or cannabis products are not visible from outside of the licensed premises.
- (i) (1) An on-site cannabis establishment shall educate consumers by providing informational materials regarding the safe consumption of cannabis.

(2) The educational materials provided under paragraph (1) of this subsection must be based on the requirements established by the Cannabis Public Health Advisory Council established under § 13–4502 of the Health – General Article.

(j) This section does not prohibit a county or municipality from adopting additional requirements for education on the safe consumption of cannabis on the premises of a licensed on-site consumption establishment.

(k) A person may have an ownership interest in or control of, including the power to manage and operate, two on-site consumption establishments licensed under this section.

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§ 36-408

(a) (1) The Administration shall register at least one independent testing laboratory to test cannabis and cannabis products that are to be sold in the State.

(2) The Administration shall hold medical and adult-use cannabis testing to the same standards.

(b) To be registered as an independent testing laboratory, a laboratory must:

(1) meet the application requirements established by the Administration;

(2) pay an application fee determined by the Administration; and

(3) meet the standards and requirements for accreditation, inspection, and testing established by the Administration.

(c) (1) An independent testing laboratory license is valid for 2 years on initial licensure.

(2) An independent testing laboratory license is valid for 2 years on renewal.

(d) A registered independent testing laboratory is authorized to test and transport cannabis and cannabis products on behalf of cannabis licensees.

(e) (1) A laboratory agent or an employee of an independent testing laboratory may not receive direct or indirect financial compensation, other than reasonable contractual fees to conduct testing, from any entity for which it is conducting testing under this title.

(2) An individual who possesses an interest in or is a laboratory agent employed by an independent testing laboratory, or an immediate family member of the individual, may not possess an interest in or be employed by a cannabis licensee.

(f) Cannabis and cannabis products may not be sold or otherwise marketed under this title if the cannabis or cannabis product has not been tested by an independent testing laboratory and determined to meet the Administration's testing protocols.

(g) The Administration shall adopt regulations that establish:

(1) the standards and requirements to be met by an independent testing laboratory to obtain a registration;

(2) the standards of care to be followed by an independent testing laboratory; and

(3) the basis and processes for denial, revocation, and suspension of a registration of an independent testing laboratory.

(h) The Administration may inspect an independent testing laboratory registered under this section to ensure compliance with this title and any regulations adopted under this title.

(i) (1) Any registration to operate an independent testing laboratory issued by the Natalie M. LaPrade Medical Cannabis Commission on or before July 1, 2023, shall be valid under this title and shall authorize an independent testing laboratory to perform testing on medical and adult-use cannabis and cannabis products.

(2) The Administration shall convert all independent testing laboratory registrations in accordance with this subsection.

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§ 36-409

(a) The following businesses shall register with the Administration in order to provide services to a cannabis licensee:

(1) a transporter;

(2) a security guard agency;

(3) a waste disposal company;

- (4) a cannabis nursery; and
 - (5) any other type of cannabis business that is authorized by the Administration to provide plant or product–touching services to cannabis licensees.
- (b) The Administration shall adopt regulations that establish:
- (1) the standards and requirements to be met by an entity to obtain a registration under this subtitle; and
 - (2) the basis and processes for approval, denial, revocation, and suspension of the cannabis registration.
- (c) A registration to operate a transporter, security guard agency, or waste disposal company issued by the Natalie M. LaPrade Medical Cannabis Commission on or before July 1, 2023, shall be valid under this title and authorize a transporter, security guard agency, or waste disposal company to handle medical and adult–use cannabis and cannabis products.

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§ 36-410

- (a) Beginning July 1, 2023, a cannabis licensee that is operating a dispensary shall:
- (1) ensure that it has adequate supply for qualifying patients and caregivers;
 - (2) set aside operating hours or dedicated service lines to serve only qualifying patients and caregivers; and
 - (3) as supply becomes available as determined by the Administration, ensure that at least 25% of cannabis and cannabis products in the dispensary are from social equity licensees and growers and processors that do not share common ownership with the dispensary.
- (b) Except as provided in subsection (d) of this section, a licensed dispensary may not locate within:
- (1) 500 feet of:
 - (i) a pre–existing primary or secondary school in the State, or a licensed child care center or registered family child care home under Title 9.5 of the Education Article; or
 - (ii) a pre–existing playground, recreation center, library, public park, or place of worship; or
 - (2) 1,000 feet of another dispensary under this title.
- (c) (1) Except as provided in paragraph (2) of this subsection, a political subdivision may adopt an ordinance reducing, but not increasing, the distance requirements under subsection (b) of this section.
- (2) A political subdivision may by ordinance increase the distance limitation for dispensaries under subsection (b)(2) of this section to not more than one–half mile.
- (d) The distance requirements under subsection (b) of this section do not apply to a dispensary license that was:
- (1) converted under § 36–401(b)(1)(ii) of this subtitle; and
 - (2) properly zoned and operating before July 1, 2023.
- (e) A political subdivision may not adopt an ordinance establishing zoning requirements for licensed dispensaries that are more restrictive than zoning requirements for a retail dealer licensed under this article.
- (f) A political subdivision may not adopt an ordinance:
- (1) establishing a zoning requirement for a licensed grower cultivating cannabis exclusively outdoors in an area zoned only for agricultural use that is more restrictive than any zoning requirements that existed on June 30, 2023, governing a hemp farm registered under Title 14 of the Agriculture Article in the political subdivision; or
 - (2) prohibiting outdoor cannabis cultivation on a premises that was properly zoned for outdoor cannabis cultivation on or before June 30, 2023.
- (g) A political subdivision may:
- (1) by ordinance, establish a distance limitation for dispensaries of up to 100 feet from an area zoned for residential use; or

(2) apply to dispensaries the distance limitation for licensed alcoholic beverage retailers from an area zoned for residential use.

(h) A political subdivision shall grant a waiver to an ordinance that provides a distance requirement for dispensaries under this section for a licensed dispensary that was in operation before April 1, 2024.

(i) A political subdivision that has not adopted an ordinance under subsection (c) of this section before July 1, 2025, is subject to the distance requirements under subsection (b) of this section.

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§ 36-411

(a) (1) A protest against a license renewal may be filed with the Administration by at least 10 individuals who are:

(i) residents, commercial tenants who are not holders of or applicants for a license, or real estate owners; and

(ii) located within 1,000 feet of the licensed premises.

(2) A protest against a license renewal shall:

(i) be on the basis of:

1. a violation of this title;

2. a violation of civil or criminal law;

3. conduct by a licensee that creates or maintains conditions that allow other individuals to act in a manner that disturbs the public peace, including:

A. obstruction of public rights-of-way by unruly crowds;

B. assault, battery, or other disorderly conduct that disturbs the public peace;

C. vandalism; or

D. littering; or

4. any other violation established by the Administration by regulation; and

(ii) be signed under oath.

(b) (1) Except as provided under paragraph (2) of this subsection, if a protest against a license renewal is filed at least 30 days before the license expires, the Administration may not approve the renewal without holding a hearing.

(2) The Administration may approve a license renewal without a hearing if the Administration finds that the basis of the protest filed against the renewal is without any reasonable ground.

(c) In hearing and making a determination on a protest filed against a license renewal, the Administration:

(1) may consider only:

(i) issues arising out of specific complaints about the operation of the licensed premises; and

(ii) the performance of the license holder for the 4-year period immediately preceding the date of the renewal application; and

(2) may not consider zoning issues.

(d) The Administration may adopt regulations to implement this section.

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§ 36-501

(a) A cannabis agent must be registered with the Administration before the agent may volunteer or work for a cannabis licensee or cannabis registrant.

(b) A cannabis agent registration is valid for 2 years.

(c) (1) Except as provided in paragraph (2) of this subsection, to register as a cannabis agent with the Administration, an individual must:

(i) be at least 21 years old; and

(ii) if the records are legally accessible, obtain a State and national criminal history records check in accordance with § 36–505 of this subtitle.

(2) A cannabis agent who is employed to provide security services for a cannabis licensee or cannabis registrant as a security guard or by a security guard agency, as defined in § 19–101 of the Business Occupations and Professions Article, is not required to obtain a State or national criminal history records check in accordance with § 36–505 of this subtitle if the cannabis agent is authorized to provide security guard services under Title 19, Subtitle 4 of the Business Occupations and Professions Article.

(d) (1) The Administration may not register as a cannabis agent an individual who does not meet the criteria established under subsection (c) of this section.

(2) The Administration may disqualify an individual from registering as a cannabis agent if the individual has been convicted of or pleaded nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

(e) The Administration may not deny a cannabis agent registration based on any cannabis–related offenses occurring before July 1, 2023.

(f) A cannabis licensee shall require each registered cannabis agent to complete an annual responsible vendor training program authorized under this title.

(g) A registration of a cannabis agent issued by the Natalie M. LaPrade Medical Cannabis Commission on or before July 1, 2023, shall:

(1) be valid under this title; and

(2) authorize the cannabis agent to be employed by or volunteer with a licensed cannabis business.

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§ 36-502

(a) A person wishing to hold an ownership interest of 5% or greater in, or control of, a cannabis licensee shall submit to the Administration:

(1) an application that includes the name, address, and date of birth of the applicant;

(2) a statement signed by the applicant asserting that the applicant has not previously had a cannabis license or cannabis registration suspended or revoked;

(3) a State and national criminal history records check in accordance with § 36–505 of this subtitle;

(4) any information required by the Administration to complete an investigation into the background of the applicant, including financial records and other information relating to the business affairs of the applicant; and

(5) an application fee in an amount to be determined by the Administration in accordance with this subtitle.

(b) The Administration may deny an application if:

(1) the applicant:

(i) fails to submit the information required under subsection (a) of this section; or

(ii) has been convicted of or pleaded nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; or

(2) the Administration finds a substantial reason to deny the registration.

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§ 36-503

(a) A cannabis license granted under this title is not transferable except as provided in this section.

(b) To transfer ownership or control of a license issued under this title, a licensee:

(1) shall submit to the Administration:

(i) an application fee in an amount to be determined by the Administration in accordance with this subtitle; and

- (ii) an application developed by the Administration; and
- (2) must meet the requirements for transfer of ownership or control established by the Administration under this title.
- (c) (1) A cannabis licensee, including a cannabis licensee whose license was converted in accordance with § 36–401 of this title, may not transfer ownership or control of the license for a period of at least 5 years following licensure.
- (2) The 5–year period specified in paragraph (1) of this subsection does not include the time period that a business is considered by the Administration to be in a preapproved licensure status.
- (3) The limitations under this subsection do not apply to:
 - (i) transfers as a result of the disability, incapacity, or death of the owner of a cannabis license, bankruptcy or receivership in accordance with a lending agreement of a cannabis licensee, or court order; or
 - (ii) the sale of a cannabis licensee to the licensee's employees through an employee stock ownership plan as defined in § 407(d)(6)(A) of the Employee Retirement Income Security Act of 1974.
- (4) The limitations under this subsection do not apply to a transfer of ownership that is the subject of a legally binding settlement agreement resulting from litigation commenced on or before January 1, 2023.

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§ 36-504

- (a) (1) In this section, “owner” includes any type of owner or beneficiary of a business entity, including a principal officer, a director, a principal employee, a partner, an investor, or a beneficial owner of the business entity and, notwithstanding any other provision of this subtitle, a person having any ownership interest regardless of the percentage of ownership interest.
- (2) “Owner” does not include a stockholder.
- (b) The provisions in this section are in addition to the conflict of interest provisions in Title 5 of the General Provisions Article.
 - (1) be an owner or an employee of a business entity that holds a license or registration under this title; or
 - (2) have an official relationship with a business entity that holds a license or registration under this title.
- (c) A member of the General Assembly may not:
 - (1) be an owner or an employee of a business entity that holds a license or registration under this title; or
 - (2) have an official relationship with a business entity that holds a license or registration under this title.
- (d) A former member of the General Assembly, for the 1–year period immediately after the member leaves office, may not:
 - (1) be an owner or an employee of a business entity that holds a license or registration under this title; or
 - (2) have an official relationship with a business entity that holds a license or registration under this title.
- (e) An employee of the Administration may not:
 - (1) have a direct or indirect financial, ownership, or management interest, including ownership of any stocks, bonds, or other similar financial instruments, in any cannabis licensee;
 - (2) have an official relationship with a person who holds a license or registration under this title;
 - (3) be an elected official of State or local government;
 - (4) receive or share in, directly or indirectly, the receipts or proceeds of a cannabis licensee; or
 - (5) have a beneficial interest in a contract for the manufacture or sale of cannabis or the provision of independent consulting services in connection with a cannabis license.

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§ 36-505

- (a) In this section, “Central Repository” means the Criminal Justice Information System Central Repository in the Department of Public Safety and Correctional Services.

(b) As part of an application to the Central Repository for a State and national criminal history records check, an applicant shall submit to the Central Repository:

(1) two complete sets of 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 State criminal history records; and

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

(c) In accordance with §§ 10–201 through 10–228 of the Criminal Procedure Article, the Central Repository shall forward to the Administration and to the applicant the applicant's criminal history record information.

(d) If an applicant has made two or more unsuccessful attempts at securing legible fingerprints, the Administration may accept an alternate method of a criminal history records check as permitted by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.

(e) Information obtained from the Central Repository under this section shall be:

(1) confidential and may not be redisseminated; and

(2) used only for the purpose of registration under this title.

(f) (1) The Administration may issue a temporary cannabis agent registration if:

(i) a pre–employment background check completed by a third–party vendor is submitted to and approved by the Administration; and

(ii) the applicant has submitted an application to the Central Repository, as required in subsection (b) of this section.

(2) The period of a temporary cannabis agent registration issued under paragraph (1) of this subsection may not exceed 90 calendar days.

(g) The subject of a criminal history records check under this section may contest the criminal history record information disseminated by the Central Repository, as provided in § 10–223 of the Criminal Procedure Article.

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§ 36-601

(a) In this section, “Fund” means the Medical Cannabis Compassionate Use Fund.

(b) There is a Medical Cannabis Compassionate Use Fund.

(c) (1) The Administration shall:

(i) administer the Fund; and

(ii) subject to paragraph (2) of this subsection, establish fees in an amount necessary to provide revenues for the purposes of the Fund.

(2) The Administration may not impose the fees established under paragraph (1)(ii) of this subsection on a licensed medical cannabis grower, processor, or dispensary before the grower, processor, or dispensary is an operational cannabis licensee under this title.

(d) The purpose of the Fund is to provide access to cannabis for individuals enrolled in the Maryland Medical Assistance Program or in the Veterans Affairs Maryland Health Care System, including access to, at a reduced cost:

(1) an assessment of the patient's medical history and current medical condition; and

(2) medical cannabis from a licensed dispensary.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) fees established under subsection (c)(1)(ii) of this section;

(2) fines assessed by the Administration under this title;

- (3) money appropriated in the State budget to the Fund;
- (4) interest earnings; and
- (5) any other money from any other source accepted for the benefit of the Fund.
- (g) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.
- (2) Any interest earnings of the Fund shall be credited to the Fund.
- (h) The Fund shall be subject to an audit by the Office of Legislative Audits as provided for in § 2–1220 of the State Government Article.
- (i) The Comptroller shall pay out money from the Fund as directed by the Administration.
- (j) No part of the Fund may revert or be credited to:
 - (1) the General Fund of the State; or
 - (2) any other special fund of the State.
- (k) Expenditures from the Fund may be made only in accordance with the State budget.
- (l) The Administration shall adopt regulations to carry out this section.

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§ 36-701

- (a) (1) An institution of higher education, a related medical facility, or an affiliated biomedical research firm may register with the Administration to purchase cannabis for the purpose of conducting a bona fide research project relating to the uses, properties, or composition of cannabis.
- (2) A registration filed under paragraph (1) of this subsection shall include:
 - (i) the name of the primary researcher;
 - (ii) the expected duration of the research project; and
 - (iii) the primary objectives of the research project.
- (3) A registration filed under paragraph (1) of this subsection shall remain valid until there is a change in the research project or a withdrawal of the registration.
- (b) An academic research representative may purchase cannabis from a licensed dispensary or a supplier of cannabis that is licensed by any federal agency to supply cannabis to researchers.
- (c) An academic research representative may not be penalized or arrested under State law for acquiring, possessing, or dispensing cannabis, products containing cannabis, related supplies, or educational materials for use in a bona fide research project relating to the uses, properties, or composition of cannabis.
- (d) The Administration may adopt regulations to implement this section.

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§ 36-702

- (a) The Administration may register an entity to grow, process, test, and transfer cannabis for the purposes of research and development as provided in subsection (b) of this section.
- (b) A registration issued under subsection (a) of this section authorizes the registrant only to:
 - (1) test chemical potency and composition levels;
 - (2) conduct clinical investigations of cannabis–derived medicinal products;
 - (3) conduct research on the efficacy and safety of administering cannabis as part of medical treatment;
 - (4) conduct genomic, horticultural, or agricultural research; and
 - (5) conduct research on cannabis–affiliated products or systems.
- (c) To obtain a research and development registration, an applicant shall submit to the Administration:

- (1) an application fee in an amount to be determined by the Administration; and
- (2) an application developed by the Administration.
- (d) An applicant for a research and development registration must meet the registration standards and requirements established by the Administration.
- (e) (1) A research and development registration is valid for an initial term of 2 years.
- (2) A research and development registration is valid for 2 years on renewal.
- (f) A research and development registrant may transfer, by sale or donation, cannabis grown within its operation only to other research and development registrants.
- (g) A research and development registrant may contract to perform research in conjunction with a public higher education research institution or another research and development registrant.

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§ 36-801

- (a) On or before August 1 each year, each cannabis licensee and cannabis registrant shall report to the Administration information determined by the Administration to be necessary to continue to assess the need for remedial measures in the cannabis industry and market, including:
- (1) the number of minority and women owners of the cannabis licensee or cannabis registrant;
 - (2) the ownership interest of any minority and women owners of the cannabis licensee or cannabis registrant;
 - (3) the number of minority and women employees of the cannabis licensee or cannabis registrant;
 - (4) a list of the cannabis licensee's or cannabis registrant's expenditures for the prior State fiscal year; and
 - (5) for each expenditure:
 - (i) a description of the work performed;
 - (ii) the dollar value of the expenditure;
 - (iii) whether the work was performed by the cannabis licensee or cannabis registrant or a contractor or subcontractor; and
 - (iv) if the work was performed by a contractor or subcontractor, the name of the entity that performed the work.
- (b) All data provided by a cannabis licensee or cannabis registrant under subsection (a)(4) and (5) of this section:
- (1) shall constitute confidential commercial and financial information and be treated as confidential by the Administration and the State; and
 - (2) may be used only for the purposes authorized under this section and may only be disclosed to the public in an anonymized or aggregated format.
- (c) On or before August 15 each year, the Administration shall provide the data collected under subsection (a) of this section to the certification agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article.
- (d) On or before January 1 each year, the Administration shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the information reported under subsection (a)(1) through (3) of this section.

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§ 36-802

- On or before January 1 each year, the Administration shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on:
- (1) the amount of cannabis cultivated, processed, and dispensed by standard and micro licenses; and
 - (2) whether the supply of cannabis is adequate to meet the demand for cannabis and cannabis products.

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§ 36-803

The Administration shall publish the following data, organized by month, on a rolling basis and on a publicly accessible part of the Administration's website:

- (1) the number of patients, caregivers, and providers certified under this title;
- (2) the wholesale and retail sales of medical and adult-use cannabis, measured by revenue and volume; and
- (3) the median consumer price for cannabis and cannabis products.

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§ 36-901

(a) In this subtitle, "advertisement" means the publication, dissemination, or circulation of any auditory, visual, digital, oral, or written matter, which is directly or indirectly calculated to induce the sale of cannabis or any cannabis-related product or service.

(b) "Advertisement" does not include packaging or labeling.

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§ 36-902

An advertisement for cannabis and cannabis products or cannabis-related services that makes therapeutic or medical claims shall:

- (1) be supported by competent and reliable scientific evidence; and
- (2) include information on the most serious and most common side effects or risks associated with the use of cannabis.

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§ 36-903

(a) (1) An advertisement for a cannabis licensee, cannabis product, or cannabis-related service may not:

- (i) violate Title 13, Subtitle 3 of the Commercial Law Article;
- (ii) directly or indirectly target individuals under the age of 21 years;
- (iii) contain a design, an illustration, a picture, or a representation that:
 1. targets or is attractive to minors, including a cartoon character, a mascot, or any other depiction that is commonly used to market products to minors;
 2. displays the use of cannabis, including the consumption, smoking, or vaping of cannabis;
 3. encourages or promotes cannabis for use as an intoxicant; or
 4. is obscene;
- (iv) engage in advertising by means of television, radio, Internet, mobile application, social media, or other electronic communication, event sponsorship, or print publication, unless at least 85% of the audience is reasonably expected to be at least 21 years old as determined by reliable and current audience composition data; or
- (v) except as provided in paragraph (2) of this subsection, engage in advertising by means of placing an advertisement on the side of a building or another publicly visible location of any form, including a sign, a poster, a placard, a device, a graphic display, an outdoor billboard, or a freestanding signboard.

(2) A cannabis business may place exterior signage on the premises of the business for the limited purpose of identifying the business to the public.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, each cannabis-related website shall employ a neutral age-screening mechanism that verifies that the user is at least 21 years old, including by using an age-gate, age-screen, or age verification mechanism before the user may access or view any content and before the website may collect the user's address, e-mail address, phone number, or contact information to disseminate advertisements.

(ii) If a website is appropriate for a qualifying patient who is under the age of 21 years, the website shall provide an alternative screening mechanism for the qualifying patient.

(2) An advertisement placed on social media or a mobile application shall include a notification that an individual must be at least 21 years old to view the content.

(3) The provisions of this subtitle applicable to cannabis licensees may not be avoided by hiring or contracting with a third party, or outsourcing advertisements that do not comply with this subtitle.

(4) A cannabis licensee may not allow the use of the licensee's trademarks, brands, names, locations, or other distinguishing characteristics for third-party use for advertisements that do not comply with this subtitle.

(c) The Administration shall adopt regulations to establish procedures for the enforcement of this section.

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§ 36-1001

(a) To offer a responsible medical or adult-use cannabis vendor, server, and seller training program, a person shall submit an application to the Administration.

(b) The Administration shall approve the application if the proposed training program meets the minimum educational standards established under subsection (c) of this section.

(c) At a minimum, a training program must:

(1) be taught in a classroom or virtual setting for at least a 2-hour period;

(2) establish program standards, including certification and recertification requirements, record keeping, testing and assessment protocols, and effectiveness evaluations; and

(3) provide a core curriculum of relevant statutory and regulatory provisions, which shall include:

(i) information on required licenses, age requirements, patient registry cards issued by the Administration, maintenance of records, privacy issues, and unlawful acts;

(ii) administrative and criminal liability and license and court sanctions;

(iii) statutory and regulatory requirements for employees and owners;

(iv) statutory and regulatory requirements related to cannabis sale, transfer, and delivery;

(v) acceptable forms of identification, including patient and caregiver identification cards;

(vi) State and local licensing and enforcement; and

(vii) information on serving size, THC and cannabinoid potency, and impairment.

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§ 36-1002

The Administration shall adopt regulations establishing the responsible vendor training program and the minimum standards for the program.

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§ 36-1003

A provider of an approved training program shall:

(1) maintain its training records at its principal place of business for at least 4 years; and

(2) make the records available for inspection by the Administration.

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§ 36-1101

(a) A cannabis licensee may not sell, transfer, or deliver cannabis or cannabis products unless the licensee verifies by means of a valid driver's license or other government-issued photo identification containing the bearer's date of birth that:

(1) for adult-use cannabis, the consumer is at least 21 years old; or

(2) for medical cannabis, the patient or caregiver is:

(i) registered with the Administration; and

(ii) at least 18 years old.

(b) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a licensee that sells, transfers, or delivers cannabis or cannabis products in violation of subsection (a) of this section is subject to a civil penalty of:

1. \$500 for a first violation;

2. \$1,000 for a second violation occurring within 24 months after the first violation; and

3. \$5,000 for each subsequent violation occurring within 24 months after the immediately preceding violation.

(ii) A violation of subsection (a) of this section that occurs more than 24 months after the immediately preceding violation shall be treated as a first violation.

(2) The Administration may deny a cannabis license to an applicant, reprimand a cannabis licensee, or suspend or revoke a cannabis license if the applicant or licensee violates subsection (a) of this section two or more times in a 24-month period.

(3) In a hearing for an alleged violation of this section, it is a defense that an agent of the defendant examined the consumer's, patient's, or caregiver's driver's license or other valid identification issued by a governmental unit that positively identified the consumer, patient, or caregiver as meeting the minimum age specified in subsection (a) of this section.

(c) (1) A cannabis licensee may not:

(i) sell, transfer, or deliver cannabis to an individual who is visibly intoxicated;

(ii) offer cannabis or cannabis products as a prize, premium, or consideration for a lottery, contest, game of chance, game of skill, or competition of any kind; or

(iii) conduct direct-to-consumer Internet sales of adult-use cannabis on or before July 1, 2025.

(2) A cannabis licensee that violates paragraph (1) of this subsection is subject to a fine not exceeding \$1,000, suspension or revocation of a license, or both.

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§ 36-1102

(a) (1) In this section the following words have the meanings indicated.

(2) "Hemp" has the meaning stated in § 14-401 of the Agriculture Article.

(3) "Tetrahydrocannabinol" means:

(i) any tetrahydrocannabinol, including delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol, and delta-10-tetrahydrocannabinol, regardless of how derived;

(ii) any other cannabinoid, except cannabidiol that the Administration determines to cause intoxication; and

(iii) any other chemically similar compound, substance, derivative, or isomer of tetrahydrocannabinol, as identified by the Administration.

(4) "Tincture" means a solution that is:

(i) dissolved in alcohol, glycerin, or vegetable oil; and

(ii) distributed in a dropper bottle of 4 ounces or less.

(b) (1) A person may not sell or distribute a product intended for human consumption or inhalation that contains more than 0.5 milligrams of tetrahydrocannabinol per serving or 2.5 milligrams of tetrahydrocannabinol per package unless the person is licensed under § 36-401 of this title and the product complies with the:

(i) manufacturing standards established under § 36-203 of this title;

(ii) laboratory testing standards established under § 36-203 of this title; and

(iii) packaging and labeling standards established under § 36-203 of this title.

(2) A person may not sell or distribute a product described under paragraph (1) of this subsection to an individual under the age of 21 years.

(c) A person may not sell or distribute a cannabinoid product that is not derived from naturally occurring biologically active chemical constituents.

(d) (1) Notwithstanding subsection (b) of this section and subject to paragraph (2) of this subsection, it is not a violation of this section for a person to sell or distribute a hemp–derived tincture intended for human consumption that contains:

(i) a ratio of cannabidiol to tetrahydrocannabinol of at least 15 to 1; and

(ii) 2.5 milligrams or less of tetrahydrocannabinol per serving and 100 milligrams or less of tetrahydrocannabinol per package.

(2) To sell or distribute a hemp–derived tincture under this subsection, a person must provide, as required by the Administration, tincture samples for the purpose of testing to determine chemical potency and composition levels and to detect and quantify contaminants.

(e) A person who violates subsection (b) of this section:

(1) may be charged by a citation; and

(2) is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000.

(f) A person who violates subsection (c) of this section:

(1) may be charged by a citation; and

(2) is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000.

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§ 36-1103

(a) In this section, “genuine ownership” means an ownership interest in an applicant, a cannabis licensee, or a registrant that is evidenced by record ownership in which the owner, regardless of the amount of capital or assets that the owner contributes to the applicant, licensee, or registrant, enjoys the customary incidents of ownership and shares in the profits and losses of the cannabis license or registration proportionate to the percentage of the owner’s interest in the cannabis license or registration.

(b) A person may not apply for or hold a cannabis license or registration under this title if an ownership interest in the license or registration is:

(1) nominal or without the benefits and risks of genuine ownership or control; and

(2) for the limited purpose of satisfying the requirements under this title for cannabis licensees or registrants, including requirements for social equity licensees or registrants.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$2,500 or imprisonment for not more than 1 year or both.

(d) Subject to the hearing provisions of § 36–202 of this title, the Administration shall deny an application for a cannabis license or registration or revoke a cannabis license or registration under this title if the applicant, cannabis licensee, or registrant is:

(1) determined by the Administration to be in violation of subsection (b) of this section; or

(2) convicted of violating subsection (b) of this section.

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§ 36-1104

(a) In this section, “tetrahydrocannabinol” has the meaning stated in § 36–1102 of this subtitle.

(b) A person may not sell or distribute a product containing tetrahydrocannabinol that violates the potency, packaging, or labeling requirements under § 36–203 or § 36–203.1 of this title or any regulations adopted under those sections.

(c) (1) A person may not sell or distribute a product that is advertised as containing an amount of tetrahydrocannabinol that violates § 36–1102 of this subtitle.

- (2) Advertising under paragraph (1) of this subsection includes packaging, labeling, or electronic communication.
- (d) The Executive Director may seize, destroy, or confiscate a product that is:
- (1) offered or displayed for sale to a consumer in a location that is not appropriately licensed under Subtitle 4 of this title; and
 - (2) the subject of a violation under subsection (b) or (c) of this section.
- (e) (1) If a person who is not a cannabis licensee violates subsection (b) or (c) of this section, the person:
- (i) may be charged by a citation; and
 - (ii) is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000.
- (2) If a cannabis licensee violates subsection (b) or (c) of this section, the licensee is subject to disciplinary action by the Administration in accordance with § 36–202 of this title.

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§ 36-1201

The following persons acting in accordance with the provisions of this title may not be subject to arrest, prosecution, revocation of mandatory supervision, parole, or probation, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the use of or possession of cannabis that is authorized under this title:

- (1) a qualifying patient;
- (2) a cannabis licensee or cannabis registrant that is licensed or registered under this title;
- (3) a certifying provider;
- (4) a caregiver;
- (5) an academic research representative purchasing medical cannabis under Subtitle 7 of this title;
- (6) a hospital, medical facility, or hospice program where a qualifying patient is receiving treatment; or
- (7) designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under § 7–446 of the Education Article unless the act or omission constitutes gross negligence or wanton or willful misconduct.

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§ 36-1401

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Borrower” means a business that:
- (1) qualifies as a small business under the U.S. Small Business Administration size standards;
 - (2) applies to a lender for business financing; and
 - (3) has fewer than 50 employees.
- (c) “Department” means the Department of Commerce.
- (d) “Lender” means:
- (1) a credit union, as defined in § 1–101 of the Financial Institutions Article;
 - (2) a financial institution, as defined in § 1–101 of the Financial Institutions Article; or
 - (3) a community development financial institution, as defined in 12 U.S.C. § 4702(5).
- (e) “Program” means the Capital Access Program established under this subtitle.

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§ 36-1402

There is a Capital Access Program in the Department of Commerce.

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§ 36-1403

The purpose of the Program is to stimulate opportunities for social equity licensees that have difficulty obtaining financing and to establish a loan loss reserve account.

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§ 36-1404

(a) A loan to a social equity licensee qualifies under the Program if the loan:

(1) satisfies the lending criteria of the lender; and

(2) does not exceed:

(i) for a dispensary, \$500,000; or

(ii) for a grower or processor, \$1,000,000.

(b) A loan that qualifies under subsection (a) of this section may be short or long term, have fixed or variable rates, and be secured or unsecured.

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§ 36-1405

(a) To participate in the Program, a lender shall enroll the qualifying loan in the Program not more than 30 days after the date of the first disbursement of the loan.

(b) A lender may enroll all or a portion of a qualifying loan in an amount of not more than:

(1) for a dispensary, \$500,000; or

(2) for a grower or processor, \$1,000,000.

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§ 36-1406

(a) The Department shall establish a loan loss reserve account for a lender when the lender enrolls its first loan under the Program.

(b) At the time of enrollment:

(1) the borrower shall make a payment to the account of between 0% and 7% of the enrolled loan amount;

(2) the lender shall make a payment to the account of at least 2% of the enrolled amount; and

(3) the Administration shall make a matching payment to the account in an amount equal to the borrower and lender's aggregate payment under items (1) and (2) of this subsection.

(c) The loan loss reserve account of a lender shall be available for the lender to withdraw if a borrower defaults on a qualifying loan.

(d) The Department shall collaborate with the Office of Social Equity established under § 9-4108 of the State Government Article to identify and assist businesses with obtaining financing from the Program.

(e) The Department shall establish procedures for a lender to withdraw from the Program.

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§ 36-1501

(a) In this subtitle the following words have the meanings indicated.

(b) "Cannabis business" means a manufacturer, producer, or another person that:

(1) participates in any business or organized activity that involves handling cannabis or cannabis products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing cannabis or cannabis products; and

(2) engages in an activity described in item (1) of this subsection in accordance with State law.

(c) "Depository institution" means a State-chartered or federally chartered financial institution, other-state bank, or foreign branch that:

(1) is located in the State or maintains branches in the State; and

(2) is authorized to maintain accounts.

(d) (1) "Service provider" means a business, an organization, or any other person that:

(i) sells goods or services to a cannabis business; or

(ii) provides any business services, including the sale or lease of real or any other property, legal or other licensed services, or any other ancillary service, relating to cannabis.

(2) "Service provider" does not include a business, an organization, or any other person that participates in any business or organized activity that involves handling cannabis or cannabis products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing cannabis or cannabis products.

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§ 36-1502

The provisions in this subtitle apply to:

(1) all banks, credit unions, and other entities operating as depository institutions in the State; and

(2) insurance companies and insurance producers operating in the State.

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§ 36-1503

(a) The Commissioner of Financial Regulation may not:

(1) terminate or limit the deposit insurance or share insurance of a depository institution under the Federal Deposit Insurance Act or the Federal Credit Union Act, a depository institution operating in the State under the Financial Institutions Article, or take any other adverse action against a depository institution under 12 U.S.C. § 1818 solely because the depository institution provides or has provided financial services to a cannabis business or service provider;

(2) prohibit, penalize, or otherwise discourage a depository institution from providing financial services to a cannabis business in the State;

(3) recommend, incentivize, or encourage a depository institution to not offer financial services to an account holder, or to downgrade or cancel the financial services offered to an account holder solely because:

(i) the account holder is a cannabis business or service provider, or is an employee, owner, or operator of a cannabis business or service provider;

(ii) the account holder later becomes an employee, owner, or operator of a cannabis business or service provider; or

(iii) the depository institution was not aware that the account holder is an employee, owner, or operator of a cannabis business or service provider;

(4) take any adverse or corrective supervisory action on a loan made to:

(i) a cannabis business or service provider solely because the business is a cannabis business or service provider;

(ii) an employee, owner, or operator of a cannabis business or service provider solely because the employee, owner, or operator is employed by, owns, or operates a cannabis business or service provider, as applicable; or

(iii) an owner or operator of real estate or equipment that is leased to a cannabis business or service provider solely because the owner or operator of the real estate or equipment leased the equipment or real estate to a cannabis business or service provider, as applicable; or

(5) prohibit or penalize a depository institution, or an entity performing a financial service for or in association with a depository institution, or otherwise discourage a depository institution, or an entity performing a financial service for or in association with a depository institution, from engaging in a financial service for a cannabis business or service provider.

(b) Subsection (a) of this section shall apply to an institution applying for a depository institution charter to the same extent as it applies to a depository institution.

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§ 36-1504

For the purposes of 18 U.S.C. §§ 1956 and 1957 and all other provisions of federal law, the proceeds from a transaction involving activities of a cannabis business or service provider may not be considered proceeds from an unlawful activity solely because:

- (1) the transaction involves proceeds from a cannabis business or service provider; or
- (2) the transaction involves proceeds from:
 - (i) cannabis activities conducted by a cannabis business; or
 - (ii) activities conducted by a service provider.

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§ 36-1505

(a) With respect to providing a financial service to a cannabis business or a service provider, a depository institution, entity performing a financial service for or in association with a depository institution, or insurer that provides a financial service to a cannabis business or service provider, and the officers, directors, and employees of that depository institution, entity, or insurer may not be held liable under any State law or regulation:

- (1) solely for providing the financial service; or
- (2) for further investing any income derived from the financial service.

(b) An insurer that engages in the business of insurance with a cannabis business or service provider or that otherwise engages with a person in a transaction allowed under State law related to cannabis, and the officers, directors, and employees of that insurer may not be held liable under State law or regulation:

- (1) solely for engaging in the business of insurance; or
- (2) for further investing any income derived from the business of insurance.

(c) A depository institution that has a legal interest in the collateral for a loan or another financial service provided to an owner, employee, or operator of a cannabis business or service provider, or to an owner or operator of real estate or equipment that is leased or sold to a cannabis business or service provider, may not be subject to criminal, civil, or administrative forfeiture of that legal interest under State law for providing the loan or other financial service.

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§ 36-1506

(a) This subtitle does not require a depository institution, entity performing a financial service for or in association with a depository institution, or insurer to provide financial services to a cannabis business, service provider, or any other business.

(b) This subtitle may not be construed to limit or otherwise restrict the general examination, supervisory, and enforcement authority of the Commissioner of Financial Regulation, provided that the basis for any supervisory or enforcement action is not the provision of financial services to a cannabis business or service provider.

(c) This subtitle may not be construed to interfere with the regulation of the business of insurance.

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§ 36-1507

The State may not cooperate or aid federal law enforcement authorities attempting to prosecute financial institutions that are lawfully operating within the confines of this subtitle.